

Bill No. SB 1978

Barcode 550316

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Crist) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 985.03, Florida Statutes, is amended to read:

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

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

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

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

(4) "Arbitration" means a process whereby a neutral third person or panel, called an arbitrator or an arbitration

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1 panel, considers the facts and arguments presented by the
2 parties and renders a decision which may be binding or
3 nonbinding.

4 (5) "Authorized agent" or "designee" of the department
5 means a person or agency assigned or designated by the
6 department of ~~Juvenile Justice~~ or the Department of Children
7 and Family Services, as appropriate, to perform duties or
8 exercise powers under ~~pursuant to~~ this chapter and includes
9 contract providers and their employees for purposes of
10 providing services to and managing cases of children in need
11 of services and families in need of services.

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

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

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

- 28 1. Arson;
- 29 2. Sexual battery;
- 30 3. Robbery;
- 31 4. Kidnapping;

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

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

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

22 (8) "Child in need of services" means a child for whom
 23 there is no pending investigation into an allegation or
 24 suspicion of abuse, neglect, or abandonment; no pending
 25 referral alleging the child is delinquent; or no current
 26 supervision by the department of ~~Juvenile Justice~~ or the
 27 Department of Children and Family Services for an adjudication
 28 of dependency or delinquency. The child must also, under
 29 ~~pursuant to~~ this chapter, be found by the court:

30 (a) To have persistently run away from the child's
 31 parents or legal custodians despite reasonable efforts of the

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1 child, the parents or legal custodians, and appropriate
 2 agencies to remedy the conditions contributing to the
 3 behavior. Reasonable efforts shall include voluntary
 4 participation by the child's parents or legal custodians and
 5 the child in family mediation, services, and treatment offered
 6 by the department of ~~Juvenile Justice~~ or the Department of
 7 Children and Family Services;

8 (b) To be habitually truant from school, while subject
 9 to compulsory school attendance, despite reasonable efforts to
 10 remedy the situation under ~~pursuant to~~ ss. 1003.26 and 1003.27
 11 and through voluntary participation by the child's parents or
 12 legal custodians and by the child in family mediation,
 13 services, and treatment offered by the Department of Juvenile
 14 Justice or the Department of Children and Family Services; or

15 (c) To have persistently disobeyed the reasonable and
 16 lawful demands of the child's parents or legal custodians, and
 17 to be beyond their control despite efforts by the child's
 18 parents or legal custodians and appropriate agencies to remedy
 19 the conditions contributing to the behavior. Reasonable
 20 efforts may include such things as good faith participation in
 21 family or individual counseling.

22 (9) "Child who has been found to have committed a
 23 delinquent act" means a child who, under ~~pursuant to the~~
 24 ~~provisions of~~ this chapter, is found by a court to have
 25 committed a violation of law or to be in direct or indirect
 26 contempt of court, except that this definition does ~~shall~~ not
 27 include an act constituting contempt of court arising out of a
 28 dependency proceeding or a proceeding under ~~pursuant to~~ part
 29 III of this chapter.

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

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1 monetary support for the care, maintenance, training, and
2 education of a child.

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

5 (12) "Comprehensive assessment" or "assessment" means
6 the gathering of information for the evaluation of a juvenile
7 offender's or a child's physical, psychological, educational,
8 vocational, and social condition and family environment as
9 they relate to the child's need for rehabilitative and
10 treatment services, including substance abuse treatment
11 services, mental health services, developmental services,
12 literacy services, medical services, family services, and
13 other specialized services, as appropriate.

14 (13) "Conditional release" means the care, treatment,
15 help, and supervision provided to a juvenile released from a
16 residential commitment program which is intended to promote
17 rehabilitation and prevent recidivism. The purpose of
18 conditional release is to protect the public, reduce
19 recidivism, increase responsible productive behavior, and
20 provide for a successful transition of the youth from the
21 department to the family. Conditional release includes, but is
22 not limited to, nonresidential community-based programs.

23 (14) "Court," unless otherwise expressly stated, means
24 the circuit court assigned to exercise jurisdiction under this
25 chapter.

26 (15) "Day treatment" means a nonresidential,
27 community-based program designed to provide therapeutic
28 intervention to youth who are placed on probation or
29 conditional release or are committed to the minimum-risk
30 nonresidential level. A day treatment program may provide
31 educational and vocational services and shall provide

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1 case-managment services; individual, group, and family
 2 counseling; training designed to address delinquency risk
 3 factors; and monitoring of a youth's compliance with, and
 4 facilitation of a youth's completion of, sanctions if ordered
 5 by the court. Program types may include, but are not limited
 6 to, career programs, marine programs, juvenile justice
 7 alternative schools, training and rehabilitation programs, and
 8 gender-specific programs.

9 (16)(a)(15)(a) "Delinquency program" means any intake,
 10 probation, or similar program; regional detention center or
 11 facility; or community-based program, whether owned and
 12 operated by or contracted by the department ~~of Juvenile~~
 13 ~~Justice~~, or institution owned and operated by or contracted by
 14 the department ~~of Juvenile Justice~~, which provides intake,
 15 supervision, or custody and care of children who are alleged
 16 to be or who have been found to be delinquent under ~~pursuant~~
 17 ~~to~~ part II.

18 (b) "Delinquency program staff" means supervisory and
 19 direct care staff of a delinquency program as well as support
 20 staff who have direct contact with children in a delinquency
 21 program.

22 (c) "Delinquency prevention programs" means programs
 23 designed for the purpose of reducing the occurrence of
 24 delinquency, including youth and street gang activity, and
 25 juvenile arrests. The term excludes arbitration, diversionary
 26 or mediation programs, and community service work or other
 27 treatment available subsequent to a child committing a
 28 delinquent act.

