

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

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 985.03, Florida Statutes, is
27 amended to read:

28 985.03 Definitions.--~~As when~~ used in this chapter, the
29 term:

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

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

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

7 (4) "Arbitration" means a process whereby a neutral
8 third person or panel, called an arbitrator or an arbitration
9 panel, considers the facts and arguments presented by the
10 parties and renders a decision which may be binding or
11 nonbinding.

12 (5) "Authorized agent" or "designee" of the department
13 means a person or agency assigned or designated by the
14 department ~~of Juvenile Justice~~ or the Department of Children
15 and Family Services, as appropriate, to perform duties or
16 exercise powers under ~~pursuant to~~ this chapter and includes
17 contract providers and their employees for purposes of
18 providing services to and managing cases of children in need
19 of services and families in need of services.

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

27 (7) "Child eligible for an intensive residential
28 treatment program for offenders less than 13 years of age"
29 means a child who has been found to have committed a
30 delinquent act or a violation of law in the case currently
31

1 before the court and who meets at least one of the following
2 criteria:

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

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

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

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

31

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

9 (a) To have persistently run away from the child's
10 parents or legal custodians despite reasonable efforts of the
11 child, the parents or legal custodians, and appropriate
12 agencies to remedy the conditions contributing to the
13 behavior. Reasonable efforts shall include voluntary
14 participation by the child's parents or legal custodians and
15 the child in family mediation, services, and treatment offered
16 by the department ~~of Juvenile Justice~~ or the Department of
17 Children and Family Services;

18 (b) To be habitually truant from school, while subject
19 to compulsory school attendance, despite reasonable efforts to
20 remedy the situation under ~~pursuant to~~ ss. 1003.26 and 1003.27
21 and through voluntary participation by the child's parents or
22 legal custodians and by the child in family mediation,
23 services, and treatment offered by the Department of Juvenile
24 Justice or the Department of Children and Family Services; or

25 (c) To have persistently disobeyed the reasonable and
26 lawful demands of the child's parents or legal custodians, and
27 to be beyond their control despite efforts by the child's
28 parents or legal custodians and appropriate agencies to remedy
29 the conditions contributing to the behavior. Reasonable
30 efforts may include such things as good faith participation in
31 family or individual counseling.

1 (9) "Child who has been found to have committed a
2 delinquent act" means a child who, under ~~pursuant to the~~
3 ~~provisions of~~ this chapter, is found by a court to have
4 committed a violation of law or to be in direct or indirect
5 contempt of court, except that this definition does ~~shall~~ not
6 include an act constituting contempt of court arising out of a
7 dependency proceeding or a proceeding under ~~pursuant to~~ part
8 III of this chapter.

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

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

15 (12) "Comprehensive assessment" or "assessment" means
16 the gathering of information for the evaluation of a juvenile
17 offender's or a child's physical, psychological, educational,
18 vocational, and social condition and family environment as
19 they relate to the child's need for rehabilitative and
20 treatment services, including substance abuse treatment
21 services, mental health services, developmental services,
22 literacy services, medical services, family services, and
23 other specialized services, as appropriate.

24 (13) "Conditional release" means the care, treatment,
25 help, and supervision provided to a juvenile released from a
26 residential commitment program which is intended to promote
27 rehabilitation and prevent recidivism. The purpose of
28 conditional release is to protect the public, reduce
29 recidivism, increase responsible productive behavior, and
30 provide for a successful transition of the youth from the
31

1 department to the family. Conditional release includes, but is
2 not limited to, nonresidential community-based programs.

3 (14) "Court," unless otherwise expressly stated, means
4 the circuit court assigned to exercise jurisdiction under this
5 chapter.

6 (15) "Day treatment" means a nonresidential,
7 community-based program designed to provide therapeutic
8 intervention to youth who are placed on probation or
9 conditional release or are committed to the minimum-risk
10 nonresidential level. A day treatment program may provide
11 educational and vocational services and shall provide
12 case-management services; individual, group, and family
13 counseling; training designed to address delinquency risk
14 factors; and monitoring of a youth's compliance with, and
15 facilitation of a youth's completion of, sanctions if ordered
16 by the court. Program types may include, but are not limited
17 to, career programs, marine programs, juvenile justice
18 alternative schools, training and rehabilitation programs, and
19 gender-specific programs.

20 ~~(16)(a)(15)(a)~~ "Delinquency program" means any intake,
21 probation, or similar program; regional detention center or
22 facility; or community-based program, whether owned and
23 operated by or contracted by the department ~~of Juvenile~~
24 ~~Justice~~, or institution owned and operated by or contracted by
25 the department ~~of Juvenile Justice~~, which provides intake,
26 supervision, or custody and care of children who are alleged
27 to be or who have been found to be delinquent under ~~pursuant~~
28 ~~to~~ part II.

29 (b) "Delinquency program staff" means supervisory and
30 direct care staff of a delinquency program as well as support
31

1 staff who have direct contact with children in a delinquency
2 program.

3 (c) "Delinquency prevention programs" means programs
4 designed for the purpose of reducing the occurrence of
5 delinquency, including youth and street gang activity, and
6 juvenile arrests. The term excludes arbitration, diversionary
7 or mediation programs, and community service work or other
8 treatment available subsequent to a child committing a
9 delinquent act.

10 ~~(17)~~~~(16)~~ "Department" means the Department of Juvenile
11 Justice.

12 ~~(18)~~~~(17)~~ "Designated facility" or "designated
13 treatment facility" means any facility designated by the
14 department ~~of Juvenile Justice~~ to provide treatment to
15 juvenile offenders.

16 ~~(19)~~~~(18)~~ "Detention care" means the temporary care of
17 a child in secure, nonsecure, or home detention, pending a
18 court adjudication or disposition or execution of a court
19 order. There are three types of detention care, as follows:

20 (a) "Secure detention" means temporary custody of the
21 child while the child is under the physical restriction of a
22 detention center or facility pending adjudication,
23 disposition, or placement.

24 (b) "Nonsecure detention" means temporary custody of
25 the child while the child is in a residential home in the
26 community in a physically nonrestrictive environment under the
27 supervision of the Department of Juvenile Justice pending
28 adjudication, disposition, or placement.

