

By Senator Wise

5-1217-05

1 A bill to be entitled
2 An act relating to juvenile justice;
3 redesignating parts I, II, III, IV, and V of
4 ch. 985, F.S.; creating parts VI, VII, VIII,
5 IX, X, XI, XII, and XIII of ch. 985, F.S.;
6 transferring, renumbering, and amending s.
7 985.01, F.S.; deleting requirements for
8 personnel standards and screening;
9 transferring, renumbering, and amending s.
10 985.02, F.S., relating to legislative intent;
11 conforming a cross-reference; transferring,
12 renumbering, and amending s. 985.03, F.S.,
13 relating to definitions; conforming provisions
14 to changes made by the reorganization of ch.
15 985, F.S.; transferring, renumbering, and
16 amending s. 985.201, F.S.; specifying the
17 jurisdiction of the court with respect to a
18 child alleged to have committed a delinquent
19 act or violation of law; transferring and
20 renumbering s. 985.202, F.S., relating to legal
21 representation for delinquency cases;
22 transferring, renumbering, and amending s.
23 985.203, F.S., relating to the right to
24 counsel; conforming a cross-reference;
25 transferring and renumbering s. 985.205, F.S.,
26 relating to hearings; transferring,
27 renumbering, and amending s. 985.206, F.S.;
28 authorizing the release of a juvenile offense
29 report to the victim of the offense;
30 transferring, renumbering, and amending s.
31 985.216, F.S., relating to punishment for

1 contempt of court; conforming provisions to the
2 reorganization of ch. 985, F.S.; transferring
3 and renumbering s. 985.2311, F.S., relating to
4 the cost of supervision and care; transferring,
5 renumbering, and amending s. 985.04, F.S.;
6 providing requirements for oaths, records, and
7 confidential information obtained by the
8 Department of Juvenile Justice, the Parole
9 Commission, the Department of Corrections,
10 juvenile justice circuit boards, law
11 enforcement agencies, and licensed
12 professionals or agencies; transferring,
13 renumbering, and amending s. 985.05, F.S.,
14 relating to court records; conforming
15 cross-references; transferring and renumbering
16 ss. 985.06 and 985.08, F.S., relating to
17 information systems; transferring, renumbering,
18 and amending s. 985.207, F.S., relating to the
19 custody of children; prohibiting placing a
20 child into a vehicle containing an adult under
21 arrest; conforming cross-references;
22 transferring and renumbering s. 985.2075, F.S.,
23 relating to youth custody officers;
24 transferring, renumbering, and amending s.
25 985.212, F.S., relating to fingerprinting and
26 photographing children; conforming a
27 cross-reference; transferring, renumbering, and
28 amending s. 985.211, F.S.; revising
29 requirements for the release or delivery of a
30 child taken into custody; transferring,
31 renumbering, and amending s. 985.301, F.S.,

1 relating to civil citations; conforming a
2 cross-reference; transferring and renumbering
3 s. 985.3065, F.S., relating to prearrest or
4 postarrest diversion programs; creating s.
5 985.3307, F.S.; providing for filing probable
6 cause affidavits; transferring and renumbering
7 s. 985.209, F.S., relating to juvenile
8 assessment centers; transferring, renumbering,
9 and amending s. 985.21, F.S.; providing
10 requirements for an intake and case-management
11 system; conforming provisions to the
12 reorganization of ch. 985, F.S.; creating s.
13 985.33212, F.S.; specifying the
14 responsibilities of the juvenile probation
15 officer during intake; providing requirements
16 for screenings and assessments; creating s.
17 985.33213, F.S.; providing requirements for the
18 state attorney with respect to filing petitions
19 and other actions; transferring and renumbering
20 s. 985.303, F.S., relating to neighborhood
21 restorative justice centers; transferring,
22 renumbering, and amending s. 985.304, F.S.,
23 relating to community arbitration; conforming a
24 cross-reference; transferring, renumbering, and
25 amending s. 985.224, F.S.; providing
26 requirements for the intake and case-management
27 system; requiring certain evaluations
28 concerning a youth having multiple arrests;
29 transferring, renumbering, and amending s.
30 985.229, F.S.; revising requirements for
31 evaluations; transferring and renumbering ss.

1 985.223 and 985.418, F.S., relating to
2 incompetency to proceed and transferals to
3 other treatment services; transferring,
4 renumbering, and amending s. 985.213, F.S.;
5 prohibiting the use of detention for certain
6 purposes; repealing s. 985.214, F.S., relating
7 to prohibited uses of detention; creating s.
8 985.5213, F.S.; providing requirements for risk
9 assessment; conforming provisions to the
10 reorganization of ch. 985, F.S.; transferring,
11 renumbering, and amending s. 985.215, F.S.;
12 providing requirements for detention intake;
13 creating s. 985.52152, F.S.; providing criteria
14 for detention; providing for detention
15 hearings; creating ss. 985.52155, 985.53215,
16 985.56215, and 985.57215, F.S.; providing
17 requirements for the length of time for
18 detaining a child before an adjudicatory
19 hearing or release, the cost of detention care,
20 and postcommitment detention; conforming
21 provisions to the reorganization of ch. 985,
22 F.S.; transferring, renumbering, and amending
23 s. 985.208, F.S., relating to the detention of
24 an escapee; conforming a cross-reference;
25 transferring and renumbering s. 985.218, F.S.,
26 relating to petitions; transferring,
27 renumbering, and amending s. 985.219, F.S.,
28 relating to process and service; conforming
29 provisions to the reorganization of ch. 985,
30 F.S.; transferring, renumbering, and amending
31 s. 985.22, F.S., relating to threatening or

1 dismissing an employee; conforming
2 cross-references; transferring and renumbering
3 ss. 985.221, 985.222, and 985.306, F.S.,
4 relating to court and witness fees, petitions,
5 and pretrial intervention programs;
6 transferring, renumbering, and amending s.
7 985.228, F.S., relating to adjudicatory
8 hearings; conforming cross-references; creating
9 s. 985.7229, F.S.; providing requirements for
10 predisposition reports and other evaluations;
11 conforming provisions to the reorganization of
12 ch. 985, F.S.; transferring, renumbering, and
13 amending s. 985.23, F.S.; revising requirements
14 for disposition hearings in delinquency cases;
15 transferring, renumbering, and amending s.
16 985.231, F.S.; providing for probation and
17 postcommitment probation; providing
18 requirements for community service; creating
19 ss. 985.72311, 985.72312, and 985.72313, F.S.;
20 providing requirements for restitution orders,
21 violations of probation and postcommitment
22 probation, and commitment; conforming
23 provisions to the reorganization of ch. 985,
24 F.S.; transferring and renumbering s. 985.232,
25 F.S., relating to commitment forms; creating
26 ss. 985.72314, 985.72315, and 985.72316, F.S.;
27 providing requirements for disposition of cases
28 involving grand theft and other dispositional
29 issues; conforming provisions to the
30 reorganization of ch. 985, F.S.; transferring,
31 renumbering, and amending s. 985.316, F.S.,

1 relating to conditional release; conforming a
2 cross-reference; transferring, renumbering, and
3 amending s. 985.313, F.S.; revising
4 requirements for the court's jurisdiction over
5 a child; transferring, renumbering, and
6 amending s. 985.31, F.S.; providing procedures
7 for the commitment and treatment of a serious
8 or habitual juvenile offender; creating s.
9 985.74231, F.S.; providing procedures for the
10 commitment and treatment of a juvenile sexual
11 offender; conforming provisions to the
12 reorganization of ch. 985, F.S.; transferring
13 and renumbering s. 985.308, F.S., relating to
14 juvenile sexual offender commitment programs;
15 transferring, renumbering, and amending s.
16 985.311, F.S.; providing procedures for the
17 intensive residential treatment of offenders
18 younger than a specified age; transferring,
19 renumbering, and amending s. 985.312, F.S.,
20 relating to intensive residential treatment
21 programs; conforming a cross-reference;
22 transferring, renumbering, and amending ss.
23 985.309 and 985.314, F.S., relating to a boot
24 camp program and other commitment programs;
25 conforming cross-references; creating s.
26 985.8203, F.S.; requiring payment of the costs
27 of representing a child; transferring and
28 renumbering s. 985.204, F.S., relating to court
29 orders for counseling; creating s. 985.8231,
30 F.S.; specifying the powers of the court with
31 respect to the parent or guardian of a child

1 who is adjudicated delinquent; creating s.
2 985.8233, F.S.; requiring the parent or
3 guardian to pay the costs of care of a child
4 placed with the Department of Juvenile Justice;
5 transferring and renumbering ss. 985.234,
6 985.235, and 985.236, F.S., relating to
7 appeals; transferring, renumbering, and
8 amending ss. 985.226, 985.227, and 985.225,
9 F.S., relating to the voluntary and involuntary
10 waiver of juvenile court jurisdiction, direct
11 filing of an information, and indictments;
12 conforming cross-references; transferring,
13 renumbering, and amending s. 985.233, F.S.,
14 relating to sentencing procedures; conforming
15 provisions to the reorganization of ch. 985,
16 F.S.; creating s. 985.9133, F.S.; providing
17 procedures for the department to recoup the
18 cost of care of a juvenile; transferring and
19 renumbering s. 985.417, F.S., relating to the
20 transfer of children from the Department of
21 Corrections to the Department of Juvenile
22 Justice; transferring, renumbering, and
23 amending s. 985.404, F.S., relating to the
24 juvenile justice continuum; conforming
25 provisions to the reorganization of ch. 985,
26 F.S.; transferring, renumbering, and amending
27 ss. 985.3045 and 985.3046, F.S., relating to
28 prevention service programs; conforming
29 cross-references; transferring and renumbering
30 ss. 985.305 and 985.2066, F.S., relating to
31 early delinquency intervention programs and

1 interagency cooperation; transferring,
2 renumbering, and amending s. 985.315, F.S.,
3 relating to educational and career-related
4 programs; conforming a cross-reference;
5 transferring and renumbering s. 985.3155, F.S.,
6 relating to multiagency plans for vocational
7 education; transferring, renumbering, and
8 amending s. 985.317, F.S., relating to literacy
9 programs for juvenile offenders; conforming a
10 cross-reference; transferring and renumbering
11 ss. 985.419, 985.412, 985.42, and 985.405,
12 F.S., relating to contracts for the transfer of
13 children in federal custody, quality assurance,
14 inspections, and rules; transferring,
15 renumbering, and amending s. 985.407, F.S.,
16 relating to contracting powers of the
17 department; conforming provisions to the
18 reorganization of ch. 985, F.S.; transferring
19 and renumbering ss. 985.408 and 985.409, F.S.,
20 relating to the hiring of consultants by the
21 department and certain programs in the State
22 Risk Management Trust Fund; transferring,
23 renumbering, and amending ss. 985.406 and
24 985.4135, F.S., relating to juvenile justice
25 training academies and juvenile justice circuit
26 boards and county councils; conforming
27 cross-references; transferring and renumbering
28 ss. 985.416 and 985.4145, F.S., relating to
29 innovation zones and direct-support
30 organizations; transferring, renumbering, and
31 amending s. 985.415, F.S., relating to

1 community juvenile justice partnership grants;
2 conforming cross-references; transferring and
3 renumbering ss. 985.403, 985.41, and 985.2155,
4 F.S., relating to the Task Force on Juvenile
5 Sexual Offenders and their Victims, the siting
6 of facilities, and shared county and state
7 responsibility for juvenile detention;
8 transferring, renumbering, and amending s.
9 985.411, F.S., relating to county and municipal
10 delinquency programs; conforming a
11 cross-reference; transferring and renumbering
12 ss. 985.4075, 985.4041, 985.4042, 985.4045, and
13 985.4046, F.S., relating to startup funding for
14 juvenile justice programs, the Juvenile Welfare
15 Trust Fund, the Juvenile Care and Maintenance
16 Trust Fund, and activities prohibited on the
17 grounds of a juvenile detention facility or
18 commitment program; transferring, renumbering,
19 and amending s. 985.3141, F.S., relating to
20 escapees from detention; conforming a
21 cross-reference; transferring and renumbering
22 ss. 985.2065, 985.501, 985.502, 985.503,
23 985.504, 985.505, 985.506, and 985.507, F.S.,
24 relating to minor runaways and the Interstate
25 Compact on Juveniles; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29
30
31

1 Section 1. The provisions of chapter 985, Florida
2 Statutes, are substantially reorganized and renumbered or
3 redesignated as follows:

4 (1) Chapter 985 is retitled "JUVENILE JUSTICE;
5 INTERSTATE COMPACT ON JUVENILES."