29 (17)(16) "Department" means the Department of Juvenile
 30 Justice.

31 (18)(17) "Designated facility" or "designated

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1 treatment facility" means any facility designated by the
2 department ~~of Juvenile Justice~~ to provide treatment to
3 juvenile offenders.

4 ~~(19)~~(18) "Detention care" means the temporary care of
5 a child in secure, nonsecure, or home detention, pending a
6 court adjudication or disposition or execution of a court
7 order. There are three types of detention care, as follows:

8 (a) "Secure detention" means temporary custody of the
9 child while the child is under the physical restriction of a
10 detention center or facility pending adjudication,
11 disposition, or placement.

12 (b) "Nonsecure detention" means temporary custody of
13 the child while the child is in a residential home in the
14 community in a physically nonrestrictive environment under the
15 supervision of the Department of Juvenile Justice pending
16 adjudication, disposition, or placement.

17 (c) "Home detention" means temporary custody of the
18 child while the child is released to the custody of the
19 parent, guardian, or custodian in a physically nonrestrictive
20 environment under the supervision of the department ~~of~~
21 ~~Juvenile Justice~~ staff pending adjudication, disposition, or
22 placement.

23 ~~(20)~~(19) "Detention center or facility" means a
24 facility used pending court adjudication or disposition or
25 execution of court order for the temporary care of a child
26 alleged or found to have committed a violation of law. A
27 detention center or facility may provide secure or nonsecure
28 custody. A facility used for the commitment of adjudicated
29 delinquents shall not be considered a detention center or
30 facility.

31 ~~(21)~~(20) "Detention hearing" means a hearing for the

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1 court to determine if a child should be placed in temporary
2 custody, as provided for under ss. 985.213 and 985.215 in
3 delinquency cases.

4 ~~(22)~~(21) "Disposition hearing" means a hearing in
5 which the court determines the most appropriate dispositional
6 services in the least restrictive available setting provided
7 for under s. 985.231, in delinquency cases.

8 ~~(23)~~(22) "Family" means a collective of persons,
9 consisting of a child and a parent, guardian, adult custodian,
10 or adult relative, in which:

11 (a) The persons reside in the same house or living
12 unit; or

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

16 ~~(24)~~(23) "Family in need of services" means a family
17 that has a child for whom there is no pending investigation
18 into an allegation of abuse, neglect, or abandonment or no
19 current supervision by the department ~~of Juvenile Justice~~ or
20 the Department of Children and Family Services for an
21 adjudication of dependency or delinquency. The child must also
22 have been referred to a law enforcement agency or the
23 department ~~of Juvenile Justice~~ for:

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

25 (b) Persistently disobeying reasonable and lawful
26 demands of parents or legal custodians, and being beyond their
27 control; or

28 (c) Habitual truancy from school.

29 ~~(25)~~(24) "Foster care" means care provided a child in
30 a foster family or boarding home, group home, agency boarding
31 home, child care institution, or any combination thereof.

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1 ~~(26)~~~~(25)~~ "Habitually truant" means that:

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

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

12
13 If a child who is subject to compulsory school attendance is
14 responsive to the interventions described in ss. 1003.26 and
15 1003.27 and has completed the necessary requirements to pass
16 the current grade as indicated in the district pupil
17 progression plan, the child shall not be determined to be
18 habitually truant and shall be passed. If a child within the
19 compulsory school attendance age has 15 unexcused absences
20 within 90 calendar days or fails to enroll in school, the
21 state attorney may file a child-in-need-of-services petition.
22 ~~Before~~ ~~Prior to~~ filing a petition, the child must be referred
23 to the appropriate agency for evaluation. After consulting
24 with the evaluating agency, the state attorney may elect to
25 file a child-in-need-of-services petition.

26 (c) A school representative, designated according to
27 school board policy, and a juvenile probation officer of the
28 department ~~of Juvenile Justice~~ have jointly investigated the
29 truancy problem or, if that was not feasible, have performed
30 separate investigations to identify conditions that could be
31 contributing to the truant behavior; and if, after a joint

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1 staffing of the case to determine the necessity for services,
 2 such services were determined to be needed, the persons who
 3 performed the investigations met jointly with the family and
 4 child to discuss any referral to appropriate community
 5 agencies for economic services, family or individual
 6 counseling, or other services required to remedy the
 7 conditions that are contributing to the truant behavior.

8 (d) The failure or refusal of the parent or legal
 9 guardian or the child to participate, or make a good faith
 10 effort to participate, in the activities prescribed to remedy
 11 the truant behavior, or the failure or refusal of the child to
 12 return to school after participation in activities required by
 13 this subsection, or the failure of the child to stop the
 14 truant behavior after the school administration and the
 15 department of ~~Juvenile Justice~~ have worked with the child as
 16 described in s. 1003.27(3) shall be handled as prescribed in
 17 s. 1003.27.

18 ~~(27)~~~~(26)~~ "Halfway house" means a community-based
 19 residential program for 10 or more committed delinquents at
 20 the moderate-risk commitment level which is operated or
 21 contracted by the department of ~~Juvenile Justice~~.

22 ~~(28)~~~~(27)~~ "Intake" means the initial acceptance and
 23 screening by the department of ~~Juvenile Justice~~ of a complaint
 24 or a law enforcement report or probable cause affidavit of
 25 delinquency, family in need of services, or child in need of
 26 services to determine the recommendation to be taken in the
 27 best interests of the child, the family, and the community.
 28 The emphasis of intake is on diversion and the least
 29 restrictive available services. Consequently, intake includes
 30 such alternatives as:

31 (a) The disposition of the complaint, report, or

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1 probable cause affidavit without court or public agency action
2 or judicial handling when appropriate.

