

1 held in secure detention during the 5 days must meet detention
2 admission criteria pursuant to this section. If the child is
3 committed to a moderate-risk residential program, the
4 department may seek an order from the court authorizing
5 continued detention for a specific period of time necessary
6 for the appropriate residential placement of the child.
7 However, such continued detention in secure detention care may
8 not exceed 15 days after commitment, excluding Saturdays,
9 Sundays, and legal holidays, and except as otherwise provided
10 in this subsection.

11 2. The court must place all children who are
12 adjudicated and awaiting placement in a residential commitment
13 program in detention care. Children who are in home detention
14 care or nonsecure detention care shall ~~may~~ be placed on
15 electronic monitoring.

16 (11)

17 (b) When a juvenile sexual offender, pursuant to this
18 subsection, is released from detention or transferred to home
19 detention or nonsecure detention, the juvenile sexual offender
20 shall be placed on electronic monitoring and detention staff
21 shall immediately notify the appropriate law enforcement
22 agency and school personnel.

23 Section 2. Subsection (3) of section 985.216, Florida
24 Statutes, is amended to read:

25 985.216 Punishment for contempt of court; alternative
26 sanctions.--

27 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
28 shall have an alternative sanctions coordinator who shall
29 serve under the chief administrative judge of the juvenile
30 division of the circuit court, and who shall coordinate and
31 maintain a spectrum of contempt sanction alternatives, which

1 may include electronic monitoring, in conjunction with the
2 circuit plan implemented in accordance with s. 790.22(4)(c).
3 Upon determining that a child has committed direct contempt of
4 court or indirect contempt of a valid court order, the court
5 may immediately request the alternative sanctions coordinator
6 to recommend the most appropriate available alternative
7 sanction and shall order the child to perform up to 50 hours
8 of community-service manual labor, be placed on electronic
9 monitoring, or a similar alternative sanction, unless an
10 alternative sanction is unavailable or inappropriate, or
11 unless the child has failed to comply with a prior alternative
12 sanction. Alternative contempt sanctions may be provided by
13 local industry or by any nonprofit organization or any public
14 or private business or service entity that has entered into a
15 contract with the Department of Juvenile Justice to act as an
16 agent of the state to provide voluntary supervision of
17 children on behalf of the state in exchange for the manual
18 labor of children and limited immunity in accordance with s.
19 768.28(11).

20 Section 3. Paragraph (b) of subsection (4) of section
21 985.233, Florida Statutes, is amended to read:

22 985.233 Sentencing powers; procedures; alternatives
23 for juveniles prosecuted as adults.--

24 (4) SENTENCING ALTERNATIVES.--

25 (b) Sentencing to juvenile sanctions.--For juveniles
26 transferred to adult court but who do not qualify for such
27 transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a) or
28 (b), the court may impose juvenile sanctions under this
29 paragraph. If juvenile sentences are imposed, the court shall,
30 pursuant to this paragraph, adjudge the child to have
31 committed a delinquent act. Adjudication of delinquency shall

1 not be deemed a conviction, nor shall it operate to impose any
2 of the civil disabilities ordinarily resulting from a
3 conviction. The court shall impose an adult sanction or a
4 juvenile sanction and may not sentence the child to a
5 combination of adult and juvenile punishments. An adult
6 sanction or a juvenile sanction may include electronic
7 monitoring, enforcement of an order of restitution, or
8 probation previously ordered in any juvenile proceeding.
9 However, if the court imposes a juvenile sanction and the
10 department determines that the sanction is unsuitable for the
11 child, the department shall return custody of the child to the
12 sentencing court for further proceedings, including the
13 imposition of adult sanctions. Upon adjudicating a child
14 delinquent under subsection (1), the court may:

15 1. Place the child in a probation program or community
16 control program under the supervision of the department for an
17 indeterminate period of time until the child reaches the age
18 of 19 years or sooner if discharged by order of the court. A
19 community control program may include electronic monitoring.

20 2. Commit the child to the department for treatment in
21 an appropriate program for children for an indeterminate
22 period of time until the child is 21 or sooner if discharged
23 by the department. The department shall notify the court of
24 its intent to discharge no later than 14 days prior to
25 discharge. Failure of the court to timely respond to the
26 department's notice shall be considered approval for
27 discharge.

28 3. Order disposition pursuant to s. 985.231 as an
29 alternative to youthful offender or adult sentencing if the
30 court determines not to impose youthful offender or adult
31 sanctions.

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Section 4. This act shall take effect July 1, 2005.

SENATE SUMMARY

Provides for the state attorney to authorize the electronic monitoring of juveniles who are released from detention. Provides for electronic monitoring as an alternative sanction for a child that has committed direct contempt of court or indirect contempt of a valid court order, or as a condition of a probation program. Requires electronic monitoring of juveniles who are adjudicated and awaiting placement in a commitment program in detention care. Requires electronic monitoring of juvenile sexual offenders who are released from detention and transferred to home detention or nonsecure detention.