6 (2) Part I of chapter 985, Florida Statutes,
7 consisting of ss. 985.001, 985.002, 985.003, 985.0201,
8 985.0202, 985.0203, 985.0205, 985.0206, 985.0216, and
9 985.0217, is retitled "GENERAL PROVISIONS."

10 (3) Part II of chapter 985, Florida Statutes,
11 consisting of sections 985.2104, 985.2105, 985.2106, and
12 985.2108, Florida Statutes, is retitled as "RECORDS AND
13 INFORMATION."

14 (4) Part III of chapter 985, Florida Statutes,
15 consisting of sections 985.3207, 985.32075, 985.3212,
16 985.32211, 985.3301, 985.33065, 985.3307, 985.33209, 985.3321,
17 985.33212, 985.33213, 985.33303, and 985.33304, is retitled as
18 "CUSTODY AND INTAKE; INTERVENTION AND DIVERSION."

19 (5) Part IV of chapter 985, Florida Statutes,
20 consisting of sections 985.4224, 985.4229, 985.44223, and
21 985.44418, is retitled as "EXAMINATIONS AND EVALUATIONS."

22 (6) Part V of chapter 985, Florida Statutes,
23 consisting of sections 985.50213, 985.5213, 985.5215,
24 985.52152, 985.52155, 985.53215, 985.56215, 985.57215, and
25 985.58208, is retitled "DETENTION."

26 (7) Part VI of chapter 985, Florida Statutes,
27 consisting of ss. 985.6218, 985.6219, 985.622, 985.6221,
28 985.6222, 985.6306, and 985.66228, is created and entitled
29 "PETITION, ARRAIGNMENT, AND ADJUDICATION."

30 (8) Part VII of chapter 985, Florida Statutes,
31 consisting of sections 985.7229, 985.723, 985.7231, 985.72311,

1 985.72312, 985.72313, 985.723132, 985.72314, 985.72315,
2 985.72316, 985.7316, 985.73313, 985.73331, 985.74231,
3 985.74308, 985.75311, 985.76312, 985.77309, and 985.78314, is
4 created and entitled "DISPOSITION; POSTDISPOSITION."
5 (9) Part VIII of chapter 985, Florida Statutes,
6 consisting of sections 985.8203, 985.8204, 985.8231, and
7 985.8233, is created and entitled "AUTHORITY OF THE COURT OVER
8 PARENTS OR GUARDIANS."
9 (10) Part IX of chapter 985, Florida Statutes,
10 consisting of sections 985.90234, 985.90235, and 985.90236, is
11 created and entitled "APPEAL."
12 (11) Part X of chapter 985, Florida Statutes,
13 consisting of sections 985.91226, 985.91227, 985.91228,
14 985.91233, 985.9133, and 985.913417, is created and entitled
15 "TRANSFER TO ADULT COURT."
16 (12) Part XI of chapter 985, Florida Statutes,
17 consisting of sections 985.94, 985.9405, 985.9406, 985.9415,
18 985.9416, 985.94315, 985.943155, 985.94317, 985.94319,
19 985.94412, 985.9442, 985.9445, 985.9447, 985.9448, 985.9449,
20 985.946, 985.94635, 985.94636, 985.94745, 985.9475, 985.9483,
21 985.94841, 985.948411, 985.948412, 985.948475, 985.948541, and
22 985.948542, is created and entitled "DEPARTMENT OF JUVENILE
23 JUSTICE."
24 (13) Part XII of chapter 985, Florida Statutes,
25 consisting of sections 985.95045, 985.95046, 985.953141, and
26 985.95365, is created and entitled "MISCELLANEOUS OFFENSES."
27 (14) Part XIII of chapter 985, Florida Statutes,
28 consisting of sections 985.9601, 985.9602, 985.9603, 985.9604,
29 985.9605, 985.9606, and 985.9607, is created and entitled
30 "INTERSTATE COMPACT ON JUVENILES."
31

1 Section 2. Section 985.01, Florida Statutes, is
2 transferred, renumbered as section 985.001, Florida Statutes,
3 and amended to read:

4 985.001 ~~985.01~~ Purposes and intent; ~~personnel~~
5 ~~standards and screening.~~--

6 (1) The purposes of this chapter are:

7 (a) To provide judicial and other procedures to assure
8 due process through which children and other interested
9 parties are assured fair hearings by a respectful and
10 respected court or other tribunal and the recognition,
11 protection, and enforcement of their constitutional and other
12 legal rights, while ensuring that public safety interests and
13 the authority and dignity of the courts are adequately
14 protected.

15 (b) To provide for the care, safety, and protection of
16 children in an environment that fosters healthy social,
17 emotional, intellectual, and physical development; to ensure
18 secure and safe custody; and to promote the health and
19 well-being of all children under the state's care.

20 (c) To ensure the protection of society, by providing
21 for a comprehensive standardized assessment of the child's
22 needs so that the most appropriate control, discipline,
23 punishment, and treatment can be administered consistent with
24 the seriousness of the act committed, the community's
25 long-term need for public safety, the prior record of the
26 child, and the specific rehabilitation needs of the child,
27 while also providing whenever possible restitution to the
28 victim of the offense.

29 (d) To preserve and strengthen the child's family ties
30 whenever possible, by providing for removal of the child from
31 parental custody only when his or her welfare or the safety

1 and protection of the public cannot be adequately safeguarded
2 without such removal; and, when the child is removed from his
3 or her own family, to secure custody, care, and discipline for
4 the child as nearly as possible equivalent to that which
5 should have been given by the parents; and to assure, in all
6 cases in which a child must be permanently removed from
7 parental custody, that the child be placed in an approved
8 family home, adoptive home, independent living program, or
9 other placement that provides the most stable and permanent
10 living arrangement for the child, as determined by the court.

11 (e)1. To assure that the adjudication and disposition
12 of a child alleged or found to have committed a violation of
13 Florida law be exercised with appropriate discretion and in
14 keeping with the seriousness of the offense and the need for
15 treatment services, and that all findings made under this
16 chapter be based upon facts presented at a hearing that meets
17 the constitutional standards of fundamental fairness and due
18 process.

19 2. To assure that the sentencing and placement of a
20 child tried as an adult be appropriate and in keeping with the
21 seriousness of the offense and the child's need for
22 rehabilitative services, and that the proceedings and
23 procedures applicable to such sentencing and placement be
24 applied within the full framework of constitutional standards
25 of fundamental fairness and due process.

26 (f) To provide children committed to the Department of
27 Juvenile Justice with training in life skills, including
28 career education.

29 ~~(2) The Department of Juvenile Justice or the~~
30 ~~Department of Children and Family Services, as appropriate,~~
31 ~~may contract with the Federal Government, other state~~

1 ~~departments and agencies, county and municipal governments and~~
2 ~~agencies, public and private agencies, and private individuals~~
3 ~~and corporations in carrying out the purposes of, and the~~
4 ~~responsibilities established in, this chapter.~~

5 ~~(a) When the Department of Juvenile Justice or the~~
6 ~~Department of Children and Family Services contracts with a~~
7 ~~provider for any program for children, all personnel,~~
8 ~~including owners, operators, employees, and volunteers, in the~~
9 ~~facility must be of good moral character. Each contract~~
10 ~~entered into by either department for services delivered on an~~
11 ~~appointment or intermittent basis by a provider that does not~~
12 ~~have regular custodial responsibility for children and each~~
13 ~~contract with a school for before or aftercare services must~~
14 ~~ensure that the owners, operators, and all personnel who have~~
15 ~~direct contact with children are of good moral character. A~~
16 ~~volunteer who assists on an intermittent basis for less than~~
17 ~~40 hours per month need not be screened if the volunteer is~~
18 ~~under direct and constant supervision by persons who meet the~~
19 ~~screening requirements.~~

20 ~~(b) The Department of Juvenile Justice and the~~
21 ~~Department of Children and Family Services shall require~~
22 ~~employment screening pursuant to chapter 435, using the level~~
23 ~~2 standards set forth in that chapter for personnel in~~
24 ~~programs for children or youths.~~

25 (c) The Department of Juvenile Justice or the
26 Department of Children and Family Services may grant
27 exemptions from disqualification from working with children as
28 provided in s. 435.07.

29 (2)(3) It is the intent of the Legislature that this
30 chapter be liberally interpreted and construed in conformity
31 with its declared purposes.

1 Section 3. Section 985.02, Florida Statutes, is
2 transferred, renumbered as section 985.002, Florida Statutes,
3 and amended to read:

4 985.002 ~~985.02~~ Legislative intent for the juvenile
5 justice system.--

6 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose
7 of the Legislature that the children of this state be provided
8 with the following protections:

9 (a) Protection from abuse, neglect, and exploitation.

10 (b) A permanent and stable home.

11 (c) A safe and nurturing environment which will
12 preserve a sense of personal dignity and integrity.

13 (d) Adequate nutrition, shelter, and clothing.

14 (e) Effective treatment to address physical, social,
15 and emotional needs, regardless of geographical location.

16 (f) Equal opportunity and access to quality and
17 effective education, which will meet the individual needs of
18 each child, and to recreation and other community resources to
19 develop individual abilities.

20 (g) Access to preventive services.

21 (h) An independent, trained advocate when intervention
22 is necessary, and a skilled guardian or caretaker in a safe
23 environment when alternative placement is necessary.

24 (i) Gender-specific programming and gender-specific
25 program models and services that comprehensively address the
26 needs of a targeted gender group.

27 (2) SUBSTANCE ABUSE SERVICES.--The Legislature finds
28 that children in the care of the state's dependency and
29 delinquency systems need appropriate health care services,
30 that the impact of substance abuse on health indicates the
31 need for health care services to include substance abuse

1 services where appropriate, and that it is in the state's best
2 interest that such children be provided the services they need
3 to enable them to become and remain independent of state care.
4 In order to provide these services, the state's dependency and
5 delinquency systems must have the ability to identify and
6 provide appropriate intervention and treatment for children
7 with personal or family-related substance abuse problems. It
8 is therefore the purpose of the Legislature to provide
9 authority for the state to contract with community substance
10 abuse treatment providers for the development and operation of
11 specialized support and overlay services for the dependency
12 and delinquency systems, which will be fully implemented and
13 utilized as resources permit.

14 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.--It
15 is the policy of the state with respect to juvenile justice
16 and delinquency prevention to first protect the public from
17 acts of delinquency. In addition, it is the policy of the
18 state to:

19 (a) Develop and implement effective methods of
20 preventing and reducing acts of delinquency, with a focus on
21 maintaining and strengthening the family as a whole so that
22 children may remain in their homes or communities.

23 (b) Develop and implement effective programs to
24 prevent delinquency, to divert children from the traditional
25 juvenile justice system, to intervene at an early stage of
26 delinquency, and to provide critically needed alternatives to
27 institutionalization and deep-end commitment.

28 (c) Provide well-trained personnel, high-quality
29 services, and cost-effective programs within the juvenile
30 justice system.

31

1 (d) Increase the capacity of local governments and
2 public and private agencies to conduct rehabilitative
3 treatment programs and to provide research, evaluation, and
4 training services in the field of juvenile delinquency
5 prevention.

6
7 The Legislature intends that detention care, in addition to
8 providing secure and safe custody, will promote the health and
9 well-being of the children committed thereto and provide an
10 environment that fosters their social, emotional,
11 intellectual, and physical development.