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

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

7 ~~(29)(28)~~ "Judge" means the circuit judge exercising
8 jurisdiction pursuant to this chapter.

9 ~~(30)(29)~~ "Juvenile justice continuum" includes, but is
10 not limited to, delinquency prevention programs and services
11 designed for the purpose of preventing or reducing delinquent
12 acts, including criminal activity by youth gangs, and juvenile
13 arrests, as well as programs and services targeted at children
14 who have committed delinquent acts, and children who have
15 previously been committed to residential treatment programs
16 for delinquents. The term includes
17 children-in-need-of-services and families-in-need-of-services
18 programs; conditional release; substance abuse and mental
19 health programs; educational and career programs; recreational
20 programs; community services programs; community service work
21 programs; and alternative dispute resolution programs serving
22 children at risk of delinquency and their families, whether
23 offered or delivered by state or local governmental entities,
24 public or private for-profit or not-for-profit organizations,
25 or religious or charitable organizations.

26 ~~(31)(30)~~ "Juvenile probation officer" means the
27 authorized agent of the department ~~of Juvenile Justice~~ who
28 performs the intake, case management, or supervision
29 functions.

30 ~~(32)(31)~~ "Juvenile sexual offender" means:

31 (a) A juvenile who has been found by the court under

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1 ~~pursuant to~~ s. 985.228 to have committed a violation of
2 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
3 847.0133;

4 (b) A juvenile found to have committed any felony
5 violation of law or delinquent act involving juvenile sexual
6 abuse. "Juvenile sexual abuse" means any sexual behavior which
7 occurs without consent, without equality, or as a result of
8 coercion. For purposes of this subsection, the following
9 definitions apply:

10 1. "Coercion" means the exploitation of authority, use
11 of bribes, threats of force, or intimidation to gain
12 cooperation or compliance.

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

16 3. "Consent" means an agreement including all of the
17 following:

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

20 b. Knowledge of societal standards for what is being
21 proposed.

22 c. Awareness of potential consequences and
23 alternatives.

24 d. Assumption that agreement or disagreement will be
25 accepted equally.

26 e. Voluntary decision.

27 f. Mental competence.

28
29 Juvenile sexual offender behavior ranges from noncontact
30 sexual behavior such as making obscene phone calls,
31 exhibitionism, voyeurism, and the showing or taking of lewd

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1 | photographs to varying degrees of direct sexual contact, such
2 | as frottage, fondling, digital penetration, rape, fellatio,
3 | sodomy, and various other sexually aggressive acts.

4 | ~~(33)~~~~(32)~~ "Legal custody or guardian" means a legal
5 | status created by court order or letter of guardianship which
6 | vests in a custodian of the person or guardian, whether an
7 | agency or an individual, the right to have physical custody of
8 | the child and the right and duty to protect, train, and
9 | discipline the child and to provide him or her with food,
10 | shelter, education, and ordinary medical, dental, psychiatric,
11 | and psychological care.

12 | ~~(34)~~~~(33)~~ "Licensed child-caring agency" means a
13 | person, society, association, or agency licensed by the
14 | Department of Children and Family Services to care for,
15 | receive, and board children.

16 | ~~(35)~~~~(34)~~ "Licensed health care professional" means a
17 | physician licensed under chapter 458, an osteopathic physician
18 | licensed under chapter 459, a nurse licensed under part I of
19 | chapter 464, a physician assistant licensed under chapter 458
20 | or chapter 459, or a dentist licensed under chapter 466.

21 | ~~(36)~~~~(35)~~ "Likely to injure oneself" means that, as
22 | evidenced by violent or other actively self-destructive
23 | behavior, it is more likely than not that within a 24-hour
24 | period the child will attempt to commit suicide or inflict
25 | serious bodily harm on himself or herself.

26 | ~~(37)~~~~(36)~~ "Likely to injure others" means that it is
27 | more likely than not that within a 24-hour period the child
28 | will inflict serious and unjustified bodily harm on another
29 | person.

30 | ~~(38)~~~~(37)~~ "Mediation" means a process whereby a neutral
31 | third person called a mediator acts to encourage and

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1 facilitate the resolution of a dispute between two or more
2 parties. It is an informal and nonadversarial process with
3 the objective of helping the disputing parties reach a
4 mutually acceptable and voluntary agreement. In mediation,
5 decisionmaking authority rests with the parties. The role of
6 the mediator includes, but is not limited to, assisting the
7 parties in identifying issues, fostering joint problem
8 solving, and exploring settlement alternatives.

9 (39)~~(38)~~ "Necessary medical treatment" means care
10 which is necessary within a reasonable degree of medical
11 certainty to prevent the deterioration of a child's condition
12 or to alleviate immediate pain of a child.

13 (40)~~(39)~~ "Next of kin" means an adult relative of a
14 child who is the child's brother, sister, grandparent, aunt,
15 uncle, or first cousin.

16 (41)~~(40)~~ "Parent" means a woman who gives birth to a
17 child and a man whose consent to the adoption of the child
18 would be required under s. 63.062(1). If a child has been
19 legally adopted, the term "parent" means the adoptive mother
20 or father of the child. The term does not include an
21 individual whose parental relationship to the child has been
22 legally terminated, or an alleged or prospective parent,
23 unless the parental status falls within the terms of either s.
24 39.503(1) or s. 63.062(1).

25 (42)~~(41)~~ "Preliminary screening" means the gathering
26 of preliminary information to be used in determining a child's
27 need for further evaluation or assessment or for referral for
28 other substance abuse services through means such as
29 psychosocial interviews; urine and breathalyzer screenings;
30 and reviews of available educational, delinquency, and
31 dependency records of the child.