29 (c) "Home detention" means temporary custody of the
30 child while the child is released to the custody of the
31 parent, guardian, or custodian in a physically nonrestrictive

1 environment under the supervision of the department ~~of~~
2 ~~Juvenile Justice~~ staff pending adjudication, disposition, or
3 placement.

4 (20)~~(19)~~ "Detention center or facility" means a
5 facility used pending court adjudication or disposition or
6 execution of court order for the temporary care of a child
7 alleged or found to have committed a violation of law. A
8 detention center or facility may provide secure or nonsecure
9 custody. A facility used for the commitment of adjudicated
10 delinquents shall not be considered a detention center or
11 facility.

12 (21)~~(20)~~ "Detention hearing" means a hearing for the
13 court to determine if a child should be placed in temporary
14 custody, as provided for under ss. 985.213 and 985.215 in
15 delinquency cases.

16 (22)~~(21)~~ "Disposition hearing" means a hearing in
17 which the court determines the most appropriate dispositional
18 services in the least restrictive available setting provided
19 for under s. 985.231, in delinquency cases.

20 (23)~~(22)~~ "Family" means a collective of persons,
21 consisting of a child and a parent, guardian, adult custodian,
22 or adult relative, in which:

23 (a) The persons reside in the same house or living
24 unit; or

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

28 (24)~~(23)~~ "Family in need of services" means a family
29 that has a child for whom there is no pending investigation
30 into an allegation of abuse, neglect, or abandonment or no
31 current supervision by the department ~~of Juvenile Justice~~ or

1 | the Department of Children and Family Services for an
2 | adjudication of dependency or delinquency. The child must also
3 | have been referred to a law enforcement agency or the
4 | department ~~of Juvenile Justice~~ for:

5 | (a) Running away from parents or legal custodians;

6 | (b) Persistently disobeying reasonable and lawful
7 | demands of parents or legal custodians, and being beyond their
8 | control; or

9 | (c) Habitual truancy from school.

10 | (25)~~(24)~~ "Foster care" means care provided a child in
11 | a foster family or boarding home, group home, agency boarding
12 | home, child care institution, or any combination thereof.

13 | (26)~~(25)~~ "Habitually truant" means that:

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

21 | (b) Escalating activities to determine the cause, and
22 | to attempt the remediation, of the child's truant behavior
23 | under ss. 1003.26 and 1003.27 have been completed.

24 |
25 | If a child who is subject to compulsory school attendance is
26 | responsive to the interventions described in ss. 1003.26 and
27 | 1003.27 and has completed the necessary requirements to pass
28 | the current grade as indicated in the district pupil
29 | progression plan, the child shall not be determined to be
30 | habitually truant and shall be passed. If a child within the
31 | compulsory school attendance age has 15 unexcused absences

1 within 90 calendar days or fails to enroll in school, the
2 state attorney may file a child-in-need-of-services petition.
3 Before ~~Prior to~~ filing a petition, the child must be referred
4 to the appropriate agency for evaluation. After consulting
5 with the evaluating agency, the state attorney may elect to
6 file a child-in-need-of-services petition.

7 (c) A school representative, designated according to
8 school board policy, and a juvenile probation officer of the
9 department ~~of Juvenile Justice~~ have jointly investigated the
10 truancy problem or, if that was not feasible, have performed
11 separate investigations to identify conditions that could be
12 contributing to the truant behavior; and if, after a joint
13 staffing of the case to determine the necessity for services,
14 such services were determined to be needed, the persons who
15 performed the investigations met jointly with the family and
16 child to discuss any referral to appropriate community
17 agencies for economic services, family or individual
18 counseling, or other services required to remedy the
19 conditions that are contributing to the truant behavior.

20 (d) The failure or refusal of the parent or legal
21 guardian or the child to participate, or make a good faith
22 effort to participate, in the activities prescribed to remedy
23 the truant behavior, or the failure or refusal of the child to
24 return to school after participation in activities required by
25 this subsection, or the failure of the child to stop the
26 truant behavior after the school administration and the
27 department ~~of Juvenile Justice~~ have worked with the child as
28 described in s. 1003.27(3) shall be handled as prescribed in
29 s. 1003.27.

30 ~~(27)(26)~~ "Halfway house" means a community-based
31 residential program for 10 or more committed delinquents at

1 the moderate-risk commitment level which is operated or
2 contracted by the department ~~of Juvenile Justice~~.

3 (28)~~(27)~~ "Intake" means the initial acceptance and
4 screening by the department ~~of Juvenile Justice~~ of a complaint
5 or a law enforcement report or probable cause affidavit of
6 delinquency, family in need of services, or child in need of
7 services to determine the recommendation to be taken in the
8 best interests of the child, the family, and the community.
9 The emphasis of intake is on diversion and the least
10 restrictive available services. Consequently, intake includes
11 such alternatives as:

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

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

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

19 (29)~~(28)~~ "Judge" means the circuit judge exercising
20 jurisdiction pursuant to this chapter.

21 (30)~~(29)~~ "Juvenile justice continuum" includes, but is
22 not limited to, delinquency prevention programs and services
23 designed for the purpose of preventing or reducing delinquent
24 acts, including criminal activity by youth gangs, and juvenile
25 arrests, as well as programs and services targeted at children
26 who have committed delinquent acts, and children who have
27 previously been committed to residential treatment programs
28 for delinquents. The term includes
29 children-in-need-of-services and families-in-need-of-services
30 programs; conditional release; substance abuse and mental
31 health programs; educational and career programs; recreational

1 | programs; community services programs; community service work
2 | programs; and alternative dispute resolution programs serving
3 | children at risk of delinquency and their families, whether
4 | offered or delivered by state or local governmental entities,
5 | public or private for-profit or not-for-profit organizations,
6 | or religious or charitable organizations.

7 | ~~(31)~~~~(30)~~ "Juvenile probation officer" means the
8 | authorized agent of the department ~~of Juvenile Justice~~ who
9 | performs the intake, case management, or supervision
10 | functions.

11 | ~~(32)~~~~(31)~~ "Juvenile sexual offender" means:

12 | (a) A juvenile who has been found by the court under
13 | ~~pursuant to~~ s. 985.228 to have committed a violation of
14 | chapter 794, chapter 796, chapter 800, s. 827.071, or s.
15 | 847.0133;

16 | (b) A juvenile found to have committed any felony
17 | violation of law or delinquent act involving juvenile sexual
18 | abuse. "Juvenile sexual abuse" means any sexual behavior which
19 | occurs without consent, without equality, or as a result of
20 | coercion. For purposes of this subsection, the following
21 | definitions apply:

22 | 1. "Coercion" means the exploitation of authority, use
23 | of bribes, threats of force, or intimidation to gain
24 | cooperation or compliance.