12 (4) DETENTION.--

13 (a) The Legislature finds that there is a need for a
14 secure placement for certain children alleged to have
15 committed a delinquent act. The Legislature finds that
16 detention ~~under part II~~ should be used only when less
17 restrictive interim placement alternatives prior to
18 adjudication and disposition are not appropriate. The
19 Legislature further finds that decisions to detain should be
20 based in part on a prudent assessment of risk and be limited
21 to situations where there is clear and convincing evidence
22 that a child presents a risk of failing to appear or presents
23 a substantial risk of inflicting bodily harm on others as
24 evidenced by recent behavior; presents a history of committing
25 a serious property offense prior to adjudication, disposition,
26 or placement; has acted in direct or indirect contempt of
27 court; or requests protection from imminent bodily harm.

28 (b) The Legislature intends that a juvenile found to
29 have committed a delinquent act understands the consequences
30 and the serious nature of such behavior. Therefore, the
31 Legislature finds that secure detention is appropriate to

1 provide punishment that discourages further delinquent
2 behavior. The Legislature also finds that certain juveniles
3 have committed a sufficient number of criminal acts, including
4 acts involving violence to persons, to represent sufficient
5 danger to the community to warrant sentencing and placement
6 within the adult system. It is the intent of the Legislature
7 to establish clear criteria in order to identify these
8 juveniles and remove them from the juvenile justice system.

9 (5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.--The
10 Legislature finds that fighting crime effectively requires a
11 multipronged effort focusing on particular classes of
12 delinquent children and the development of particular
13 programs. This state's juvenile justice system has an
14 inadequate number of beds for serious or habitual juvenile
15 offenders and an inadequate number of community and
16 residential programs for a significant number of children
17 whose delinquent behavior is due to or connected with illicit
18 substance abuse. In addition, a significant number of children
19 have been adjudicated in adult criminal court and placed in
20 this state's prisons where programs are inadequate to meet
21 their rehabilitative needs and where space is needed for adult
22 offenders. Recidivism rates for each of these classes of
23 offenders exceed those tolerated by the Legislature and by the
24 citizens of this state.

25 (6) SITING OF FACILITIES.--

26 (a) The Legislature finds that timely siting and
27 development of needed residential facilities for juvenile
28 offenders is critical to the public safety of the citizens of
29 this state and to the effective rehabilitation of juvenile
30 offenders.

31

1 (b) It is the purpose of the Legislature to guarantee
2 that such facilities are sited and developed within reasonable
3 timeframes after they are legislatively authorized and
4 appropriated.

5 (c) The Legislature further finds that such facilities
6 must be located in areas of the state close to the home
7 communities of the children they house in order to ensure the
8 most effective rehabilitation efforts and the most intensive
9 postrelease supervision and case management.

10 (d) It is the intent of the Legislature that all other
11 departments and agencies of the state shall cooperate fully
12 with the Department of Juvenile Justice to accomplish the
13 siting of facilities for juvenile offenders.

14
15 The supervision, counseling, rehabilitative treatment, and
16 punitive efforts of the juvenile justice system should avoid
17 the inappropriate use of correctional programs and large
18 institutions. The Legislature finds that detention services
19 should exceed the primary goal of providing safe and secure
20 custody pending adjudication and disposition.

21 (7) PARENTAL, CUSTODIAL, AND GUARDIAN
22 RESPONSIBILITIES.--Parents, custodians, and guardians are
23 deemed by the state to be responsible for providing their
24 children with sufficient support, guidance, and supervision to
25 deter their participation in delinquent acts. The state
26 further recognizes that the ability of parents, custodians,
27 and guardians to fulfill those responsibilities can be greatly
28 impaired by economic, social, behavioral, emotional, and
29 related problems. It is therefore the policy of the
30 Legislature that it is the state's responsibility to ensure
31 that factors impeding the ability of caretakers to fulfill

1 | their responsibilities are identified through the delinquency
2 | intake process and that appropriate recommendations to address
3 | those problems are considered in any judicial or nonjudicial
4 | proceeding. Nonetheless, as it is also the intent of the
5 | Legislature to preserve and strengthen the child's family
6 | ties, it is the policy of the Legislature that the emotional,
7 | legal, and financial responsibilities of the caretaker with
8 | regard to the care, custody, and support of the child continue
9 | while the child is in the physical or legal custody of the
10 | department.

11 | (8) GENDER-SPECIFIC PROGRAMMING.--

12 | (a) The Legislature finds that the prevention,
13 | treatment, and rehabilitation needs of youth served by the
14 | juvenile justice system are gender-specific.

15 | (b) Gender-specific programming refers to unique
16 | program models and services that comprehensively address the
17 | needs of a targeted gender group. Gender-specific services
18 | require the adherence to the principle of equity to ensure
19 | that the different interests of young women and men are
20 | recognized and varying needs are met, with equality as the
21 | desired outcome. Gender-specific programming focuses on the
22 | differences between young females' and young males' roles and
23 | responsibilities, positions in society, access to and use of
24 | resources, and social codes governing behavior.
25 | Gender-specific programs increase the effectiveness of
26 | programs by making interventions more appropriate to the
27 | specific needs of young women and men and ensuring that these
28 | programs do not unknowingly create, maintain, or reinforce
29 | gender roles or relations that may be damaging.

30 | (c) The Office of Program Policy Analysis and
31 | Government Accountability shall conduct an analysis of

1 | programs for young females within the Department of Juvenile
2 | Justice. The analysis shall address the nature of young female
3 | offenders in this state, the percentage of young females who
4 | are incarcerated in the juvenile justice system for status
5 | offenses and violations of probation, and whether these young
6 | females could be better served in less costly community-based
7 | programs. In addition, the review shall analyze whether
8 | existing juvenile justice programs are designed to meet the
9 | gender-specific needs of young females and an analysis of the
10 | true cost of providing gender-specific services to young
11 | females.

12 | Section 4. Section 985.03, Florida Statutes, is
13 | transferred, renumbered as section 985.003, Florida Statutes,
14 | and amended to read:

15 | 985.003 ~~985.03~~ Definitions.--When used in this
16 | chapter, the term:

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

19 | (2) "Adjudicatory hearing" means a hearing for the
20 | court to determine whether or not the facts support the
21 | allegations stated in the petition, as is provided for under
22 | s. 985.66228 ~~s. 985.228~~ in delinquency cases.

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

25 | (4) "Arbitration" means a process whereby a neutral
26 | third person or panel, called an arbitrator or an arbitration
27 | panel, considers the facts and arguments presented by the
28 | parties and renders a decision which may be binding or
29 | nonbinding.

30 | (5) "Authorized agent" or "designee" of the department
31 | means a person or agency assigned or designated by the

1 Department of Juvenile Justice or the Department of Children
2 and Family Services, as appropriate, to perform duties or
3 exercise powers pursuant to this chapter and includes contract
4 providers and their employees for purposes of providing
5 services to and managing cases of children in need of services
6 and families in need of services.

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

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

20 ~~(a) The child is less than 13 years of age at the time~~
21 ~~of the disposition for the current offense and has been~~
22 ~~adjudicated on the current offense for:~~

- 23 1. ~~Arson;~~
- 24 2. ~~Sexual battery;~~
- 25 3. ~~Robbery;~~
- 26 4. ~~Kidnapping;~~
- 27 5. ~~Aggravated child abuse;~~
- 28 6. ~~Aggravated assault;~~
- 29 7. ~~Aggravated stalking;~~
- 30 8. ~~Murder;~~
- 31 9. ~~Manslaughter;~~

1 ~~10. Unlawful throwing, placing, or discharging of a~~
2 ~~destructive device or bomb;~~

3 ~~11. Armed burglary;~~

4 ~~12. Aggravated battery;~~

5 ~~13. Any lewd or lascivious offense committed upon or~~
6 ~~in the presence of a person less than 16 years of age; or~~

7 ~~14. Carrying, displaying, using, threatening, or~~
8 ~~attempting to use a weapon or firearm during the commission of~~
9 ~~a felony.~~

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

14 ~~(c) The child is less than 13 years of age and is~~
15 ~~currently committed for a felony offense and transferred from~~
16 ~~a moderate risk or high risk residential commitment placement.~~

17 ~~(7)(8)~~ "Child in need of services" means a child for
18 whom there is no pending investigation into an allegation or
19 suspicion of abuse, neglect, or abandonment; no pending
20 referral alleging the child is delinquent; or no current
21 supervision by the Department of Juvenile Justice or the
22 Department of Children and Family Services for an adjudication
23 of dependency or delinquency. The child must also, pursuant to
24 this chapter, be found by the court:

25 (a) To have persistently run away from the child's
26 parents or legal custodians despite reasonable efforts of the
27 child, the parents or legal custodians, and appropriate
28 agencies to remedy the conditions contributing to the
29 behavior. Reasonable efforts shall include voluntary
30 participation by the child's parents or legal custodians and
31 the child in family mediation, services, and treatment offered

1 by the Department of Juvenile Justice or the Department of
2 Children and Family Services;

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

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

17 ~~(8)(9)~~ "Child who has been found to have committed a
18 delinquent act" means a child who, pursuant to the provisions
19 of this chapter, is found by a court to have committed a
20 violation of law or to be in direct or indirect contempt of
21 court, except that this definition shall not include an act
22 constituting contempt of court arising out of a dependency
23 proceeding or a proceeding concerning a child or family in
24 need of services ~~pursuant to part III of this chapter.~~

25 ~~(9)(10)~~ "Child support" means a court-ordered
26 obligation, enforced under chapter 61 and ss.
27 409.2551-409.2597, for monetary support for the care,
28 maintenance, training, and education of a child.

29 ~~(10)(11)~~ "Circuit" means any of the 20 judicial
30 circuits as set forth in s. 26.021.

31

1 ~~(11)(12)~~ "Comprehensive assessment" or "assessment"
2 means the gathering of information for the evaluation of a
3 juvenile offender's or a child's physical, psychological,
4 educational, vocational, and social condition and family
5 environment as they relate to the child's need for
6 rehabilitative and treatment services, including substance
7 abuse treatment services, mental health services,
8 developmental services, literacy services, medical services,
9 family services, and other specialized services, as
10 appropriate.

11 ~~(12)(13)~~ "Conditional release" means the care,
12 treatment, help, and supervision provided to a juvenile
13 released from a residential commitment program which is
14 intended to promote rehabilitation and prevent recidivism. The
15 purpose of conditional release is to protect the public,
16 reduce recidivism, increase responsible productive behavior,
17 and provide for a successful transition of the youth from the
18 department to the family. Conditional release includes, but is
19 not limited to, nonresidential community-based programs.

20 ~~(13)(14)~~ "Court," unless otherwise expressly stated,
21 means the circuit court assigned to exercise jurisdiction
22 under this chapter.

23 ~~(14)(15)~~(a) "Delinquency program" means any intake,
24 probation, or similar program; regional detention center or
25 facility; or community-based program, whether owned and
26 operated by or contracted by the Department of Juvenile
27 Justice, or institution owned and operated by or contracted by
28 the Department of Juvenile Justice, which provides intake,
29 supervision, or custody and care of children who are alleged
30 to be or who have been found to be delinquent pursuant to this
31 chapter ~~part II~~.

1 (b) "Delinquency program staff" means supervisory and
2 direct care staff of a delinquency program as well as support
3 staff who have direct contact with children in a delinquency
4 program.

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

12 ~~(15)(16)~~ "Department" means the Department of Juvenile
13 Justice.

14 ~~(16)(17)~~ "Designated facility" or "designated
15 treatment facility" means any facility designated by the
16 Department of Juvenile Justice to provide treatment to
17 juvenile offenders.

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

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

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

31

1 (c) "Home detention" means temporary custody of the
2 child while the child is released to the custody of the
3 parent, guardian, or custodian in a physically nonrestrictive
4 environment under the supervision of the Department of
5 Juvenile Justice staff pending adjudication, disposition, or
6 placement.

7 ~~(18)~~~~(19)~~ "Detention center or facility" means a
8 facility used pending court adjudication or disposition or
9 execution of court order for the temporary care of a child
10 alleged or found to have committed a violation of law. A
11 detention center or facility may provide secure or nonsecure
12 custody. A facility used for the commitment of adjudicated
13 delinquents shall not be considered a detention center or
14 facility.

15 ~~(19)~~~~(20)~~ "Detention hearing" means a hearing for the
16 court to determine if a child should be placed in temporary
17 custody, as provided for under part V ~~ss. 985.213 and 985.215~~
18 in delinquency cases.