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1 ~~(43)(42)~~ "Preventive services" means social services
2 and other supportive and rehabilitative services provided to
3 the parent of the child, the legal guardian of the child, or
4 the custodian of the child and to the child for the purpose of
5 averting the removal of the child from the home or disruption
6 of a family which will or could result in the placement of a
7 child in foster care. Social services and other supportive
8 and rehabilitative services shall promote the child's need for
9 a safe, continuous, stable living environment and shall
10 promote family autonomy and shall strengthen family life as
11 the first priority whenever possible.

12 ~~(44)(43)~~ "Probation" means the legal status of
13 probation created by law and court order in cases involving a
14 child who has been found to have committed a delinquent act.
15 Probation is an individualized program in which the freedom of
16 the child is limited and the child is restricted to
17 noninstitutional quarters or restricted to the child's home in
18 lieu of commitment to the custody of the department ~~of~~
19 ~~Juvenile Justice~~. Youth on probation may be assessed and
20 classified for placement in day-treatment probation programs
21 designed for youth who represent a minimum risk to themselves
22 and public safety and do not require placement and services in
23 a residential setting. ~~Program types in this more intensive~~
24 ~~and structured day-treatment probation option include career~~
25 ~~programs, marine programs, juvenile justice alternative~~
26 ~~schools, training and rehabilitation programs, and~~
27 ~~gender-specific programs.~~

28 ~~(45)(44)~~ "Relative" means a grandparent,
29 great-grandparent, sibling, first cousin, aunt, uncle,
30 great-aunt, great-uncle, niece, or nephew, whether related by
31 the whole or half blood, by affinity, or by adoption. The term

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1 does not include a stepparent.

2 ~~(46)(45)~~ "Restrictiveness Residential Commitment
3 level" means the level of programming and security provided by
4 programs that service the supervision, custody, care, and
5 treatment needs of committed children. Sections 985.3141 and
6 985.404(11) apply to children placed in programs at any
7 residential commitment level. The restrictiveness levels of
8 residential commitment are as follows:

9 (a) Minimum-risk nonresidential.--Programs or program
10 models at this commitment level work with youth who remain in
11 the community and participate at least 5 days per week in a
12 day treatment program. Youth assessed and classified for
13 programs at this commitment level represent a minimum risk to
14 themselves and public safety and do not require placement and
15 services in residential settings. Youth in this level have
16 full access to, and reside in, the community. Youth who have
17 been found to have committed delinquent acts that involve
18 firearms, that are sexual offenses, or that would be life
19 felonies or first-degree felonies if committed by an adult may
20 not be committed to a program at this level.

21 (b)(a) Low-risk residential.--Programs or program
22 models at this commitment level are residential but may allow
23 youth to have unsupervised access to the community. Youth
24 assessed and classified for placement in programs at this
25 commitment level represent a low risk to themselves and public
26 safety but do require placement and services in residential
27 settings. Children who have been found to have committed
28 delinquent acts that involve firearms, delinquent acts that
29 are sexual offenses, or delinquent acts that would be life
30 felonies or first degree felonies if committed by an adult
31 shall not be committed to a program at this level.

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1 ~~(c)(b)~~ Moderate-risk residential.--Programs or program
2 models at this commitment level are residential but may allow
3 youth to have supervised access to the community. Facilities
4 are either environmentally secure, staff secure, or are
5 hardware-secure with walls, fencing, or locking doors.
6 Facilities shall provide 24-hour awake supervision, custody,
7 care, and treatment of residents. Youth assessed and
8 classified for placement in programs at this commitment level
9 represent a moderate risk to public safety and require close
10 supervision. The staff at a facility at this commitment level
11 may seclude a child who is a physical threat to himself or
12 herself or others. Mechanical restraint may also be used when
13 necessary.

14 ~~(d)(c)~~ High-risk residential.--Programs or program
15 models at this commitment level are residential and do shall
16 not allow youth to have access to the community except that,
17 temporary release providing community access for up to 72
18 continuous hours may be approved by a court for a youth who
19 has made successful progress in his or her program in order
20 for the youth to attend a family emergency or, during the
21 final 120 days of his or her placement, to visit his or her
22 home, enroll in school or a vocational program, complete a job
23 interview, or participate in a community service project.

24 High-risk residential facilities are hardware-secure with
25 perimeter fencing and locking doors. Facilities shall provide
26 24-hour awake supervision, custody, care, and treatment of
27 residents. Youth assessed and classified for this level of
28 placement require close supervision in a structured
29 residential setting. Placement in programs at this level is
30 prompted by a concern for public safety that outweighs
31 placement in programs at lower commitment levels. The staff at

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1 a facility at this commitment level may seclude a child who is
2 a physical threat to himself or herself or others. Mechanical
3 restraint may also be used when necessary. The facility may
4 provide for single cell occupancy.

5 ~~(e)(d)~~ Maximum-risk residential.--Programs or program
6 models at this commitment level include juvenile correctional
7 facilities and juvenile prisons. The programs are long-term
8 residential and do ~~shall~~ not allow youth to have access to the
9 community. Facilities are maximum-custody hardware-secure
10 with perimeter security fencing and locking doors. Facilities
11 shall provide 24-hour awake supervision, custody, care, and
12 treatment of residents. The staff at a facility at this
13 commitment level may seclude a child who is a physical threat
14 to himself or herself or others. Mechanical restraint may
15 also be used when necessary. The facility shall provide for
16 single cell occupancy, except that youth may be housed
17 together during prerelease transition. Youth assessed and
18 classified for this level of placement require close
19 supervision in a maximum security residential setting.
20 Placement in a program at this level is prompted by a
21 demonstrated need to protect the public.

22 ~~(47)(46)~~ "Respite" means a placement that is available
23 for the care, custody, and placement of a youth charged with
24 domestic violence as an alternative to secure detention or for
25 placement of a youth when a shelter bed for a child in need of
26 services or a family in need of services is unavailable.