25 | 2. "Equality" means two participants operating with
26 | the same level of power in a relationship, neither being
27 | controlled nor coerced by the other.

28 | 3. "Consent" means an agreement including all of the
29 | following:

30 | a. Understanding what is proposed based on age,
31 | maturity, developmental level, functioning, and experience.

- 1 b. Knowledge of societal standards for what is being
2 proposed.
- 3 c. Awareness of potential consequences and
4 alternatives.
- 5 d. Assumption that agreement or disagreement will be
6 accepted equally.
- 7 e. Voluntary decision.
- 8 f. Mental competence.
- 9

10 Juvenile sexual offender behavior ranges from noncontact
11 sexual behavior such as making obscene phone calls,
12 exhibitionism, voyeurism, and the showing or taking of lewd
13 photographs to varying degrees of direct sexual contact, such
14 as frottage, fondling, digital penetration, rape, fellatio,
15 sodomy, and various other sexually aggressive acts.

16 ~~(33)~~⁽³²⁾ "Legal custody or guardian" means a legal
17 status created by court order or letter of guardianship which
18 vests in a custodian of the person or guardian, whether an
19 agency or an individual, the right to have physical custody of
20 the child and the right and duty to protect, train, and
21 discipline the child and to provide him or her with food,
22 shelter, education, and ordinary medical, dental, psychiatric,
23 and psychological care.

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

28 ~~(35)~~⁽³⁴⁾ "Licensed health care professional" means a
29 physician licensed under chapter 458, an osteopathic physician
30 licensed under chapter 459, a nurse licensed under part I of
31

1 chapter 464, a physician assistant licensed under chapter 458
2 or chapter 459, or a dentist licensed under chapter 466.

3 ~~(36)~~(35) "Likely to injure oneself" means that, as
4 evidenced by violent or other actively self-destructive
5 behavior, it is more likely than not that within a 24-hour
6 period the child will attempt to commit suicide or inflict
7 serious bodily harm on himself or herself.

8 ~~(37)~~(36) "Likely to injure others" means that it is
9 more likely than not that within a 24-hour period the child
10 will inflict serious and unjustified bodily harm on another
11 person.

12 ~~(38)~~(37) "Mediation" means a process whereby a neutral
13 third person called a mediator acts to encourage and
14 facilitate the resolution of a dispute between two or more
15 parties. It is an informal and nonadversarial process with
16 the objective of helping the disputing parties reach a
17 mutually acceptable and voluntary agreement. In mediation,
18 decisionmaking authority rests with the parties. The role of
19 the mediator includes, but is not limited to, assisting the
20 parties in identifying issues, fostering joint problem
21 solving, and exploring settlement alternatives.

22 ~~(39)~~(38) "Necessary medical treatment" means care
23 which is necessary within a reasonable degree of medical
24 certainty to prevent the deterioration of a child's condition
25 or to alleviate immediate pain of a child.

26 ~~(40)~~(39) "Next of kin" means an adult relative of a
27 child who is the child's brother, sister, grandparent, aunt,
28 uncle, or first cousin.

29 ~~(41)~~(40) "Parent" means a woman who gives birth to a
30 child and a man whose consent to the adoption of the child
31 would be required under s. 63.062(1). If a child has been

1 | legally adopted, the term "parent" means the adoptive mother
2 | or father of the child. The term does not include an
3 | individual whose parental relationship to the child has been
4 | legally terminated, or an alleged or prospective parent,
5 | unless the parental status falls within the terms of either s.
6 | 39.503(1) or s. 63.062(1).

7 | (42)~~(41)~~ "Preliminary screening" means the gathering
8 | of preliminary information to be used in determining a child's
9 | need for further evaluation or assessment or for referral for
10 | other substance abuse services through means such as
11 | psychosocial interviews; urine and breathalyzer screenings;
12 | and reviews of available educational, delinquency, and
13 | dependency records of the child.

14 | (43)~~(42)~~ "Preventive services" means social services
15 | and other supportive and rehabilitative services provided to
16 | the parent of the child, the legal guardian of the child, or
17 | the custodian of the child and to the child for the purpose of
18 | averting the removal of the child from the home or disruption
19 | of a family which will or could result in the placement of a
20 | child in foster care. Social services and other supportive
21 | and rehabilitative services shall promote the child's need for
22 | a safe, continuous, stable living environment and shall
23 | promote family autonomy and shall strengthen family life as
24 | the first priority whenever possible.

25 | (44)~~(43)~~ "Probation" means the legal status of
26 | probation created by law and court order in cases involving a
27 | child who has been found to have committed a delinquent act.
28 | Probation is an individualized program in which the freedom of
29 | the child is limited and the child is restricted to
30 | noninstitutional quarters or restricted to the child's home in
31 | lieu of commitment to the custody of the department ~~of~~

1 ~~Juvenile Justice~~. Youth on probation may be assessed and
2 classified for placement in day-treatment probation programs
3 designed for youth who represent a minimum risk to themselves
4 and public safety and do not require placement and services in
5 a residential setting. ~~Program types in this more intensive~~
6 ~~and structured day treatment probation option include career~~
7 ~~programs, marine programs, juvenile justice alternative~~
8 ~~schools, training and rehabilitation programs, and~~
9 ~~gender specific programs.~~

10 (45)(44) "Relative" means a grandparent,
11 great-grandparent, sibling, first cousin, aunt, uncle,
12 great-aunt, great-uncle, niece, or nephew, whether related by
13 the whole or half blood, by affinity, or by adoption. The term
14 does not include a stepparent.

15 (46)(45) "Restrictiveness Residential Commitment
16 level" means the level of programming and security provided by
17 programs that service the supervision, custody, care, and
18 treatment needs of committed children. Sections 985.3141 and
19 985.404(11) apply to children placed in programs at any
20 residential commitment level. The restrictiveness levels of
21 residential commitment are as follows:

22 (a) Minimum-risk nonresidential.--Programs or program
23 models at this commitment level work with youth who remain in
24 the community and participate at least 5 days per week in a
25 day treatment program. Youth assessed and classified for
26 programs at this commitment level represent a minimum risk to
27 themselves and public safety and do not require placement and
28 services in residential settings. Youth in this level have
29 full access to, and reside in, the community. Youth who have
30 been found to have committed delinquent acts that involve
31 firearms, that are sexual offenses, or that would be life

1 felonies or first-degree felonies if committed by an adult may
2 not be committed to a program at this level.