19 ~~(20)~~~~(21)~~ "Disposition hearing" means a hearing in
20 which the court determines the most appropriate dispositional
21 services in the least restrictive available setting provided
22 for under s. 985.231, in delinquency cases.

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

26 (a) The persons reside in the same house or living
27 unit; or

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

31

1 ~~(22)~~(23) "Family in need of services" means a family
2 that has a child for whom there is no pending investigation
3 into an allegation of abuse, neglect, or abandonment or no
4 current supervision by the Department of Juvenile Justice or
5 the Department of Children and Family Services for an
6 adjudication of dependency or delinquency. The child must also
7 have been referred to a law enforcement agency or the
8 Department of Juvenile Justice for:

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

10 (b) Persistently disobeying reasonable and lawful
11 demands of parents or legal custodians, and being beyond their
12 control; or

13 (c) Habitual truancy from school.

14 ~~(23)~~(24) "Foster care" means care provided a child in
15 a foster family or boarding home, group home, agency boarding
16 home, child care institution, or any combination thereof.

17 ~~(24)~~(25) "Habitually truant" means that:

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

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

28
29 If a child who is subject to compulsory school attendance is
30 responsive to the interventions described in ss. 1003.26 and
31 1003.27 and has completed the necessary requirements to pass

1 | the current grade as indicated in the district pupil
2 | progression plan, the child shall not be determined to be
3 | habitually truant and shall be passed. If a child within the
4 | compulsory school attendance age has 15 unexcused absences
5 | within 90 calendar days or fails to enroll in school, the
6 | state attorney may file a child-in-need-of-services petition.
7 | Prior to filing a petition, the child must be referred to the
8 | appropriate agency for evaluation. After consulting with the
9 | evaluating agency, the state attorney may elect to file a
10 | child-in-need-of-services petition.

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

24 | (d) The failure or refusal of the parent or legal
25 | guardian or the child to participate, or make a good faith
26 | effort to participate, in the activities prescribed to remedy
27 | the truant behavior, or the failure or refusal of the child to
28 | return to school after participation in activities required by
29 | this subsection, or the failure of the child to stop the
30 | truant behavior after the school administration and the
31 | Department of Juvenile Justice have worked with the child as

1 described in s. 1003.27(3) shall be handled as prescribed in
2 s. 1003.27.

3 ~~(25)~~~~(26)~~ "Halfway house" means a community-based
4 residential program for 10 or more committed delinquents at
5 the moderate-risk commitment level which is operated or
6 contracted by the Department of Juvenile Justice.

7 ~~(26)~~~~(27)~~ "Intake" means the initial acceptance and
8 screening by the Department of Juvenile Justice of a complaint
9 or a law enforcement report or probable cause affidavit of
10 delinquency, family in need of services, or child in need of
11 services to determine the recommendation to be taken in the
12 best interests of the child, the family, and the community.
13 The emphasis of intake is on diversion and the least
14 restrictive available services. Consequently, intake includes
15 such alternatives as:

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

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

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

23 ~~(27)~~~~(28)~~ "Judge" means the circuit judge exercising
24 jurisdiction pursuant to this chapter.

25 ~~(28)~~~~(29)~~ "Juvenile justice continuum" includes, but is
26 not limited to, delinquency prevention programs and services
27 designed for the purpose of preventing or reducing delinquent
28 acts, including criminal activity by youth gangs, and juvenile
29 arrests, as well as programs and services targeted at children
30 who have committed delinquent acts, and children who have
31 previously been committed to residential treatment programs

1 | for delinquents. The term includes
2 | children-in-need-of-services and families-in-need-of-services
3 | programs; conditional release; substance abuse and mental
4 | health programs; educational and career programs; recreational
5 | programs; community services programs; community service work
6 | programs; and alternative dispute resolution programs serving
7 | children at risk of delinquency and their families, whether
8 | offered or delivered by state or local governmental entities,
9 | public or private for-profit or not-for-profit organizations,
10 | or religious or charitable organizations.

11 | ~~(29)~~(30) "Juvenile probation officer" means the
12 | authorized agent of the Department of Juvenile Justice who
13 | performs the intake, case management, or supervision
14 | functions.

15 | ~~(31)~~ "Juvenile sexual offender" means:

16 | ~~(a)~~ A juvenile who has been found by the court
17 | pursuant to ~~s. 985.228~~ to have committed a violation of
18 | ~~chapter 794, chapter 796, chapter 800, s. 827.071, or s.~~
19 | ~~847.0133;~~

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

26 | 1. "Coercion" means the exploitation of authority, use
27 | of bribes, threats of force, or intimidation to gain
28 | cooperation or compliance.

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

1 ~~3. "Consent" means an agreement including all of the~~
2 ~~following:~~

3 ~~a. Understanding what is proposed based on age,~~
4 ~~maturity, developmental level, functioning, and experience.~~

5 ~~b. Knowledge of societal standards for what is being~~
6 ~~proposed.~~

7 ~~c. Awareness of potential consequences and~~
8 ~~alternatives.~~

9 ~~d. Assumption that agreement or disagreement will be~~
10 ~~accepted equally.~~

11 ~~e. Voluntary decision.~~

12 ~~f. Mental competence.~~

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

20 ~~(30)(32)~~ "Legal custody or guardian" means a legal
21 status created by court order or letter of guardianship which
22 vests in a custodian of the person or guardian, whether an
23 agency or an individual, the right to have physical custody of
24 the child and the right and duty to protect, train, and
25 discipline the child and to provide him or her with food,
26 shelter, education, and ordinary medical, dental, psychiatric,
27 and psychological care.

28 ~~(31)(33)~~ "Licensed child-caring agency" means a
29 person, society, association, or agency licensed by the
30 Department of Children and Family Services to care for,
31 receive, and board children.

1 ~~(32)~~(34) "Licensed health care professional" means a
2 physician licensed under chapter 458, an osteopathic physician
3 licensed under chapter 459, a nurse licensed under part I of
4 chapter 464, a physician assistant licensed under chapter 458
5 or chapter 459, or a dentist licensed under chapter 466.

6 ~~(33)~~(35) "Likely to injure oneself" means that, as
7 evidenced by violent or other actively self-destructive
8 behavior, it is more likely than not that within a 24-hour
9 period the child will attempt to commit suicide or inflict
10 serious bodily harm on himself or herself.

11 ~~(34)~~(36) "Likely to injure others" means that it is
12 more likely than not that within a 24-hour period the child
13 will inflict serious and unjustified bodily harm on another
14 person.

15 ~~(35)~~(37) "Mediation" means a process whereby a neutral
16 third person called a mediator acts to encourage and
17 facilitate the resolution of a dispute between two or more
18 parties. It is an informal and nonadversarial process with
19 the objective of helping the disputing parties reach a
20 mutually acceptable and voluntary agreement. In mediation,
21 decisionmaking authority rests with the parties. The role of
22 the mediator includes, but is not limited to, assisting the
23 parties in identifying issues, fostering joint problem
24 solving, and exploring settlement alternatives.

25 ~~(36)~~(38) "Necessary medical treatment" means care
26 which is necessary within a reasonable degree of medical
27 certainty to prevent the deterioration of a child's condition
28 or to alleviate immediate pain of a child.

29 ~~(37)~~(39) "Next of kin" means an adult relative of a
30 child who is the child's brother, sister, grandparent, aunt,
31 uncle, or first cousin.

1 ~~(38)~~(40) "Parent" means a woman who gives birth to a
2 child and a man whose consent to the adoption of the child
3 would be required under s. 63.062(1). If a child has been
4 legally adopted, the term "parent" means the adoptive mother
5 or father of the child. The term does not include an
6 individual whose parental relationship to the child has been
7 legally terminated, or an alleged or prospective parent,
8 unless the parental status falls within the terms of either s.
9 39.503(1) or s. 63.062(1).

10 ~~(39)~~(41) "Preliminary screening" means the gathering
11 of preliminary information to be used in determining a child's
12 need for further evaluation or assessment or for referral for
13 other substance abuse services through means such as
14 psychosocial interviews; urine and breathalyzer screenings;
15 and reviews of available educational, delinquency, and
16 dependency records of the child.

17 ~~(40)~~(42) "Preventive services" means social services
18 and other supportive and rehabilitative services provided to
19 the parent of the child, the legal guardian of the child, or
20 the custodian of the child and to the child for the purpose of
21 averting the removal of the child from the home or disruption
22 of a family which will or could result in the placement of a
23 child in foster care. Social services and other supportive
24 and rehabilitative services shall promote the child's need for
25 a safe, continuous, stable living environment and shall
26 promote family autonomy and shall strengthen family life as
27 the first priority whenever possible.

28 ~~(41)~~(43) "Probation" means the legal status of
29 probation created by law and court order in cases involving a
30 child who has been found to have committed a delinquent act.
31 Probation is an individualized program in which the freedom of

1 | the child is limited and the child is restricted to
2 | noninstitutional quarters or restricted to the child's home in
3 | lieu of commitment to the custody of the Department of
4 | Juvenile Justice. Youth on probation may be assessed and
5 | classified for placement in day-treatment probation programs
6 | designed for youth who represent a minimum risk to themselves
7 | and public safety and do not require placement and services in
8 | a residential setting. Program types in this more intensive
9 | and structured day-treatment probation option include career
10 | programs, marine programs, juvenile justice alternative
11 | schools, training and rehabilitation programs, and
12 | gender-specific programs.

13 | ~~(42)(44)~~ "Relative" means a grandparent,
14 | great-grandparent, sibling, first cousin, aunt, uncle,
15 | great-aunt, great-uncle, niece, or nephew, whether related by
16 | the whole or half blood, by affinity, or by adoption. The term
17 | does not include a stepparent.

18 | ~~(43)(45)~~ "Residential commitment level" means the
19 | level of security provided by programs that service the
20 | supervision, custody, care, and treatment needs of committed
21 | children. Sections 985.953141 ~~985.3141~~ and 985.94 ~~985.404(11)~~
22 | apply to children placed in programs at any residential
23 | commitment level. The levels of residential commitment are as
24 | follows:

25 | (a) Low-risk residential.--Programs or program models
26 | at this commitment level are residential but may allow youth
27 | to have unsupervised access to the community. Youth assessed
28 | and classified for placement in programs at this commitment
29 | level represent a low risk to themselves and public safety but
30 | do require placement and services in residential settings.
31 | Children who have been found to have committed delinquent acts

1 | that involve firearms, delinquent acts that are sexual
2 | offenses, or delinquent acts that would be life felonies or
3 | first degree felonies if committed by an adult shall not be
4 | committed to a program at this level.

5 | (b) Moderate-risk residential.--Programs or program
6 | models at this commitment level are residential but may allow
7 | youth to have supervised access to the community. Facilities
8 | are either environmentally secure, staff secure, or are
9 | hardware-secure with walls, fencing, or locking doors.

10 | Facilities shall provide 24-hour awake supervision, custody,
11 | care, and treatment of residents. Youth assessed and
12 | classified for placement in programs at this commitment level
13 | represent a moderate risk to public safety and require close
14 | supervision. The staff at a facility at this commitment level
15 | may seclude a child who is a physical threat to himself or
16 | herself or others. Mechanical restraint may also be used when
17 | necessary.

18 | (c) High-risk residential.--Programs or program models
19 | at this commitment level are residential and shall not allow
20 | youth to have access to the community. Facilities are
21 | hardware-secure with perimeter fencing and locking doors.

22 | Facilities shall provide 24-hour awake supervision, custody,
23 | care, and treatment of residents. Youth assessed and
24 | classified for this level of placement require close
25 | supervision in a structured residential setting. Placement in
26 | programs at this level is prompted by a concern for public
27 | safety that outweighs placement in programs at lower
28 | commitment levels. The staff at a facility at this commitment
29 | level may seclude a child who is a physical threat to himself
30 | or herself or others. Mechanical restraint may also be used
31 |

1 | when necessary. The facility may provide for single cell
2 | occupancy.