27 ~~(48)(47)~~ "Secure detention center or facility" means a
28 physically restricting facility for the temporary care of
29 children, pending adjudication, disposition, or placement.

30 ~~(49)(48)~~ "Serious or habitual juvenile offender," for
31 purposes of commitment to a residential facility and for

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1 purposes of records retention, means a child who has been
2 found to have committed a delinquent act or a violation of
3 law, in the case currently before the court, and who meets at
4 least one of the following criteria:

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

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

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

30 (c) The youth is at least 13 years of age and is
31 currently committed for a felony offense and transferred from

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1 a moderate-risk or high-risk residential commitment placement.

2 ~~(50)(49)~~ "Serious or habitual juvenile offender
3 program" means the program established in s. 985.31.

4 ~~(51)(50)~~ "Shelter" means a place for the temporary
5 care of a child who is alleged to be or who has been found to
6 be delinquent.

7 ~~(52)(51)~~ "Shelter hearing" means a hearing provided
8 for under s. 984.14 in family-in-need-of-services cases or
9 child-in-need-of-services cases.

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

19 ~~(54)(53)~~ "Substance abuse" means using, without
20 medical reason, any psychoactive or mood-altering drug,
21 including alcohol, in such a manner as to induce impairment
22 resulting in dysfunctional social behavior.

23 ~~(55)(54)~~ "Taken into custody" means the status of a
24 child immediately when temporary physical control over the
25 child is attained by a person authorized by law, pending the
26 child's release, detention, placement, or other disposition as
27 authorized by law.

28 ~~(56)(55)~~ "Temporary legal custody" means the
29 relationship that a juvenile court creates between a child and
30 an adult relative of the child, adult nonrelative approved by
31 the court, or other person until a more permanent arrangement

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1 is ordered. Temporary legal custody confers upon the custodian
2 the right to have temporary physical custody of the child and
3 the right and duty to protect, train, and discipline the child
4 and to provide the child with food, shelter, and education,
5 and ordinary medical, dental, psychiatric, and psychological
6 care, unless these rights and duties are otherwise enlarged or
7 limited by the court order establishing the temporary legal
8 custody relationship.

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

22 ~~(58)(57)~~ "Training school" means one of the following
23 facilities: the Arthur G. Dozier School or the Eckerd Youth
24 Development Center.

25 ~~(59)(58)~~ "Violation of law" or "delinquent act" means
26 a violation of any law of this state, the United States, or
27 any other state which is a misdemeanor or a felony or a
28 violation of a county or municipal ordinance which would be
29 punishable by incarceration if the violation were committed by
30 an adult.

31 ~~(60)(59)~~ "Waiver hearing" means a hearing provided for

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1 under s. 985.226(3).

2 Section 2. Paragraph (d) of subsection (1) of section
3 985.207, Florida Statutes, is amended to read:

4 985.207 Taking a child into custody.--

5 (1) A child may be taken into custody under the
6 following circumstances:

7 (d) By a law enforcement officer who has probable
8 cause to believe that the child is in violation of the
9 conditions of the child's probation, home detention,
10 postcommitment probation, or conditional release supervision
11 or has escaped in violation of s. 985.3141 ~~from commitment~~.

12
13 Nothing in this subsection shall be construed to allow the
14 detention of a child who does not meet the detention criteria
15 in s. 985.215.

16 Section 3. Subsection (1) of section 985.208, Florida
17 Statutes, is amended to read:

18 985.208 Detention of escapee on authority of the
19 department.--

20 (1) If an authorized agent of the department has
21 reasonable grounds to believe that any delinquent child
22 committed to the department has escaped from a residential
23 commitment facility of the department or from being lawfully
24 transported thereto or therefrom, the agent may take the child
25 into active custody and may deliver the child to the facility
26 or, if it is closer, to a detention center for return to the
27 facility. However, a child may not be held in detention longer
28 than 24 hours, excluding Saturdays, Sundays, and legal
29 holidays, unless a special order so directing is made by the
30 judge after a detention hearing resulting in a finding that
31 detention is required based on the criteria in s. 985.215(2).

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1 The order shall state the reasons for such finding. The
2 reasons shall be reviewable by appeal or in habeas corpus
3 proceedings in the district court of appeal.

4 Section 4. Paragraphs (a) and (d) of subsection (1)
5 and subsection (2) of section 985.231, Florida Statutes, are
6 amended to read:

7 985.231 Powers of disposition in delinquency cases.--

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

12 1. Place the child in a probation program or a
13 postcommitment probation program under the supervision of an
14 authorized agent of the Department of Juvenile Justice or of
15 any other person or agency specifically authorized and
16 appointed by the court, whether in the child's own home, in
17 the home of a relative of the child, or in some other suitable
18 place under such reasonable conditions as the court may
19 direct. A probation program for an adjudicated delinquent
20 child must include a penalty component such as restitution in
21 money or in kind, community service, a curfew, revocation or
22 suspension of the driver's license of the child, or other
23 nonresidential punishment appropriate to the offense and must
24 also include a rehabilitative program component such as a
25 requirement of participation in substance abuse treatment or
26 in school or other educational program. If the child is
27 attending or is eligible to attend public school and the court
28 finds that the victim or a sibling of the victim in the case
29 is attending or may attend the same school as the child, the
30 court placement order shall include a finding pursuant to the
31 proceedings described in s. 985.23(1)(d). Upon the

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1 recommendation of the department at the time of disposition,
2 or subsequent to disposition pursuant to the filing of a
3 petition alleging a violation of the child's conditions of
4 postcommitment probation, the court may order the child to
5 submit to random testing for the purpose of detecting and
6 monitoring the use of alcohol or controlled substances.