3 **(b)**~~(a)~~ Low-risk residential.--Programs or program
4 models at this commitment level are residential but may allow
5 youth to have unsupervised access to the community. Youth
6 assessed and classified for placement in programs at this
7 commitment level represent a low risk to themselves and public
8 safety but do require placement and services in residential
9 settings. Children who have been found to have committed
10 delinquent acts that involve firearms, delinquent acts that
11 are sexual offenses, or delinquent acts that would be life
12 felonies or first degree felonies if committed by an adult
13 shall not be committed to a program at this level.

14 **(c)**~~(b)~~ Moderate-risk residential.--Programs or program
15 models at this commitment level are residential but may allow
16 youth to have supervised access to the community. Facilities
17 are either environmentally secure, staff secure, or are
18 hardware-secure with walls, fencing, or locking doors.
19 Facilities shall provide 24-hour awake supervision, custody,
20 care, and treatment of residents. Youth assessed and
21 classified for placement in programs at this commitment level
22 represent a moderate risk to public safety and require close
23 supervision. The staff at a facility at this commitment level
24 may seclude a child who is a physical threat to himself or
25 herself or others. Mechanical restraint may also be used when
26 necessary.

27 **(d)**~~(c)~~ High-risk residential.--Programs or program
28 models at this commitment level are residential and do shall
29 not allow youth to have access to the community except that,
30 temporary release providing community access for up to 72
31 continuous hours may be approved by a court for a youth who

1 has made successful progress in his or her program in order
2 for the youth to attend a family emergency or, during the
3 final 120 days of his or her placement, to visit his or her
4 home, enroll in school or a vocational program, complete a job
5 interview, or participate in a community service project.
6 High-risk residential facilities are hardware-secure with
7 perimeter fencing and locking doors. Facilities shall provide
8 24-hour awake supervision, custody, care, and treatment of
9 residents. Youth assessed and classified for this level of
10 placement require close supervision in a structured
11 residential setting. Placement in programs at this level is
12 prompted by a concern for public safety that outweighs
13 placement in programs at lower commitment levels. The staff at
14 a facility at this commitment level may seclude a child who is
15 a physical threat to himself or herself or others. Mechanical
16 restraint may also be used when necessary. The facility may
17 provide for single cell occupancy.

18 (e)~~(d)~~ Maximum-risk residential.--Programs or program
19 models at this commitment level include juvenile correctional
20 facilities and juvenile prisons. The programs are long-term
21 residential and do ~~shall~~ not allow youth to have access to the
22 community. Facilities are maximum-custody hardware-secure
23 with perimeter security fencing and locking doors. Facilities
24 shall provide 24-hour awake supervision, custody, care, and
25 treatment of residents. The staff at a facility at this
26 commitment level may seclude a child who is a physical threat
27 to himself or herself or others. Mechanical restraint may
28 also be used when necessary. The facility shall provide for
29 single cell occupancy, except that youth may be housed
30 together during prerelease transition. Youth assessed and
31 classified for this level of placement require close

1 supervision in a maximum security residential setting.

2 Placement in a program at this level is prompted by a
3 demonstrated need to protect the public.

4 ~~(47)~~~~(46)~~ "Respite" means a placement that is available
5 for the care, custody, and placement of a youth charged with
6 domestic violence as an alternative to secure detention or for
7 placement of a youth when a shelter bed for a child in need of
8 services or a family in need of services is unavailable.

9 ~~(48)~~~~(47)~~ "Secure detention center or facility" means a
10 physically restricting facility for the temporary care of
11 children, pending adjudication, disposition, or placement.

12 ~~(49)~~~~(48)~~ "Serious or habitual juvenile offender," for
13 purposes of commitment to a residential facility and for
14 purposes of records retention, means a child who has been
15 found to have committed a delinquent act or a violation of
16 law, in the case currently before the court, and who meets at
17 least one of the following criteria:

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

- 21 1. Arson;
- 22 2. Sexual battery;
- 23 3. Robbery;
- 24 4. Kidnapping;
- 25 5. Aggravated child abuse;
- 26 6. Aggravated assault;
- 27 7. Aggravated stalking;
- 28 8. Murder;
- 29 9. Manslaughter;
- 30 10. Unlawful throwing, placing, or discharging of a
31 destructive device or bomb;

1 11. Armed burglary;
2 12. Aggravated battery;
3 13. Any lewd or lascivious offense committed upon or
4 in the presence of a person less than 16 years of age; or
5 14. Carrying, displaying, using, threatening, or
6 attempting to use a weapon or firearm during the commission of
7 a felony.
8 (b) The youth is at least 13 years of age at the time
9 of the disposition, the current offense is a felony, and the
10 child has previously been committed at least two times to a
11 delinquency commitment program.
12 (c) The youth is at least 13 years of age and is
13 currently committed for a felony offense and transferred from
14 a moderate-risk or high-risk residential commitment placement.
15 ~~(50)(49)~~ "Serious or habitual juvenile offender
16 program" means the program established in s. 985.31.
17 ~~(51)(50)~~ "Shelter" means a place for the temporary
18 care of a child who is alleged to be or who has been found to
19 be delinquent.
20 ~~(52)(51)~~ "Shelter hearing" means a hearing provided
21 for under s. 984.14 in family-in-need-of-services cases or
22 child-in-need-of-services cases.
23 ~~(53)(52)~~ "Staff-secure shelter" means a facility in
24 which a child is supervised 24 hours a day by staff members
25 who are awake while on duty. The facility is for the temporary
26 care and assessment of a child who has been found to be
27 dependent, who has violated a court order and been found in
28 contempt of court, or whom the Department of Children and
29 Family Services is unable to properly assess or place for
30 assistance within the continuum of services provided for
31 dependent children.

1 ~~(54)~~~~(53)~~ "Substance abuse" means using, without
2 medical reason, any psychoactive or mood-altering drug,
3 including alcohol, in such a manner as to induce impairment
4 resulting in dysfunctional social behavior.