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

20 | ~~(44)(46)~~ "Respite" means a placement that is available
21 | for the care, custody, and placement of a youth charged with
22 | domestic violence as an alternative to secure detention or for
23 | placement of a youth when a shelter bed for a child in need of
24 | services or a family in need of services is unavailable.

25 | ~~(45)(47)~~ "Secure detention center or facility" means a
26 | physically restricting facility for the temporary care of
27 | children, pending adjudication, disposition, or placement.

28 | ~~(48)~~ "~~Serious or habitual juvenile offender,~~" for
29 | ~~purposes of commitment to a residential facility and for~~
30 | ~~purposes of records retention, means a child who has been~~
31 | ~~found to have committed a delinquent act or a violation of~~

1 ~~law, in the case currently before the court, and who meets at~~
2 ~~least one of the following criteria:~~
3 ~~(a) The youth is at least 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 youth is at least 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 two times to a~~
27 ~~delinquency commitment program.~~
28 ~~(c) The youth is at least 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 ~~(49)~~ "Serious or habitual juvenile offender program"
2 means the program established in s. 985.31.

3 ~~(46)~~~~(50)~~ "Shelter" means a place for the temporary
4 care of a child who is alleged to be or who has been found to
5 be delinquent.

6 ~~(47)~~~~(51)~~ "Shelter hearing" means a hearing provided
7 for under s. 984.14 in family-in-need-of-services cases or
8 child-in-need-of-services cases.

9 ~~(48)~~~~(52)~~ "Staff-secure shelter" means a facility in
10 which a child is supervised 24 hours a day by staff members
11 who are awake while on duty. The facility is for the temporary
12 care and assessment of a child who has been found to be
13 dependent, who has violated a court order and been found in
14 contempt of court, or whom the Department of Children and
15 Family Services is unable to properly assess or place for
16 assistance within the continuum of services provided for
17 dependent children.

18 ~~(49)~~~~(53)~~ "Substance abuse" means using, without
19 medical reason, any psychoactive or mood-altering drug,
20 including alcohol, in such a manner as to induce impairment
21 resulting in dysfunctional social behavior.

22 ~~(50)~~~~(54)~~ "Taken into custody" means the status of a
23 child immediately when temporary physical control over the
24 child is attained by a person authorized by law, pending the
25 child's release, detention, placement, or other disposition as
26 authorized by law.

27 ~~(51)~~~~(55)~~ "Temporary legal custody" means the
28 relationship that a juvenile court creates between a child and
29 an adult relative of the child, adult nonrelative approved by
30 the court, or other person until a more permanent arrangement
31 is ordered. Temporary legal custody confers upon the custodian

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

8 | ~~(52)~~~~(56)~~ "Temporary release" means the terms and
9 | conditions under which a child is temporarily released from a
10 | commitment facility or allowed home visits. If the temporary
11 | release is from a moderate-risk residential facility, a
12 | high-risk residential facility, or a maximum-risk residential
13 | facility, the terms and conditions of the temporary release
14 | must be approved by the child, the court, and the facility.
15 | The term includes periods during which the child is supervised
16 | pursuant to a conditional release program or a period during
17 | which the child is supervised by a juvenile probation officer
18 | or other nonresidential staff of the department or staff
19 | employed by an entity under contract with the department.

20 | ~~(53)~~~~(57)~~ "Training school" means one of the following
21 | facilities: the Arthur G. Dozier School or the Eckerd Youth
22 | Development Center.

23 | ~~(54)~~~~(58)~~ "Violation of law" or "delinquent act" means
24 | a violation of any law of this state, the United States, or
25 | any other state which is a misdemeanor or a felony or a
26 | violation of a county or municipal ordinance which would be
27 | punishable by incarceration if the violation were committed by
28 | an adult.

29 | ~~(55)~~~~(59)~~ "Waiver hearing" means a hearing provided for
30 | under s. 985.91226(4) ~~s. 985.226(3)~~.

31 |

1 Section 5. Section 985.201, Florida Statutes, is
2 transferred, renumbered as section 985.0201, Florida Statutes,
3 and amended to read:

4 985.0201 ~~985.201~~ Jurisdiction.--

5 (1) The circuit court has exclusive original
6 jurisdiction of proceedings in which a child is alleged to
7 have committed a delinquent act or violation of law.

8 (2) The jurisdiction of the court shall attach to the
9 child and the case when the summons is served upon the child
10 and a parent or legal or actual custodian or guardian of the
11 child, or when the child is taken into custody with or without
12 service of summons and before or after the filing of a
13 petition, whichever first occurs, and thereafter the court may
14 control the child and the case in accordance with this
15 chapter.

16 ~~(3)(2)~~ During the prosecution of any violation of law
17 against any person who has been presumed to be an adult, if it
18 is shown that the person was a child at the time the offense
19 was committed and that the person does not meet the criteria
20 for prosecution and sentencing as an adult, the court shall
21 immediately transfer the case, together with the physical
22 custody of the person and all physical evidence, papers,
23 documents, and testimony, original and duplicate, connected
24 therewith, to the appropriate court for proceedings under this
25 chapter. The circuit court is exclusively authorized to assume
26 jurisdiction over any juvenile offender who is arrested and
27 charged with violating a federal law or a law of the District
28 of Columbia, who is found or is living or domiciled in a
29 county in which the circuit court is established, and who is
30 surrendered to the circuit court as provided in 18 U.S.C. s.
31 5001.

1 ~~(4)(3)~~(a) Petitions alleging delinquency filed under
2 ~~this part~~ shall be filed in the county where the delinquent
3 act or violation of law occurred, but the circuit court for
4 that county may transfer the case to the circuit court of the
5 circuit in which the child resides or will reside at the time
6 of detention or placement for dispositional purposes. A child
7 who has been detained shall be transferred to the appropriate
8 detention center or facility or other placement directed by
9 the receiving court.

10 (b) The jurisdiction to be exercised by the court when
11 a child is taken into custody before the filing of a petition
12 under subsection (2) ~~s. 985.219(8)~~ shall be exercised by the
13 circuit court for the county in which the child is taken into
14 custody, which court shall have personal jurisdiction of the
15 child and the child's parent or legal guardian. Upon the
16 filing of a petition in the appropriate circuit court, the
17 court that is exercising initial jurisdiction of the person of
18 the child shall, if the child has been detained, immediately
19 order the child to be transferred to the detention center or
20 facility or other placement as ordered by the court having
21 subject matter jurisdiction of the case.

22 ~~(5)(4)~~(a) Notwithstanding ss. 743.07, 985.7229,
23 985.723, 985.7231, 985.72312, and 985.72313 ~~985.229, 985.23,~~
24 ~~and 985.231~~, and except as provided in ss. 985.73313,
25 985.73331, and 985.0201(5)(f) ~~ss. 985.31 and 985.313~~, when the
26 jurisdiction of any child who is alleged to have committed a
27 delinquent act or violation of law is obtained, the court
28 shall retain jurisdiction, unless relinquished by its order,
29 until the child reaches 19 years of age, with the same power
30 over the child that the court had prior to the child becoming
31 an adult.

1 (b) Notwithstanding s. 743.07 and paragraph (d), and
2 except as provided in s. 985.73331, the term of any order
3 placing a child in a probation program must be until the
4 child's 19th birthday unless he or she is released by the
5 court, on the motion of an interested party, or on his or her
6 own motion.

7 (c) Notwithstanding s. 743.07 and paragraph (d), and
8 except as provided in s. 985.73331, the term of the commitment
9 must be until the child is discharged by the department or
10 until he or she reaches the age of 21 years. Notwithstanding
11 s. 743.07 and this subsection, and except as provided in ss.
12 985.0201 and 985.73331, a child may not be held under a
13 commitment from a court pursuant to this section after
14 becoming 21 years of age.

15 (d)(b)1- The court may retain jurisdiction over a
16 child committed to the department for placement in a juvenile
17 prison or in a high-risk or maximum-risk residential
18 commitment program to allow the child to participate in a
19 juvenile conditional release program pursuant to s. 985.7316
20 ~~s. 985.316~~. In no case shall the jurisdiction of the court be
21 retained beyond the child's 22nd birthday. However, if the
22 child is not successful in the conditional release program,
23 the department may use the transfer procedure under s.
24 985.72313(3) ~~s. 985.404~~.

25 (e)2- The court may retain jurisdiction over a child
26 committed to the department for placement in an intensive
27 residential treatment program for 10-year-old to 13-year-old
28 offenders, in the residential commitment program in a juvenile
29 prison, in a residential sex offender program, or in a program
30 for serious or habitual juvenile offenders as provided in s.
31 985.75311 ~~s. 985.311~~ or s. 985.73331 ~~s. 985.31~~ until the child

1 reaches the age of 21. If the court exercises this
2 jurisdiction retention, it shall do so solely for the purpose
3 of the child completing the intensive residential treatment
4 program for 10-year-old to 13-year-old offenders, in the
5 residential commitment program in a juvenile prison, in a
6 residential sex offender program, or the program for serious
7 or habitual juvenile offenders. Such jurisdiction retention
8 does not apply for other programs, other purposes, or new
9 offenses.

10 (f) The court may retain jurisdiction over a child
11 committed to a juvenile correctional facility or a juvenile
12 prison until the child reaches 21 years of age specifically
13 for the purpose of allowing the child to complete such
14 program.

15 ~~(g)(e)~~ The court may retain jurisdiction over a child
16 and the child's parent or legal guardian whom the court has
17 ordered to pay restitution until the restitution order is
18 satisfied or until the court orders otherwise. If the court
19 retains such jurisdiction after the date upon which the
20 court's jurisdiction would cease under this section, it shall
21 do so solely for the purpose of enforcing the restitution
22 order. The terms of the restitution order are subject to the
23 provisions of s. 775.089(5).

24 ~~(h)(d)~~ This subsection does not prevent the exercise
25 of jurisdiction by any court having jurisdiction of the child
26 if the child, after becoming an adult, commits a violation of
27 law.

28 (6) The court may at any time enter an order ending
29 its jurisdiction over any child.

30
31

1 Section 6. Section 985.202, Florida Statutes, is
2 transferred and renumbered as section 985.0202, Florida
3 Statutes.

4 Section 7. Section 985.203, Florida Statutes, is
5 transferred, renumbered as section 985.0203, Florida Statutes,
6 and amended to read:

7 985.0203 ~~985.203~~ Right to counsel.--

8 (1) A child is entitled to representation by legal
9 counsel at all stages of any proceedings under this chapter
10 ~~part~~. If the child and the parents or other legal guardian are
11 indigent and unable to employ counsel for the child, the court
12 shall appoint counsel pursuant to s. 27.52. Determination of
13 indigence and costs of representation shall be as provided by
14 ss. 27.52 and 938.29. Legal counsel representing a child who
15 exercises the right to counsel shall be allowed to provide
16 advice and counsel to the child at any time subsequent to the
17 child's arrest, including prior to a detention hearing while
18 in secure detention care. A child shall be represented by
19 legal counsel at all stages of all court proceedings unless
20 the right to counsel is freely, knowingly, and intelligently
21 waived by the child. If the child appears without counsel, the
22 court shall advise the child of his or her rights with respect
23 to representation of court-appointed counsel.

24 (2) If the parents or legal guardian of an indigent
25 child are not indigent but refuse to employ counsel, the court
26 shall appoint counsel pursuant to s. 27.52 to represent the
27 child at the detention hearing and until counsel is provided.
28 Costs of representation are hereby imposed as provided by ss.
29 27.52 and 938.29. Thereafter, the court shall not appoint
30 counsel for an indigent child with nonindigent parents or
31 legal guardian but shall order the parents or legal guardian

1 | to obtain private counsel. A parent or legal guardian of an
2 | indigent child who has been ordered to obtain private counsel
3 | for the child and who willfully fails to follow the court
4 | order shall be punished by the court in civil contempt
5 | proceedings.

6 | (3) An indigent child with nonindigent parents or
7 | legal guardian may have counsel appointed pursuant to s. 27.52
8 | if the parents or legal guardian have willfully refused to
9 | obey the court order to obtain counsel for the child and have
10 | been punished by civil contempt and then still have willfully
11 | refused to obey the court order. Costs of representation are
12 | hereby imposed as provided by ss. 27.52 and 938.29.