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

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1 b. The court may conduct judicial review hearings for
2 a child placed on probation for the purpose of fostering
3 accountability to the judge and compliance with other
4 requirements, such as restitution and community service. The
5 court may allow early termination of probation for a child who
6 has substantially complied with the terms and conditions of
7 probation.

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

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1 985.215. If the child denies violating the conditions of
 2 probation or postcommitment probation, the court shall appoint
 3 counsel to represent the child at the child's request. Upon
 4 the child's admission, or if the court finds after a hearing
 5 that the child has violated the conditions of probation or
 6 postcommitment probation, the court shall enter an order
 7 revoking, modifying, or continuing probation or postcommitment
 8 probation. In each such case, the court shall enter a new
 9 disposition order and, in addition to the sanctions set forth
 10 in this paragraph, may impose any sanction the court could
 11 have imposed at the original disposition hearing. If the child
 12 is found to have violated the conditions of probation or
 13 postcommitment probation, the court may:

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

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

21 (III) Modify or continue the child's probation program
 22 or postcommitment probation program.

23 (IV) Revoke probation or postcommitment probation and
 24 commit the child to the department.

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

30 2. Commit the child to a licensed child-caring agency
 31 willing to receive the child, but the court may not commit the

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1 child to a jail or to a facility used primarily as a detention
2 center or facility or shelter.

3 3. Commit the child to the department of ~~Juvenile~~
4 ~~Justice~~ at a restrictiveness ~~residential commitment~~ level
5 defined in s. 985.03. Such commitment must be for the purpose
6 of exercising active control over the child, including, but
7 not limited to, custody, care, training, urine monitoring, and
8 treatment of the child and release of the child from
9 residential commitment into the community in a postcommitment
10 nonresidential conditional release program. If the child is
11 eligible to attend public school following ~~residential~~
12 commitment and the court finds that the victim or a sibling of
13 the victim in the case is or may be attending the same school
14 as the child, the commitment order shall include a finding
15 pursuant to the proceedings described in s. 985.23(1)(d). If
16 the child is not successful in the conditional release
17 program, the department may use the transfer procedure under
18 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
19 except as provided in s. 985.31, the term of the commitment
20 must be until the child is discharged by the department or
21 until he or she reaches the age of 21.

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

24 5. Require the child and, if the court finds it
25 appropriate, the child's parent or guardian together with the
26 child, to render community service in a public service
27 program.

28 6. As part of the probation program to be implemented
29 by the Department of Juvenile Justice, or, in the case of a
30 committed child, as part of the community-based sanctions
31 ordered by the court at the disposition hearing or before the

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1 child's release from commitment, order the child to make
 2 restitution in money, through a promissory note cosigned by
 3 the child's parent or guardian, or in kind for any damage or
 4 loss caused by the child's offense in a reasonable amount or
 5 manner to be determined by the court. The clerk of the circuit
 6 court shall be the receiving and dispensing agent. In such
 7 case, the court shall order the child or the child's parent or
 8 guardian to pay to the office of the clerk of the circuit
 9 court an amount not to exceed the actual cost incurred by the
 10 clerk as a result of receiving and dispensing restitution
 11 payments. The clerk shall notify the court if restitution is
 12 not made, and the court shall take any further action that is
 13 necessary against the child or the child's parent or guardian.
 14 A finding by the court, after a hearing, that the parent or
 15 guardian has made diligent and good faith efforts to prevent
 16 the child from engaging in delinquent acts absolves the parent
 17 or guardian of liability for restitution under this
 18 subparagraph.

19 7. Order the child and, if the court finds it
 20 appropriate, the child's parent or guardian together with the
 21 child, to participate in a community work project, either as
 22 an alternative to monetary restitution or as part of the
 23 rehabilitative or probation program.

24 8. Commit the child to the Department of Juvenile
 25 Justice for placement in a program or facility for serious or
 26 habitual juvenile offenders in accordance with s. 985.31. Any
 27 commitment of a child to a program or facility for serious or
 28 habitual juvenile offenders must be for an indeterminate
 29 period of time, but the time may not exceed the maximum term
 30 of imprisonment that an adult may serve for the same offense.
 31 The court may retain jurisdiction over such child until the

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1 child reaches the age of 21, specifically for the purpose of
2 the child completing the program.

3 9. In addition to the sanctions imposed on the child,
4 order the parent or guardian of the child to perform community
5 service if the court finds that the parent or guardian did not
6 make a diligent and good faith effort to prevent the child
7 from engaging in delinquent acts. The court may also order the
8 parent or guardian to make restitution in money or in kind for
9 any damage or loss caused by the child's offense. The court
10 shall determine a reasonable amount or manner of restitution,
11 and payment shall be made to the clerk of the circuit court as
12 provided in subparagraph 6.

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

24 (d) Any commitment of a delinquent child to the
25 Department of Juvenile Justice must be for an indeterminate
26 period of time, which may include periods of temporary
27 release; however, but the period of time may not exceed the
28 maximum term of imprisonment that an adult may serve for the
29 same offense, except that the duration of a minimum-risk,
30 nonresidential commitment for an offense that is a misdemeanor
31 of the second degree, or is equivalent to a misdemeanor of the

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

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1 conditions of the temporary release.

2 (2) Following a delinquency adjudicatory hearing
3 pursuant to s. 985.228 and a delinquency disposition hearing
4 pursuant to s. 985.23 which results in a commitment
5 determination, the court shall, on its own or upon request by
6 the state or the department, determine whether the protection
7 of the public requires that the child be placed in a program
8 for serious or habitual juvenile offenders and whether the
9 particular needs of the child would be best served by a
10 program for serious or habitual juvenile offenders as provided
11 in s. 985.31. The determination shall be made pursuant to ss.
12 985.03(49) ~~ss. 985.03(48)~~ and 985.23(3).