5 ~~(55)~~~~(54)~~ "Taken into custody" means the status of a
6 child immediately when temporary physical control over the
7 child is attained by a person authorized by law, pending the
8 child's release, detention, placement, or other disposition as
9 authorized by law.

10 ~~(56)~~~~(55)~~ "Temporary legal custody" means the
11 relationship that a juvenile court creates between a child and
12 an adult relative of the child, adult nonrelative approved by
13 the court, or other person until a more permanent arrangement
14 is ordered. Temporary legal custody confers upon the custodian
15 the right to have temporary physical custody of the child and
16 the right and duty to protect, train, and discipline the child
17 and to provide the child with food, shelter, and education,
18 and ordinary medical, dental, psychiatric, and psychological
19 care, unless these rights and duties are otherwise enlarged or
20 limited by the court order establishing the temporary legal
21 custody relationship.

22 ~~(57)~~~~(56)~~ "Temporary release" means the terms and
23 conditions under which a child is temporarily released from a
24 residential commitment facility or allowed home visits. If the
25 temporary release is from a moderate-risk residential
26 facility, a high-risk residential facility, or a maximum-risk
27 residential facility, the terms and conditions of the
28 temporary release must be approved by the child, the court,
29 and the facility. The term includes periods during which the
30 child is supervised pursuant to a conditional release program
31 or a period during which the child is supervised by a juvenile

1 | probation officer or other nonresidential staff of the
2 | department or staff employed by an entity under contract with
3 | the department.

4 | ~~(58)~~~~(57)~~ "Training school" means one of the following
5 | facilities: the Arthur G. Dozier School or the Eckerd Youth
6 | Development Center.

7 | ~~(59)~~~~(58)~~ "Violation of law" or "delinquent act" means
8 | a violation of any law of this state, the United States, or
9 | any other state which is a misdemeanor or a felony or a
10 | violation of a county or municipal ordinance which would be
11 | punishable by incarceration if the violation were committed by
12 | an adult.

13 | ~~(60)~~~~(59)~~ "Waiver hearing" means a hearing provided for
14 | under s. 985.226(3).

15 | Section 2. Paragraph (d) of subsection (1) of section
16 | 985.207, Florida Statutes, is amended to read:

17 | 985.207 Taking a child into custody.--

18 | (1) A child may be taken into custody under the
19 | following circumstances:

20 | (d) By a law enforcement officer who has probable
21 | cause to believe that the child is in violation of the
22 | conditions of the child's probation, home detention,
23 | postcommitment probation, or conditional release supervision
24 | or has escaped in violation of s. 985.3141 ~~from commitment~~.

25 |
26 | Nothing in this subsection shall be construed to allow the
27 | detention of a child who does not meet the detention criteria
28 | in s. 985.215.

29 | Section 3. Subsection (1) of section 985.208, Florida
30 | Statutes, is amended to read:

31 |

1 985.208 Detention of escapee on authority of the
2 department.--

3 (1) If an authorized agent of the department has
4 reasonable grounds to believe that any delinquent child
5 committed to the department has escaped from a residential
6 commitment facility of the department or from being lawfully
7 transported thereto or therefrom, the agent may take the child
8 into active custody and may deliver the child to the facility
9 or, if it is closer, to a detention center for return to the
10 facility. However, a child may not be held in detention longer
11 than 24 hours, excluding Saturdays, Sundays, and legal
12 holidays, unless a special order so directing is made by the
13 judge after a detention hearing resulting in a finding that
14 detention is required based on the criteria in s. 985.215(2).
15 The order shall state the reasons for such finding. The
16 reasons shall be reviewable by appeal or in habeas corpus
17 proceedings in the district court of appeal.

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

21 985.231 Powers of disposition in delinquency cases.--

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

26 1. Place the child in a probation program or a
27 postcommitment probation program under the supervision of an
28 authorized agent of the Department of Juvenile Justice or of
29 any other person or agency specifically authorized and
30 appointed by the court, whether in the child's own home, in
31 the home of a relative of the child, or in some other suitable

1 place under such reasonable conditions as the court may
2 direct. A probation program for an adjudicated delinquent
3 child must include a penalty component such as restitution in
4 money or in kind, community service, a curfew, revocation or
5 suspension of the driver's license of the child, or other
6 nonresidential punishment appropriate to the offense and must
7 also include a rehabilitative program component such as a
8 requirement of participation in substance abuse treatment or
9 in school or other educational program. If the child is
10 attending or is eligible to attend public school and the court
11 finds that the victim or a sibling of the victim in the case
12 is attending or may attend the same school as the child, the
13 court placement order shall include a finding pursuant to the
14 proceedings described in s. 985.23(1)(d). Upon the
15 recommendation of the department at the time of disposition,
16 or subsequent to disposition pursuant to the filing of a
17 petition alleging a violation of the child's conditions of
18 postcommitment probation, the court may order the child to
19 submit to random testing for the purpose of detecting and
20 monitoring the use of alcohol or controlled substances.

21 a. A ~~restrictiveness~~ level classification scale for
22 levels of supervision shall be provided by the department,
23 taking into account the child's needs and risks relative to
24 probation supervision requirements to reasonably ensure the
25 public safety. Probation programs for children shall be
26 supervised by the department or by any other person or agency
27 specifically authorized by the court. These programs must
28 include, but are not limited to, structured or restricted
29 activities as described in this subparagraph, and shall be
30 designed to encourage the child toward acceptable and
31 functional social behavior. If supervision or a program of

1 | community service is ordered by the court, the duration of
2 | such supervision or program must be consistent with any
3 | treatment and rehabilitation needs identified for the child
4 | and may not exceed the term for which sentence could be
5 | imposed if the child were committed for the offense, except
6 | that the duration of such supervision or program for an
7 | offense that is a misdemeanor of the second degree, or is
8 | equivalent to a misdemeanor of the second degree, may be for a
9 | period not to exceed 6 months. When restitution is ordered by
10 | the court, the amount of restitution may not exceed an amount
11 | the child and the parent or guardian could reasonably be
12 | expected to pay or make. A child who participates in any work
13 | program under this part is considered an employee of the state
14 | for purposes of liability, unless otherwise provided by law.