13 | (4) Notwithstanding any provision of this section or
14 | any other law to the contrary, if a child is transferred for
15 | criminal prosecution pursuant to this chapter, a nonindigent
16 | or indigent-but-able-to-contribute parent or legal guardian of
17 | the child pursuant to s. 27.52 is liable for necessary legal
18 | fees and costs incident to the criminal prosecution of the
19 | child as an adult.

20 | Section 8. Section 985.205, Florida Statutes, is
21 | transferred and renumbered as section 985.0205, Florida
22 | Statutes.

23 | Section 9. Section 985.206, Florida Statutes, is
24 | transferred, renumbered as section 985.0206, Florida Statutes,
25 | and amended to read:

26 | 985.0206 ~~985.206~~ Rights of victims; juvenile
27 | proceedings.--

28 | (1) Nothing in this chapter prohibits:

29 | (a)(1) The victim of the offense;

30 | (b)(2) The victim's parent or guardian if the victim
31 | is a minor;

1 ~~(c)(3)~~ The lawful representative of the victim or of
2 the victim's parent or guardian if the victim is a minor; or

3 ~~(d)(4)~~ The next of kin if the victim is a homicide
4 victim,

5
6 from the right to be informed of, to be present during, and to
7 be heard when relevant at, all crucial stages of the
8 proceedings involving the juvenile offender, to the extent
9 that such rights do not interfere with the constitutional
10 rights of the juvenile offender. A person enumerated in this
11 section may not reveal to any outside party any confidential
12 information obtained pursuant to this paragraph regarding a
13 case involving a juvenile offense, except as is reasonably
14 necessary to pursue legal remedies.

15 (2) A law enforcement agency may release a copy of the
16 juvenile offense report to the victim of the offense. However,
17 information gained by the victim pursuant to this chapter
18 regarding any case handled in juvenile court, including
19 information concerning the next of kin of a homicide victim,
20 may not be revealed to any outside party, except as is
21 reasonably necessary in pursuit of legal remedies.

22 Section 10. Section 985.216, Florida Statutes, is
23 transferred, renumbered as section 985.0216, Florida Statutes,
24 and amended to read:

25 985.0216 ~~985.216~~ Punishment for contempt of court;
26 alternative sanctions.--

27 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.--The court
28 may punish any child for contempt for interfering with the
29 court or with court administration, or for violating any
30 provision of this chapter or order of the court relative
31 thereto. It is the intent of the Legislature that the court

1 restrict and limit the use of contempt powers with respect to
2 commitment of a child to a secure facility. A child who
3 commits direct contempt of court or indirect contempt of a
4 valid court order may be taken into custody and ordered to
5 serve an alternative sanction or placed in a secure facility,
6 as authorized in this section, by order of the court.

7 (2) PLACEMENT IN A SECURE FACILITY.--A child may be
8 placed in a secure facility for purposes of punishment for
9 contempt of court if alternative sanctions are unavailable or
10 inappropriate, or if the child has already been ordered to
11 serve an alternative sanction but failed to comply with the
12 sanction.

13 ~~(a)~~ A delinquent child who has been held in direct or
14 indirect contempt may be placed in a secure detention facility
15 not to exceed 5 days for a first offense and not to exceed 15
16 days for a second or subsequent offense.

17 ~~(b)~~ ~~A child in need of services who has been held in~~
18 ~~direct contempt or indirect contempt may be placed, not to~~
19 ~~exceed 5 days for a first offense and not to exceed 15 days~~
20 ~~for a second or subsequent offense, in a staff secure shelter~~
21 ~~or a staff secure residential facility solely for children in~~
22 ~~need of services if such placement is available, or, if such~~
23 ~~placement is not available, the child may be placed in an~~
24 ~~appropriate mental health facility or substance abuse facility~~
25 ~~for assessment. In addition to disposition under this~~
26 ~~paragraph, a child in need of services who is held in direct~~
27 ~~contempt or indirect contempt may be placed in a physically~~
28 ~~secure facility as provided under s. 984.226 if conditions of~~
29 ~~eligibility are met.~~

30 (3) ALTERNATIVE SANCTIONS.--Each judicial circuit
31 shall have an alternative sanctions coordinator who shall

1 | serve under the chief administrative judge of the juvenile
2 | division of the circuit court, and who shall coordinate and
3 | maintain a spectrum of contempt sanction alternatives in
4 | conjunction with the circuit plan implemented in accordance
5 | with s. 790.22(4)(c). Upon determining that a child has
6 | committed direct contempt of court or indirect contempt of a
7 | valid court order, the court may immediately request the
8 | alternative sanctions coordinator to recommend the most
9 | appropriate available alternative sanction and shall order the
10 | child to perform up to 50 hours of community-service manual
11 | labor or a similar alternative sanction, unless an alternative
12 | sanction is unavailable or inappropriate, or unless the child
13 | has failed to comply with a prior alternative sanction.
14 | Alternative contempt sanctions may be provided by local
15 | industry or by any nonprofit organization or any public or
16 | private business or service entity that has entered into a
17 | contract with the Department of Juvenile Justice to act as an
18 | agent of the state to provide voluntary supervision of
19 | children on behalf of the state in exchange for the manual
20 | labor of children and limited immunity in accordance with s.
21 | 768.28(11).

22 | (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
23 | PROCESS.--

24 | (a) If a child is charged with direct contempt of
25 | court, including traffic court, the court may impose an
26 | authorized sanction immediately.

27 | (b) If a child is charged with indirect contempt of
28 | court, the court must hold a hearing within 24 hours to
29 | determine whether the child committed indirect contempt of a
30 | valid court order. At the hearing, the following due process
31 | rights must be provided to the child:

1 1. Right to a copy of the order to show cause alleging
2 facts supporting the contempt charge.

3 2. Right to an explanation of the nature and the
4 consequences of the proceedings.

5 3. Right to legal counsel and the right to have legal
6 counsel appointed by the court if the juvenile is indigent,
7 pursuant to s. 985.0203 ~~s. 985.203~~.

8 4. Right to confront witnesses.

9 5. Right to present witnesses.

10 6. Right to have a transcript or record of the
11 proceeding.

12 7. Right to appeal to an appropriate court.

13

14 The child's parent or guardian may address the court regarding
15 the due process rights of the child. The court shall review
16 the placement of the child every 72 hours to determine whether
17 it is appropriate for the child to remain in the facility.

18 (c) The court may not order that a child be placed in
19 a secure facility for punishment for contempt unless the court
20 determines that an alternative sanction is inappropriate or
21 unavailable or that the child was initially ordered to an
22 alternative sanction and did not comply with the alternative
23 sanction. The court is encouraged to order a child to perform
24 community service, up to the maximum number of hours, where
25 appropriate before ordering that the child be placed in a
26 secure facility as punishment for contempt of court.

27 (d) In addition to any other sanction imposed under
28 this section, the court may direct the Department of Highway
29 Safety and Motor Vehicles to withhold issuance of, or suspend,
30 a child's driver's license or driving privilege. The court may
31 order that a child's driver's license or driving privilege be

1 withheld or suspended for up to 1 year for a first offense of
2 contempt and up to 2 years for a second or subsequent offense.
3 If the child's driver's license or driving privilege is
4 suspended or revoked for any reason at the time the sanction
5 for contempt is imposed, the court shall extend the period of
6 suspension or revocation by the additional period ordered
7 under this paragraph. If the child's driver's license is being
8 withheld at the time the sanction for contempt is imposed, the
9 period of suspension or revocation ordered under this
10 paragraph shall begin on the date on which the child is
11 otherwise eligible to drive. For a child in need of services
12 whose driver's license or driving privilege is suspended under
13 this paragraph, the court may direct the Department of Highway
14 Safety and Motor Vehicles to issue the child a license for
15 driving privileges restricted to business or employment
16 purposes only, as defined in s. 322.271, or for the purpose of
17 completing court-ordered community service, if the child is
18 otherwise qualified for a license. However, the department may
19 not issue a restricted license unless specifically ordered to
20 do so by the court.

21 (5) ALTERNATIVE SANCTIONS COORDINATOR.--There is
22 created the position of alternative sanctions coordinator
23 within each judicial circuit, pursuant to subsection (3). Each
24 alternative sanctions coordinator shall serve under the
25 direction of the chief administrative judge of the juvenile
26 division as directed by the chief judge of the circuit. The
27 alternative sanctions coordinator shall act as the liaison
28 between the judiciary, local department officials, district
29 school board employees, and local law enforcement agencies.
30 The alternative sanctions coordinator shall coordinate within
31 the circuit community-based alternative sanctions, including

1 nonsecure detention programs, community service projects, and
2 other juvenile sanctions, in conjunction with the circuit plan
3 implemented in accordance with s. 790.22(4)(c).

4 Section 11. Section 985.2311, Florida Statutes, is
5 transferred and renumbered as section 985.0217, Florida
6 Statutes.

7 Section 12. Section 985.04, Florida Statutes, is
8 transferred, renumbered as section 985.2104, Florida Statutes,
9 and amended to read:

10 (Substantial rewording of section. See
11 s. 985.04, F.S., for present text.)
12 985.2104 Oaths; records; confidential information.--
13 (1) Except as provided in subsections (2), (3), (6),
14 and (7), and s. 943.053, all information obtained under this
15 chapter in the discharge of official duty by any judge, any
16 employee of the court, any authorized agent of the Department
17 of Juvenile Justice, the Parole Commission, the Department of
18 Corrections, the juvenile justice circuit boards, any law
19 enforcement agent, or any licensed professional or licensed
20 community agency representative participating in the
21 assessment or treatment of a juvenile is confidential and may
22 be disclosed only to the authorized personnel of the court,
23 the Department of Juvenile Justice and its designees, the
24 Department of Corrections, the Parole Commission, law
25 enforcement agents, school superintendents and their
26 designees, any licensed professional or licensed community
27 agency representative participating in the assessment or
28 treatment of a juvenile, and others entitled under this
29 chapter to receive that information, or upon order of the
30 court. Within each county, the sheriff, the chiefs of police,
31 the district school superintendent, and the department shall

1 enter into an interagency agreement for the purpose of sharing
2 information about juvenile offenders among all parties. The
3 agreement must specify the conditions under which summary
4 criminal history information is to be made available to
5 appropriate school personnel, and the conditions under which
6 school records are to be made available to appropriate
7 department personnel. Such agreement shall require
8 notification to any classroom teacher of assignment to the
9 teacher's classroom of a juvenile who has been placed in a
10 probation or commitment program for a felony offense. The
11 agencies entering into such agreement must comply with s.
12 943.0525, and must maintain the confidentiality of information
13 that is otherwise exempt from s. 119.07(1), as provided by
14 law.

15 (2) Notwithstanding any other provisions of this
16 chapter, the name, photograph, address, and crime or arrest
17 report of a child:

18 (a) Taken into custody if the child has been taken
19 into custody by a law enforcement officer for a violation of
20 law which, if committed by an adult, would be a felony;

21 (b) Found by a court to have committed three or more
22 violations of law which, if committed by an adult, would be
23 misdemeanors;

24 (c) Transferred to the adult system pursuant to s.
25 985.91227, indicted pursuant to s. 985.91228, or waived
26 pursuant to s. 985.91226;

27 (d) Taken into custody by a law enforcement officer
28 for a violation of law subject to the provisions of s.
29 985.91227(2)(b) or (d); or

30 (e) Transferred to the adult system but sentenced to
31 the juvenile system pursuant to s. 985.91233;

1
2 shall not be considered confidential and exempt from the
3 provisions of s. 119.07(1) solely because of the child's age.

4 (3) A law enforcement agency may release a copy of the
5 juvenile offense report to the victim of the offense. However,
6 information gained by the victim pursuant to this chapter,
7 including the next of kin of a homicide victim, regarding any
8 case handled in juvenile court, must not be revealed to any
9 outside party, except as is reasonably necessary in pursuit of
10 legal remedies.