13 Section 5. Paragraph (a) of subsection (1) of section
14 985.2311, Florida Statutes, is amended to read:

15 985.2311 Cost of supervision; cost of care.--

16 (1) Except as provided in subsection (3) or subsection
17 (4):

18 (a) When any child is placed into home detention,
19 probation, or other supervision status with the Department of
20 Juvenile Justice, or is committed to the minimum-risk,
21 nonresidential restrictiveness level, the court shall order
22 the parent of such child to pay to the department a fee for
23 the cost of the supervision of such child in the amount of \$1
24 per day for each day that the child is in such supervision
25 status.

26 Section 6. Subsection (3) of section 985.316, Florida
27 Statutes, is amended to read:

28 985.316 Conditional release.--

29 (3) For juveniles referred or committed to the
30 department, the function of the department may include, but
31 shall not be limited to, assessing each ~~committed~~ juvenile

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1 placed in a residential commitment program to determine the
2 need for conditional release services upon release from the a
3 commitment program, supervising the juvenile when released
4 into the community from a residential commitment facility of
5 the department, providing such counseling and other services
6 as may be necessary for the families and assisting their
7 preparations for the return of the child. Subject to specific
8 appropriation, the department shall provide for outpatient
9 sexual offender counseling for any juvenile sexual offender
10 released from a commitment program as a component of
11 conditional release.

12 Section 7. Section 985.403, Florida Statutes, is
13 repealed.

14 Section 8. Task force on juvenile sexual offenders and
15 their victims.--

16 (1) On or before August 1, 2005, the Department of
17 Juvenile Justice shall create a task force to review and
18 evaluate the state's laws that address juvenile sex offenders
19 and the department's practices and procedures for serving
20 these offenders and their victims. The task force shall make
21 findings that include, but are not limited to, a profile of
22 this state's juvenile sex offenders and of dispositions
23 received by those offenders, identification of statutes that
24 address these offenders, identification of community-based and
25 commitment programming available for these offenders and of
26 such programming's effectiveness, the appropriateness and
27 rehabilitative efficacy of placing these offenders in
28 residential commitment programs, and identification of
29 qualifications required for staff who serve these offenders.
30 Based on its findings, the task force shall make
31 recommendations for how the state's laws, policies, programs,

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1 and funding for juvenile sexual offenders may be improved.

2 (2) The Secretary of Juvenile Justice, or his or her
3 designee, shall appoint up to 12 members to the task force.
4 The task force shall be composed of representatives who shall
5 include, but are not limited to, the following: a circuit
6 court judge with at least 1 year's experience in the juvenile
7 division, a state attorney with at least 1 year's experience
8 in the juvenile division, a public defender with at least 1
9 year's experience in the juvenile division, one representative
10 of the Department of Juvenile Justice, two representatives of
11 providers of juvenile sexual offender services, one member of
12 the Florida Juvenile Justice Association, one licensed sex
13 offender therapist, and one victim of a juvenile sexual
14 offense.

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

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

25 (5) The task force shall be dissolved upon the
26 submission of its report.

27 Section 9. Task Force to study certification for
28 juvenile justice provider staff.--

29 (1) On or before August 1, 2005, the Department of
30 Juvenile Justice shall create a task force to study the
31 feasibility of establishing a certification process for staff

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1 employed by a provider under contract with the Department of
2 Juvenile Justice to provide juvenile justice services to
3 youth.

4 (2) The Secretary of Juvenile Justice, or his or her
5 designee, shall appoint up to 12 members to the task force.
6 The task force shall be composed of representatives who shall
7 include, but are not limited to, the following: two
8 representatives of the Department of Juvenile Justice, two
9 representatives of providers of juvenile justice services, two
10 members of the Florida Juvenile Justice Association, and two
11 representatives of the Florida Certification Board.

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

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

29 (5) Administrative support for the task force shall be
30 provided by the Department of Juvenile Justice. Members of the
31 task force shall receive no salary from the state beyond the

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1 salary already received from their sponsoring agency, if any,
2 and are not entitled to reimbursement for travel and per diem
3 expenses.

4 (6) The task force shall be dissolved upon the
5 submission of its report.

6 Section 10. Subsection (10) of section 985.4135,
7 Florida Statutes, is amended to read:

8 985.4135 Juvenile justice circuit boards and juvenile
9 justice county councils.--

10 (10) Membership of the juvenile justice county
11 councils, or juvenile justice circuit boards established under
12 subsection (9), ~~may~~ ~~must~~ include representatives from the
13 following entities:

14 (a) Representatives from the school district, which
15 may include elected school board officials, the school
16 superintendent, school or district administrators, teachers,
17 and counselors.

18 (b) Representatives of the board of county
19 commissioners.

20 (c) Representatives of the governing bodies of local
21 municipalities within the county.

22 (d) A representative of the corresponding circuit or
23 regional entity of the Department of Children and Family
24 Services.

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

27 (f) Representatives of the judicial system.

28 (g) Representatives of the business community.

29 (h) Representatives of other interested officials,
30 groups, or entities, including, but not limited to, a
31 children's services council, public or private providers of

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1 juvenile justice programs and services, students, parents, and
2 advocates. Private providers of juvenile justice programs may
3 not exceed one-third of the voting membership.

4 (i) Representatives of the faith community.

5 (j) Representatives of victim-service programs and
6 victims of crimes.

7 (k) Representatives of the Department of Corrections.