15 | b. The court may conduct judicial review hearings for
16 | a child placed on probation for the purpose of fostering
17 | accountability to the judge and compliance with other
18 | requirements, such as restitution and community service. The
19 | court may allow early termination of probation for a child who
20 | has substantially complied with the terms and conditions of
21 | probation.

22 | c. If the conditions of the probation program or the
23 | postcommitment probation program are violated, the department
24 | or the state attorney may bring the child before the court on
25 | a petition alleging a violation of the program. Any child who
26 | violates the conditions of probation or postcommitment
27 | probation must be brought before the court if sanctions are
28 | sought. A child taken into custody under s. 985.207 for
29 | violating the conditions of probation or postcommitment
30 | probation shall be held in a consequence unit if such a unit
31 | is available. The child shall be afforded a hearing within 24

1 | hours after being taken into custody to determine the
2 | existence of probable cause that the child violated the
3 | conditions of probation or postcommitment probation. A
4 | consequence unit is a secure facility specifically designated
5 | by the department for children who are taken into custody
6 | under s. 985.207 for violating probation or postcommitment
7 | probation, or who have been found by the court to have
8 | violated the conditions of probation or postcommitment
9 | probation. If the violation involves a new charge of
10 | delinquency, the child may be detained under s. 985.215 in a
11 | facility other than a consequence unit. If the child is not
12 | eligible for detention for the new charge of delinquency, the
13 | child may be held in the consequence unit pending a hearing
14 | and is subject to the time limitations specified in s.
15 | 985.215. If the child denies violating the conditions of
16 | probation or postcommitment probation, the court shall appoint
17 | counsel to represent the child at the child's request. Upon
18 | the child's admission, or if the court finds after a hearing
19 | that the child has violated the conditions of probation or
20 | postcommitment probation, the court shall enter an order
21 | revoking, modifying, or continuing probation or postcommitment
22 | probation. In each such case, the court shall enter a new
23 | disposition order and, in addition to the sanctions set forth
24 | in this paragraph, may impose any sanction the court could
25 | have imposed at the original disposition hearing. If the child
26 | is found to have violated the conditions of probation or
27 | postcommitment probation, the court may:

28 | (I) Place the child in a consequence unit in that
29 | judicial circuit, if available, for up to 5 days for a first
30 | violation, and up to 15 days for a second or subsequent
31 | violation.

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

4 (III) Modify or continue the child's probation program
5 or postcommitment probation program.

6 (IV) Revoke probation or postcommitment probation and
7 commit the child to the department.

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

13 2. Commit the child to a licensed child-caring agency
14 willing to receive the child, but the court may not commit the
15 child to a jail or to a facility used primarily as a detention
16 center or facility or shelter.

17 3. Commit the child to the department ~~of Juvenile~~
18 ~~Justice~~ at a restrictiveness residential commitment level
19 defined in s. 985.03. Such commitment must be for the purpose
20 of exercising active control over the child, including, but
21 not limited to, custody, care, training, urine monitoring, and
22 treatment of the child and release of the child from
23 residential commitment into the community in a postcommitment
24 nonresidential conditional release program. If the child is
25 eligible to attend public school following ~~residential~~
26 commitment and the court finds that the victim or a sibling of
27 the victim in the case is or may be attending the same school
28 as the child, the commitment order shall include a finding
29 pursuant to the proceedings described in s. 985.23(1)(d). If
30 the child is not successful in the conditional release
31 program, the department may use the transfer procedure under

1 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
2 except as provided in s. 985.31, the term of the commitment
3 must be until the child is discharged by the department or
4 until he or she reaches the age of 21.

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

7 5. Require the child and, if the court finds it
8 appropriate, the child's parent or guardian together with the
9 child, to render community service in a public service
10 program.

11 6. As part of the probation program to be implemented
12 by the Department of Juvenile Justice, or, in the case of a
13 committed child, as part of the community-based sanctions
14 ordered by the court at the disposition hearing or before the
15 child's release from commitment, order the child to make
16 restitution in money, through a promissory note cosigned by
17 the child's parent or guardian, or in kind for any damage or
18 loss caused by the child's offense in a reasonable amount or
19 manner to be determined by the court. The clerk of the circuit
20 court shall be the receiving and dispensing agent. In such
21 case, the court shall order the child or the child's parent or
22 guardian to pay to the office of the clerk of the circuit
23 court an amount not to exceed the actual cost incurred by the
24 clerk as a result of receiving and dispensing restitution
25 payments. The clerk shall notify the court if restitution is
26 not made, and the court shall take any further action that is
27 necessary against the child or the child's parent or guardian.
28 A finding by the court, after a hearing, that the parent or
29 guardian has made diligent and good faith efforts to prevent
30 the child from engaging in delinquent acts absolves the parent
31

1 or guardian of liability for restitution under this
2 subparagraph.

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

8 8. Commit the child to the Department of Juvenile
9 Justice for placement in a program or facility for serious or
10 habitual juvenile offenders in accordance with s. 985.31. Any
11 commitment of a child to a program or facility for serious or
12 habitual juvenile offenders must be for an indeterminate
13 period of time, but the time may not exceed the maximum term
14 of imprisonment that an adult may serve for the same offense.
15 The court may retain jurisdiction over such child until the
16 child reaches the age of 21, specifically for the purpose of
17 the child completing the program.

18 9. In addition to the sanctions imposed on the child,
19 order the parent or guardian of the child to perform community
20 service if the court finds that the parent or guardian did not
21 make a diligent and good faith effort to prevent the child
22 from engaging in delinquent acts. The court may also order the
23 parent or guardian to make restitution in money or in kind for
24 any damage or loss caused by the child's offense. The court
25 shall determine a reasonable amount or manner of restitution,
26 and payment shall be made to the clerk of the circuit court as
27 provided in subparagraph 6.

28 10. Subject to specific appropriation, commit the
29 juvenile sexual offender to the Department of Juvenile Justice
30 for placement in a program or facility for juvenile sexual
31 offenders in accordance with s. 985.308. Any commitment of a

1 juvenile sexual offender to a program or facility for juvenile
2 sexual offenders must be for an indeterminate period of time,
3 but the time may not exceed the maximum term of imprisonment
4 that an adult may serve for the same offense. The court may
5 retain jurisdiction over a juvenile sexual offender until the
6 juvenile sexual offender reaches the age of 21, specifically
7 for the purpose of completing the program.