11 (4)(a) Notwithstanding any other provision of this
12 section, when a child of any age is taken into custody by a
13 law enforcement officer for an offense that would have been a
14 felony if committed by an adult, or a crime of violence, the
15 law enforcement agency must notify the superintendent of
16 schools that the child is alleged to have committed the
17 delinquent act.

18 (b) Notwithstanding paragraph (a) or any other
19 provision of this section, when a child of any age is formally
20 charged by a state attorney with a felony or a delinquent act
21 that would be a felony if committed by an adult, the state
22 attorney shall notify the superintendent of the child's school
23 that the child has been charged with such felony or delinquent
24 act. The information obtained by the superintendent of schools
25 pursuant to this section must be released within 48 hours
26 after receipt to appropriate school personnel, including the
27 principal of the school of the child. The principal must
28 immediately notify the child's immediate classroom teachers.
29 Upon notification, the principal is authorized to begin
30 disciplinary actions pursuant to s. 1006.09(1)-(4).
31

1 (5) Authorized agents of the Department of Juvenile
2 Justice may administer oaths and affirmations.

3 (6) Records maintained by the Department of Juvenile
4 Justice, including copies of records maintained by the court,
5 which pertain to a child found to have committed a delinquent
6 act which, if committed by an adult, would be a crime
7 specified in ss. 435.03 and 435.04 may not be destroyed
8 pursuant to this section for a period of 25 years after the
9 youth's final referral to the department, except in cases of
10 the death of the child. Such records, however, shall be sealed
11 by the court for use only in meeting the screening
12 requirements for personnel in s. 402.3055 and the other
13 sections cited above, or pursuant to departmental rule;
14 however, current criminal history information must be obtained
15 from the Department of Law Enforcement in accordance with s.
16 943.053. The information shall be released to those persons
17 specified in the above cited sections for the purposes of
18 complying with those sections. The court may punish by
19 contempt any person who releases or uses the records for any
20 unauthorized purpose.

21 (7)(a) Records in the custody of the Department of
22 Juvenile Justice regarding children are not open to inspection
23 by the public. Such records may be inspected only upon order
24 of the Secretary of Juvenile Justice or his or her authorized
25 agent by persons who have sufficient reason and upon such
26 conditions for their use and disposition as the secretary or
27 his or her authorized agent deems proper. The information in
28 such records may be disclosed only to other employees of the
29 Department of Juvenile Justice who have a need therefor in
30 order to perform their official duty; to other persons as
31 authorized by rule of the Department of Juvenile Justice; and,

1 upon request, to the Department of Corrections. The secretary
2 or his or her authorized agent may permit properly qualified
3 persons to inspect and make abstracts from records for
4 statistical purposes under whatever conditions upon their use
5 and disposition the secretary or his or her authorized agent
6 deems proper, provided adequate assurances are given that
7 children's names and other identifying information will not be
8 disclosed by the applicant.

9 **(b)** The destruction of records pertaining to children
10 committed to or supervised by the Department of Juvenile
11 Justice pursuant to a court order, which records are retained
12 until a child reaches the age of 24 years or until a serious
13 or habitual delinquent child reaches the age of 26 years,
14 shall be subject to chapter 943.

15 **(8)** Criminal history information made available to
16 governmental agencies by the Department of Law Enforcement or
17 other criminal justice agencies shall not be used for any
18 purpose other than that specified in the provision authorizing
19 the releases.

20 Section 13. Section 985.05, Florida Statutes, is
21 transferred, renumbered as section 985.2105, Florida Statutes,
22 and amended to read:

23 985.2105 ~~985.05~~ Court records.--

24 **(1)** The clerk of the court shall make and keep records
25 of all cases brought before it pursuant to this chapter ~~part~~.
26 The court shall preserve the records pertaining to a child
27 charged with committing a delinquent act or violation of law
28 until the child reaches 24 years of age or reaches 26 years of
29 age if he or she is a serious or habitual delinquent child,
30 until 5 years after the last entry was made, or until 3 years
31 after the death of the child, whichever is earlier, and may

1 | then destroy them, except that records made of traffic
2 | offenses in which there is no allegation of delinquency may be
3 | destroyed as soon as this can be reasonably accomplished. The
4 | court shall make official records of all petitions and orders
5 | filed in a case arising pursuant to this chapter part and of
6 | any other pleadings, certificates, proofs of publication,
7 | summonses, warrants, and writs that are filed pursuant to the
8 | case.

9 | (2) The clerk shall keep all official records required
10 | by this section separate from other records of the circuit
11 | court, except those records pertaining to motor vehicle
12 | violations, which shall be forwarded to the Department of
13 | Highway Safety and Motor Vehicles. Except as provided in ss.
14 | 943.053 and 985.2104(7) ~~985.04(4)~~, official records required
15 | by this chapter part are not open to inspection by the public,
16 | but may be inspected only upon order of the court by persons
17 | deemed by the court to have a proper interest therein, except
18 | that a child and the parents, guardians, or legal custodians
19 | of the child and their attorneys, law enforcement agencies,
20 | the Department of Juvenile Justice and its designees, the
21 | Parole Commission, and the Department of Corrections shall
22 | always have the right to inspect and copy any official record
23 | pertaining to the child. The court may permit authorized
24 | representatives of recognized organizations compiling
25 | statistics for proper purposes to inspect, and make abstracts
26 | from, official records under whatever conditions upon the use
27 | and disposition of such records the court may deem proper and
28 | may punish by contempt proceedings any violation of those
29 | conditions.

30 | (3) All orders of the court entered pursuant to this
31 | chapter part must be in writing and signed by the judge,

1 except that the clerk or deputy clerk may sign a summons or
2 notice to appear.

3 (4) A court record of proceedings under this chapter
4 ~~part~~ is not admissible in evidence in any other civil or
5 criminal proceeding, except that:

6 (a) Orders transferring a child for trial as an adult
7 are admissible in evidence in the court in which he or she is
8 tried, but create no presumption as to the guilt of the child;
9 nor may such orders be read to, or commented upon in the
10 presence of, the jury in any trial.

11 (b) Orders binding an adult over for trial on a
12 criminal charge, made by the committing trial court judge, are
13 admissible in evidence in the court to which the adult is
14 bound over.

15 (c) Records of proceedings under this part forming a
16 chapter part of the record on appeal must be used in the
17 appellate court in the manner provided in s. 985.90234 ~~s.~~
18 ~~985.234~~.

19 (d) Records are admissible in evidence in any case in
20 which a person is being tried upon a charge of having
21 committed perjury, to the extent such records are necessary to
22 prove the charge.

23 (e) Records of proceedings under this chapter part may
24 be used to prove disqualification pursuant to ss. 110.1127,
25 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175,
26 409.176, and 985.9447 ~~985.407~~.

27 Section 14. Sections 985.06 and 985.08, Florida
28 Statutes, are transferred and renumbered, respectively, as
29 sections 985.2106 and 985.2108, Florida Statutes.

1 Section 15. Section 985.207, Florida Statutes, is
2 transferred, renumbered as section 985.3207, Florida Statutes,
3 and amended to read:

4 987.3207 ~~985.207~~ Taking a child into custody.--

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

7 (a) Pursuant to an order of the circuit court issued
8 under this chapter ~~part~~, based upon sworn testimony, either
9 before or after a petition is filed.

10 (b) For a delinquent act or violation of law, pursuant
11 to Florida law pertaining to a lawful arrest. If such
12 delinquent act or violation of law would be a felony if
13 committed by an adult or involves a crime of violence, the
14 arresting authority shall immediately notify the district
15 school superintendent, or the superintendent's designee, of
16 the school district with educational jurisdiction of the
17 child. Such notification shall include other education
18 providers such as the Florida School for the Deaf and the
19 Blind, university developmental research schools, and private
20 elementary and secondary schools. The information obtained by
21 the superintendent of schools pursuant to this section must be
22 released within 48 hours after receipt to appropriate school
23 personnel, including the principal of the child's school, or
24 as otherwise provided by law. The principal must immediately
25 notify the child's immediate classroom teachers. Information
26 provided by an arresting authority pursuant to this paragraph
27 may not be placed in the student's permanent record and shall
28 be removed from all school records no later than 9 months
29 after the date of the arrest.

30 (c) By a law enforcement officer for failing to appear
31 at a court hearing after being properly noticed.

1 (d) By a law enforcement officer who has probable
2 cause to believe that the child is in violation of the
3 conditions of the child's probation, home detention,
4 postcommitment probation, or conditional release supervision
5 or has escaped from commitment.

6
7 Nothing in this subsection shall be construed to allow the
8 detention of a child who does not meet the detention criteria
9 in part V s. 985.215.

10 (2) Except in an emergency situation, a child may not
11 be placed into or transported in any police car or similar
12 vehicle that at the same time contains an adult under arrest,
13 unless the adult is alleged or believed to be involved in the
14 same offense or transaction as the child.

15 ~~(3)(2)~~ When a child is taken into custody as provided
16 in this section, the person taking the child into custody
17 shall attempt to notify the parent, guardian, or legal
18 custodian of the child. The person taking the child into
19 custody shall continue such attempt until the parent,
20 guardian, or legal custodian of the child is notified or the
21 child is delivered to a juvenile probation officer pursuant to
22 ss. 985.3321 and 985.33212 ~~s. 985.21~~, whichever occurs first.
23 If the child is delivered to a juvenile probation officer
24 before the parent, guardian, or legal custodian is notified,
25 the juvenile probation officer shall continue the attempt to
26 notify until the parent, guardian, or legal custodian of the
27 child is notified. Following notification, the parent or
28 guardian must provide identifying information, including name,
29 address, date of birth, social security number, and driver's
30 license number or identification card number of the parent or
31

1 guardian to the person taking the child into custody or the
2 juvenile probation officer.

3 ~~(4)(3)~~ Taking a child into custody is not an arrest
4 except for the purpose of determining whether the taking into
5 custody or the obtaining of any evidence in conjunction
6 therewith is lawful.

7 Section 16. Section 985.2075, Florida Statutes, is
8 transferred and renumbered as section 985.32075, Florida
9 Statutes.

10 Section 17. Section 985.212, Florida Statutes, is
11 transferred, renumbered as section 985.3212, Florida Statutes,
12 and amended to read:

13 985.3212 ~~985.212~~ Fingerprinting and photographing.--

14 (1)(a) A child who is charged with or found to have
15 committed an offense that would be a felony if committed by an
16 adult shall be fingerprinted and the fingerprints must be
17 submitted to the Department of Law Enforcement as provided in
18 s. 943.051(3)(a).

19 (b) A child who is charged with or found to have
20 committed one of the following offenses shall be
21 fingerprinted, and the fingerprints shall be submitted to the
22 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 23 1. Assault, as defined in s. 784.011.
- 24 2. Battery, as defined in s. 784.03.
- 25 3. Carrying a concealed weapon, as defined in s.
26 790.01(1).
- 27 4. Unlawful use of destructive devices or bombs, as
28 defined in s. 790.1615(1).
- 29 5. Negligent treatment of children, as defined in
30 former s. 827.05.

31

1 6. Assault on a law enforcement officer, a
2 firefighter, or other specified officers, as defined in s.
3 784.07(2)(a).

4 7. Open carrying of a weapon, as defined in s.
5 790.053.

6 8. Exposure of sexual organs, as defined in s. 800.03.

7 9. Unlawful possession of a firearm, as defined in s.
8 790.22(5).

9 10. Petit theft, as defined in s. 812.014.

10 11. Cruelty to animals, as defined in s. 828.12(1).

11 12. Arson, resulting in bodily harm to a firefighter,
12 as defined in s. 806.031(1).

13 13. Unlawful possession or discharge of a weapon or
14 firearm at a school-sponsored event or on school property as
15 defined in s. 790.115.