8 Section 11. Section 784.075, Florida Statutes, is
9 amended to read:

10 784.075 Battery on detention or commitment facility
11 staff or a juvenile probation officer.--A person who commits a
12 battery on a juvenile probation officer, as defined in s.
13 984.03 or s. 985.03, on other staff of a detention center or
14 facility as defined in s. 984.03(19) or s. 985.03(20) ~~s.~~
15 ~~985.03(19)~~, or on a staff member of a commitment facility as
16 defined in s. 985.03(46) ~~s. 985.03(45)~~, commits a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084. For purposes of this section, a staff
19 member of the facilities listed includes persons employed by
20 the Department of Juvenile Justice, persons employed at
21 facilities licensed by the Department of Juvenile Justice, and
22 persons employed at facilities operated under a contract with
23 the Department of Juvenile Justice.

24 Section 12. Subsection (2) of section 985.231, Florida
25 Statutes, is amended to read:

26 985.231 Powers of disposition in delinquency cases.--

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

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1 of the public requires that the child be placed in a program
 2 for serious or habitual juvenile offenders and whether the
 3 particular needs of the child would be best served by a
 4 program for serious or habitual juvenile offenders as provided
 5 in s. 985.31. The determination shall be made pursuant to ss.
 6 985.03(49) ~~ss. 985.03(48)~~ and 985.23(3).

7 Section 13. Paragraph (e) of subsection (3) and
 8 paragraph (a) of subsection (4) of section 985.31, Florida
 9 Statutes, are amended to read:

10 985.31 Serious or habitual juvenile offender.--

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

13 (e) After a child has been adjudicated delinquent
 14 pursuant to s. 985.228, the court shall determine whether the
 15 child meets the criteria for a serious or habitual juvenile
 16 offender pursuant to s. 985.03(49) ~~s. 985.03(48)~~. If the court
 17 determines that the child does not meet such criteria, the
 18 provisions of s. 985.231(1) shall apply.

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

20 (a) Pursuant to the provisions of this section, the
 21 department shall implement the comprehensive assessment
 22 instrument for the treatment needs of serious or habitual
 23 juvenile offenders and for the assessment, which assessment
 24 shall include the criteria under s. 985.03(49) ~~s. 985.03(48)~~
 25 and shall also include, but not be limited to, evaluation of
 26 the child's:

- 27 1. Amenability to treatment.
- 28 2. Proclivity toward violence.
- 29 3. Tendency toward gang involvement.
- 30 4. Substance abuse or addiction and the level thereof.
- 31 5. History of being a victim of child abuse or sexual

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1 | abuse, or indication of sexual behavior dysfunction.

2 | 6. Number and type of previous adjudications, findings
3 | of guilt, and convictions.

4 | 7. Potential for rehabilitation.

5 | Section 14. Section 985.3141, Florida Statutes, is
6 | amended to read:

7 | 985.3141 Escapes from secure detention or residential
8 | commitment facility.--An escape from:

9 | (1) Any secure detention facility maintained for the
10 | temporary detention of children, pending adjudication,
11 | disposition, or placement;

12 | (2) Any residential commitment facility described in
13 | s. 985.03(46) ~~s. 985.03(45)~~, maintained for the custody,
14 | treatment, punishment, or rehabilitation of children found to
15 | have committed delinquent acts or violations of law; or

16 | (3) Lawful transportation to or from any such secure
17 | detention facility or residential commitment facility,
18 |
19 | constitutes escape within the intent and meaning of s. 944.40
20 | and is a felony of the third degree, punishable as provided in
21 | s. 775.082, s. 775.083, or s. 775.084.

22 | Section 15. This act shall take effect July 1, 2005.

23 |
24 |

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

26 | And the title is amended as follows:

27 | Delete everything before the enacting clause

28 |
29 | and insert:

30 | A bill to be entitled

31 | An act relating to juvenile justice; amending

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1 s. 985.03, F.S.; redefining terms relating to
2 juvenile justice; redefining the terms "day
3 treatment" and "restrictiveness level";
4 amending s. 985.207, F.S.; clarifying when a
5 child who escapes from commitment may be taken
6 into custody by a law enforcement officer;
7 amending s. 985.208, F.S.; clarifying when the
8 Department of Corrections may take a child who
9 is believed to have escaped from a facility of
10 the department into custody; amending s.
11 985.231, F.S.; incorporating newly defined
12 terms to clarify the terms of a child's
13 commitment; providing for the maximum length of
14 a minimum-risk, nonresidential commitment for a
15 child who commits a second-degree misdemeanor;
16 providing that the department or a provider
17 report quarterly to the court the child's
18 progress with his or her treatment plan;
19 conforming a cross-reference; amending s.
20 985.2311, F.S.; requiring parents to pay the
21 costs of supervision related to minimum-risk,
22 nonresidential commitment to the department;
23 amending s. 985.316, F.S.; providing for
24 assessment by the department of the need of
25 juveniles in residential commitment for
26 conditional release services; repealing s.
27 985.403, F.S., relating to the Task Force on
28 Juvenile Sexual Offenders and their Victims;
29 requiring the department to create a task force
30 on juvenile sexual offenders and their victims;
31 providing for membership, powers, duties, and

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1 dissolution of the task force; requiring a
2 written report; directing the Department of
3 Juvenile Justice to provide administrative
4 support; prohibiting certain compensation or
5 reimbursement of task force members; requiring
6 the Department of Juvenile Justice to create a
7 task force to study certification for juvenile
8 justice provider staff; providing for
9 membership, powers, duties and dissolution of
10 the task force; requiring a written report;
11 directing the department to provide
12 administrative support; prohibiting certain
13 compensation or reimbursement of task force
14 members; amending s. 985.4135, F.S.; providing
15 that membership of juvenile justice county
16 councils or circuit boards may, rather than
17 must, include certain entities; amending ss.
18 784.075, 985.231, 985.31, and 985.3141, F.S.;
19 conforming cross-references; providing an
20 effective date.

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