8 (d) Any commitment of a delinquent child to the
9 Department of Juvenile Justice must be for an indeterminate
10 period of time, which may include periods of temporary
11 release; however, but the period of time may not exceed the
12 maximum term of imprisonment that an adult may serve for the
13 same offense, except that the duration of a minimum-risk,
14 nonresidential commitment for an offense that is a misdemeanor
15 of the second degree, or is equivalent to a misdemeanor of the
16 second degree, may be for a period not to exceed 6 months. The
17 duration of the child's placement in a ~~residential~~ commitment
18 program of any restrictiveness level shall be based on
19 objective performance-based treatment planning. The child's
20 treatment plan progress and adjustment-related issues shall be
21 reported to the court quarterly, unless the court requests
22 monthly reports each month. The child's length of stay in a
23 ~~residential~~ commitment program may be extended if the child
24 fails to comply with or participate in treatment activities.
25 The child's length of stay in such program shall not be
26 extended for purposes of sanction or punishment. Any temporary
27 release from such program must be approved by the court. Any
28 child so committed may be discharged from institutional
29 confinement or a program upon the direction of the department
30 with the concurrence of the court. The child's treatment plan
31 progress and adjustment-related issues must be communicated to

1 | the court at the time the department requests the court to
2 | consider releasing the child from the ~~residential~~ commitment
3 | program. Notwithstanding s. 743.07 and this subsection, and
4 | except as provided in ss. 985.201 and 985.31, a child may not
5 | be held under a commitment from a court under ~~pursuant to~~ this
6 | section after becoming 21 years of age. The department shall
7 | give the court that committed the child to the department
8 | reasonable notice, in writing, of its desire to discharge the
9 | child from a commitment facility. The court that committed the
10 | child may thereafter accept or reject the request. If the
11 | court does not respond within 10 days after receipt of the
12 | notice, the request of the department shall be deemed granted.
13 | This section does not limit the department's authority to
14 | revoke a child's temporary release status and return the child
15 | to a commitment facility for any violation of the terms and
16 | conditions of the temporary release.

17 | (2) Following a delinquency adjudicatory hearing
18 | pursuant to s. 985.228 and a delinquency disposition hearing
19 | pursuant to s. 985.23 which results in a commitment
20 | determination, the court shall, on its own or upon request by
21 | the state or the department, determine whether the protection
22 | of the public requires that the child be placed in a program
23 | for serious or habitual juvenile offenders and whether the
24 | particular needs of the child would be best served by a
25 | program for serious or habitual juvenile offenders as provided
26 | in s. 985.31. The determination shall be made pursuant to ss.
27 | 985.03(49) ~~ss. 985.03(48)~~ and 985.23(3).

28 | Section 5. Paragraph (a) of subsection (1) of section
29 | 985.2311, Florida Statutes, is amended to read:

30 | 985.2311 Cost of supervision; cost of care.--
31 |

1 (1) Except as provided in subsection (3) or subsection
2 (4):

3 (a) When any child is placed into home detention,
4 probation, or other supervision status with the Department of
5 Juvenile Justice, or is committed to the minimum-risk,
6 nonresidential restrictiveness level, the court shall order
7 the parent of such child to pay to the department a fee for
8 the cost of the supervision of such child in the amount of \$1
9 per day for each day that the child is in such ~~supervision~~
10 status.

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

13 985.316 Conditional release.--

14 (3) For juveniles referred or committed to the
15 department, the function of the department may include, but
16 shall not be limited to, assessing each ~~committed~~ juvenile
17 placed in a residential commitment program to determine the
18 need for conditional release services upon release from the a
19 ~~commitment~~ program, supervising the juvenile when released
20 into the community from a residential commitment facility of
21 the department, providing such counseling and other services
22 as may be necessary for the families and assisting their
23 preparations for the return of the child. Subject to specific
24 appropriation, the department shall provide for outpatient
25 sexual offender counseling for any juvenile sexual offender
26 released from a commitment program as a component of
27 conditional release.

28 Section 7. Section 985.403, Florida Statutes, is
29 repealed.

30 Section 8. Task force on juvenile sexual offenders and
31 their victims.--

1 (1) On or before August 1, 2005, the Department of
2 Juvenile Justice shall create a task force to review and
3 evaluate the state's laws that address juvenile sex offenders
4 and the department's practices and procedures for serving
5 these offenders and their victims. The task force shall make
6 findings that include, but are not limited to, a profile of
7 this state's juvenile sex offenders and of dispositions
8 received by those offenders, identification of statutes that
9 address these offenders, identification of community-based and
10 commitment programming available for these offenders and of
11 such programming's effectiveness, the appropriateness and
12 rehabilitative efficacy of placing these offenders in
13 residential commitment programs, and identification of
14 qualifications required for staff who serve these offenders.
15 Based on its findings, the task force shall make
16 recommendations for how the state's laws, policies, programs,
17 and funding for juvenile sexual offenders may be improved.

18 (2) The Secretary of Juvenile Justice, or his or her
19 designee, shall appoint up to 12 members to the task force.
20 The task force shall be composed of representatives who shall
21 include, but are not limited to, the following: a circuit
22 court judge with at least 1 year's experience in the juvenile
23 division, a state attorney with at least 1 year's experience
24 in the juvenile division, a public defender with at least 1
25 year's experience in the juvenile division, one representative
26 of the Department of Juvenile Justice, two representatives of
27 providers of juvenile sexual offender services, one member of
28 the Florida Juvenile Justice Association, one licensed sex
29 offender therapist, and one victim of a juvenile sexual
30 offense.

31

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

5 (4) Administrative support for the task force shall be
6 provided by the Department of Juvenile Justice. Members of the
7 task force shall receive no salary from the state beyond the
8 salary already received from their sponsoring agency, if any,
9 and are not entitled to reimbursement for travel and per diem
10 expenses.

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

13 Section 9. Task Force to study certification for
14 juvenile justice provider staff.--

15 (1) On or before August 1, 2005, the Department of
16 Juvenile Justice shall create a task force to study the
17 feasibility of establishing a certification process for staff
18 employed by a provider under contract with the Department of
19 Juvenile Justice to provide juvenile justice services to
20 youth.

21 (2) The Secretary of Juvenile Justice, or his or her
22 designee, shall appoint up to 12 members to the task force.
23 The task force shall be composed of representatives who shall
24 include, but are not limited to, the following: two
25 representatives of the Department of Juvenile Justice, two
26 representatives of providers of juvenile justice services, two
27 members of the Florida Juvenile Justice Association, and two
28 representatives of the Florida Certification Board.

29 (3) The task force shall consider the feasibility of
30 implementing and operating a certification system for staff
31 who work in juvenile justice facilities, services, or

1 programs. At a minimum, the task force shall consider, and
2 make recommendations concerning, the occupational levels of
3 staff subject to certification, the criteria that may be used
4 to certify staff, the levels of certification, and a process
5 for testing and validating the effectiveness of any
6 recommended staff certification system. In making its
7 recommendations, the task force shall make findings regarding
8 the benefits of a staff certification system for this state's
9 juvenile justice programming and the cost to implement such a
10 system.

11 (4) The task force shall submit a written report of
12 its findings and recommendations to the Governor, the
13 President of the Senate, and the Speaker of the House of
14 Representatives by January 1, 2006.

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

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

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

25 985.4135 Juvenile justice circuit boards and juvenile
26 justice county councils.--

27 (10) Membership of the juvenile justice county
28 councils, or juvenile justice circuit boards established under
29 subsection (9), ~~may~~ must include representatives from the
30 following entities:
31

1 (a) Representatives from the school district, which
2 may include elected school board officials, the school
3 superintendent, school or district administrators, teachers,
4 and counselors.

5 (b) Representatives of the board of county
6 commissioners.

7 (c) Representatives of the governing bodies of local
8 municipalities within the county.

9 (d) A representative of the corresponding circuit or
10 regional entity of the Department of Children and Family
11 Services.

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

14 (f) Representatives of the judicial system.

15 (g) Representatives of the business community.

16 (h) Representatives of other interested officials,
17 groups, or entities, including, but not limited to, a
18 children's services council, public or private providers of
19 juvenile justice programs and services, students, parents, and
20 advocates. Private providers of juvenile justice programs may
21 not exceed one-third of the voting membership.

22 (i) Representatives of the faith community.

23 (j) Representatives of victim-service programs and
24 victims of crimes.

25 (k) Representatives of the Department of Corrections.

26 Section 11. Section 784.075, Florida Statutes, is
27 amended to read:

28 784.075 Battery on detention or commitment facility
29 staff or a juvenile probation officer.--A person who commits a
30 battery on a juvenile probation officer, as defined in s.
31 984.03 or s. 985.03, on other staff of a detention center or

1 facility as defined in s. 984.03(19) or s. 985.03(20) ~~s.~~
2 ~~985.03(19)~~, or on a staff member of a commitment facility as
3 defined in s. 985.03(46) ~~s. 985.03(45)~~, commits a felony of
4 the third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084. For purposes of this section, a staff
6 member of the facilities listed includes persons employed by
7 the Department of Juvenile Justice, persons employed at
8 facilities licensed by the Department of Juvenile Justice, and
9 persons employed at facilities operated under a contract with
10 the Department of Juvenile Justice.

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

13 985.231 Powers of disposition in delinquency cases.--

14 (2) Following a delinquency adjudicatory hearing
15 pursuant to s. 985.228 and a delinquency disposition hearing
16 pursuant to s. 985.23 which results in a commitment
17 determination, the court shall, on its own or upon request by
18 the state or the department, determine whether the protection
19 of the public requires that the child be placed in a program
20 for serious or habitual juvenile offenders and whether the
21 particular needs of the child would be best served by a
22 program for serious or habitual juvenile offenders as provided
23 in s. 985.31. The determination shall be made pursuant to ss.
24 985.03(49) ~~ss. 985.03(48)~~ and 985.23(3).

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

28 985.31 Serious or habitual juvenile offender.--

29 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
30 TREATMENT.--

31

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

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

8 (a) Pursuant to the provisions of this section, the
9 department shall implement the comprehensive assessment
10 instrument for the treatment needs of serious or habitual
11 juvenile offenders and for the assessment, which assessment
12 shall include the criteria under s. 985.03(49) ~~s. 985.03(48)~~
13 and shall also include, but not be limited to, evaluation of
14 the child's:

- 15 1. Amenability to treatment.
- 16 2. Proclivity toward violence.
- 17 3. Tendency toward gang involvement.
- 18 4. Substance abuse or addiction and the level thereof.
- 19 5. History of being a victim of child abuse or sexual
20 abuse, or indication of sexual behavior dysfunction.
- 21 6. Number and type of previous adjudications, findings
22 of guilt, and convictions.
- 23 7. Potential for rehabilitation.

24 Section 14. Section 985.3141, Florida Statutes, is
25 amended to read:

26 985.3141 Escapes from secure detention or residential
27 commitment facility.--An escape from:

28 (1) Any secure detention facility maintained for the
29 temporary detention of children, pending adjudication,
30 disposition, or placement;

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

5 (3) Lawful transportation to or from any such secure
6 detention facility or residential commitment facility,
7
8 constitutes escape within the intent and meaning of s. 944.40
9 and is a felony of the third degree, punishable as provided in
10 s. 775.082, s. 775.083, or s. 775.084.

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

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- 1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1978
- 4 - Classifies day treatment programs as a minimum-risk
5 non-residential level of commitment, rather than a
6 probation option.
- 6 - Provides that the period of commitment for juveniles
7 placed in the minimum-risk non-residential level may last
8 up to six months for second degree misdemeanors.
- 8 - Requires parents to pay \$1 for each day that their child
9 is in the minimum-risk non-residential level in
10 conformity with current fee requirements for home
11 detention and probation status.
- 10 - Allows the membership of juvenile justice county councils
11 and circuit boards to consist of specified types of
12 representation (rather than mandate it as in current
13 law).
- 13 - Deletes the following provisions in the bill:
- 14 - The statutory definition of "intensive delinquency
15 diversion program" (IDDP) and "independent living."
- 16 - Bringing or possessing unauthorized food in a
17 juvenile detention facility or commitment program
18 would no longer be considered "contraband" under s.
19 985.4046, F.S.
- 18 - Legislative intent language for the DJJ's
19 contracting powers when delivering services to
20 juveniles.
- 20 - Prohibiting quality assurance standards from
21 changing more often than every three years.
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