16

17 A law enforcement agency may fingerprint and photograph a
18 child taken into custody upon probable cause that such child
19 has committed any other violation of law, as the agency deems
20 appropriate. Such fingerprint records and photographs shall be
21 retained by the law enforcement agency in a separate file, and
22 these records and all copies thereof must be marked "Juvenile
23 Confidential." These records are not available for public
24 disclosure and inspection under s. 119.07(1) except as
25 provided in ss. 943.053 and 985.2104(2) ~~985.04(5)~~, but shall
26 be available to other law enforcement agencies, criminal
27 justice agencies, state attorneys, the courts, the child, the
28 parents or legal custodians of the child, their attorneys, and
29 any other person authorized by the court to have access to
30 such records. In addition, such records may be submitted to
31 the Department of Law Enforcement for inclusion in the state

1 | criminal history records and used by criminal justice agencies
2 | for criminal justice purposes. These records may, in the
3 | discretion of the court, be open to inspection by anyone upon
4 | a showing of cause. The fingerprint and photograph records
5 | shall be produced in the court whenever directed by the court.
6 | Any photograph taken pursuant to this section may be shown by
7 | a law enforcement officer to any victim or witness of a crime
8 | for the purpose of identifying the person who committed such
9 | crime.

10 | (c) The court shall be responsible for the
11 | fingerprinting of any child at the disposition hearing if the
12 | child has been adjudicated or had adjudication withheld for
13 | any felony in the case currently before the court.

14 | (2) If the child is not referred to the court, or if
15 | the child is found not to have committed a violation of law,
16 | the court may, after notice to the law enforcement agency
17 | involved, order the originals and copies of the fingerprints
18 | and photographs destroyed. Unless otherwise ordered by the
19 | court, if the child is found to have committed an offense
20 | which would be a felony if it had been committed by an adult,
21 | then the law enforcement agency having custody of the
22 | fingerprint and photograph records shall retain the originals
23 | and immediately thereafter forward adequate duplicate copies
24 | to the court along with the written offense report relating to
25 | the matter for which the child was taken into custody. Except
26 | as otherwise provided by this subsection, the clerk of the
27 | court, after the disposition hearing on the case, shall
28 | forward duplicate copies of the fingerprints and photographs,
29 | together with the child's name, address, date of birth, age,
30 | and sex, to:
31 |

1 (a) The sheriff of the county in which the child was
2 taken into custody, in order to maintain a central child
3 identification file in that county.

4 (b) The law enforcement agency of each municipality
5 having a population in excess of 50,000 persons and located in
6 the county of arrest, if so requested specifically or by a
7 general request by that agency.

8 (3) This section does not prohibit the fingerprinting
9 or photographing of child traffic violators. All records of
10 such traffic violations shall be kept in the full name of the
11 violator and shall be open to inspection and publication in
12 the same manner as adult traffic violations. This section does
13 not apply to the photographing of children by the Department
14 of Juvenile Justice or the Department of Children and Family
15 Services.

16 Section 18. Section 985.211, Florida Statutes, is
17 transferred, renumbered as section 985.32211, Florida
18 Statutes, and amended to read:

19 (Substantial rewording of section. See
20 s. 985.211, F.S., for present text.)

21 985.32211 Release or delivery from custody.--

22 (1) A child taken into custody shall be released from
23 custody as soon as is reasonably possible.

24 (2) Unless otherwise ordered by the court pursuant to
25 s. 985.215, and unless there is a need to hold the child, a
26 person taking a child into custody shall attempt to release
27 the child as follows:

28 (a) To the child's parent, guardian, or legal
29 custodian or, if the child's parent, guardian, or legal
30 custodian is unavailable, unwilling, or unable to provide
31 supervision for the child, to any responsible adult. Prior to

1 releasing the child to a responsible adult, other than the
2 parent, guardian, or legal custodian, the person taking the
3 child into custody may conduct a criminal history background
4 check of the person to whom the child is to be released. If
5 the person has a prior felony conviction, or a conviction for
6 child abuse, drug trafficking, or prostitution, that person is
7 not a responsible adult for the purposes of this section. The
8 person to whom the child is released shall agree to inform the
9 department or the person releasing the child of the child's
10 subsequent change of address and to produce the child in court
11 at such time as the court may direct, and the child shall join
12 in the agreement.

13 (b) Contingent upon specific appropriation, to a
14 shelter approved by the department or to an authorized agent
15 pursuant to s. 39.401(2)(b).

16 (c) If the child is believed to be suffering from a
17 serious physical condition which requires either prompt
18 diagnosis or prompt treatment, to a law enforcement officer
19 who shall deliver the child to a hospital for necessary
20 evaluation and treatment.

21 (d) If the child is believed to be mentally ill as
22 defined in s. 394.463(1), to a law enforcement officer who
23 shall take the child to a designated public receiving facility
24 as defined in s. 394.455 for examination pursuant to the
25 provisions of s. 394.463.

26 (e) If the child appears to be intoxicated and has
27 threatened, attempted, or inflicted physical harm on himself
28 or herself or another, or is incapacitated by substance abuse,
29 to a law enforcement officer who shall deliver the child to a
30 hospital, addictions receiving facility, or treatment
31 resource.

1 (f) If available, to a juvenile assessment center
2 equipped and staffed to assume custody of the child for the
3 purpose of assessing the needs of the child in custody. The
4 center may then release or deliver the child pursuant to this
5 section with a copy of the assessment.

6 (3) Upon taking a child into custody, a law
7 enforcement officer may deliver the child, for temporary
8 custody not to exceed 6 hours, to a secure booking area of a
9 jail or other facility intended or used for the detention of
10 adults, for the purpose of fingerprinting or photographing the
11 child or awaiting appropriate transport to the department or
12 as provided in s. 985.3307, if no regular sight and sound
13 contact between the child and adult inmates or trustees is
14 permitted and the receiving facility has adequate staff to
15 supervise and monitor the child's activities at all times.

16 (4) This section does not prohibit the proper use of
17 law enforcement diversion programs. Law enforcement agencies
18 may initiate and conduct diversion programs designed to divert
19 a child from the need for department custody or judicial
20 handling. Such programs may be cooperative projects with local
21 community service agencies.

22 Section 19. Section 985.301, Florida Statutes, is
23 transferred, renumbered as section 985.3301, Florida Statutes,
24 and amended to read:

25 985.3301 ~~985.301~~ Civil citation.--

26 (1) There is established a juvenile civil citation
27 process for the purpose of providing an efficient and
28 innovative alternative to custody by the Department of
29 Juvenile Justice of children who commit nonserious delinquent
30 acts and to ensure swift and appropriate consequences. The
31 civil citation program may be established at the local level

1 | with the concurrence of the chief judge of the circuit, state
2 | attorney, public defender, and the head of each local law
3 | enforcement agency involved. Under such a juvenile civil
4 | citation program, any law enforcement officer, upon making
5 | contact with a juvenile who admits having committed a
6 | misdemeanor, may issue a civil citation assessing not more
7 | than 50 community service hours, and may require participation
8 | in intervention services appropriate to identified needs of
9 | the juvenile, including family counseling, urinalysis
10 | monitoring, and substance abuse and mental health treatment
11 | services. A copy of each citation issued under this section
12 | shall be provided to the department, and the department shall
13 | enter appropriate information into the juvenile offender
14 | information system.

15 | (2) Upon issuing such citation, the law enforcement
16 | officer shall send a copy to the county sheriff, state
17 | attorney, the appropriate intake office of the department, the
18 | community service performance monitor designated by the
19 | department, the parent or guardian of the child, and the
20 | victim.

21 | (3) The child shall report to the community service
22 | performance monitor within 7 working days after the date of
23 | issuance of the citation. The work assignment shall be
24 | accomplished at a rate of not less than 5 hours per week. The
25 | monitor shall advise the intake office immediately upon
26 | reporting by the child to the monitor, that the child has in
27 | fact reported and the expected date upon which completion of
28 | the work assignment will be accomplished.

29 | (4) If the juvenile fails to report timely for a work
30 | assignment, complete a work assignment, or comply with
31 | assigned intervention services within the prescribed time, or

1 | if the juvenile commits a third or subsequent misdemeanor, the
2 | law enforcement officer shall issue a report alleging the
3 | child has committed a delinquent act, at which point a
4 | juvenile probation officer shall perform a preliminary
5 | determination as provided under s. 985.33212(1)(a) and (b) ~~s.~~
6 | ~~985.21(4)~~.

7 | (5) At the time of issuance of the citation by the law
8 | enforcement officer, such officer shall advise the child that
9 | the child has the option to refuse the citation and to be
10 | referred to the intake office of the department. That option
11 | may be exercised at any time prior to completion of the work
12 | assignment.

13 | Section 20. Section 985.3065, Florida Statutes, is
14 | transferred and renumbered as section 985.33065, Florida
15 | Statutes.

16 | Section 21. Section 985.3307, Florida Statutes, is
17 | created to read:

18 | 985.3307 Probable cause affidavits.--

19 | (1) If the child is released, the person taking the
20 | child into custody shall make a written report or probable
21 | cause affidavit to the appropriate juvenile probation officer
22 | within 24 hours after such release, stating the facts and the
23 | reason for taking the child into custody. Such written report
24 | or probable cause affidavit shall:

25 | (a) Identify the child, the parents, guardian, or
26 | legal custodian, and the person to whom the child was
27 | released.

28 | (b) Contain sufficient information to establish the
29 | jurisdiction of the court and to make a prima facie showing
30 | that the child has committed a violation of law or a
31 | delinquent act.

1 (2) A person taking a child into custody who
2 determines, pursuant to part V, that the child should be
3 detained or released to a shelter designated by the
4 department, shall make a reasonable effort to immediately
5 notify the parent, guardian, or legal custodian of the child
6 and shall, without unreasonable delay, deliver the child to
7 the appropriate juvenile probation officer or, if the court
8 has so ordered pursuant to s. 985.52152 or s. 985.52155, to a
9 detention center or facility. Upon delivery of the child, the
10 person taking the child into custody shall make a written
11 report or probable cause affidavit to the appropriate juvenile
12 probation officer. Such written report or probable cause
13 affidavit must:

14 (a) Identify the child and, if known, the parents,
15 guardian, or legal custodian.

16 (b) Establish that the child was legally taken into
17 custody, with sufficient information to establish the
18 jurisdiction of the court and to make a prima facie showing
19 that the child has committed a violation of law.

20 (3)(a) A copy of the probable cause affidavit or
21 written report made by the person taking the child into
22 custody shall be filed, by the law enforcement agency which
23 employs the person making such affidavit or written report,
24 with the clerk of the circuit court for the county in which
25 the child is taken into custody or in which the affidavit or
26 report is made within 24 hours after the affidavit or report
27 is made, excluding Saturdays, Sundays, and legal holidays.
28 Such affidavit or report is a case for the purpose of
29 assigning a uniform case number pursuant to this subsection.

30 (b) Upon the filing of a copy of a probable cause
31 affidavit or written report by a law enforcement agency with

1 the clerk of the circuit court, the clerk shall immediately
2 assign a uniform case number to the affidavit or report,
3 forward a copy to the state attorney, and forward a copy to
4 the intake office of the department which serves the county in
5 which the case arose.

6 (c) Each letter of recommendation, written notice,
7 report, or other paper required by law pertaining to the case
8 shall bear the uniform case number of the case, and a copy
9 shall be filed with the clerk of the circuit court by the
10 issuing agency. The issuing agency shall furnish copies to the
11 juvenile probation officer and the state attorney.

12 (d) Upon the filing of a petition based on the
13 allegations of a previously filed probable cause affidavit or
14 written report, the agency filing the petition shall include
15 the appropriate uniform case number on the petition.

16 Section 22. Section 985.209, Florida Statutes, is
17 transferred and renumbered as section 985.33209, Florida
18 Statutes.

19 Section 23. Section 985.21, Florida Statutes, is
20 transferred, renumbered as section 985.3321, Florida Statutes,
21 and amended to read:

22 985.3321 ~~985.21~~ Intake and case-management system case
23 management.--

24 ~~(1)(a) During the intake process, the juvenile~~
25 ~~probation officer shall screen each child or shall cause each~~
26 ~~child to be screened in order to determine:~~

27 ~~1. Appropriateness for release, referral to a~~
28 ~~diversionary program including, but not limited to, a~~
29 ~~teen court program, referral for community arbitration, or~~
30 ~~referral to some other program or agency for the purpose of~~
31 ~~nonofficial or nonjudicial handling.~~

1 ~~2. The presence of medical, psychiatric,~~
2 ~~psychological, substance abuse, educational, or vocational~~
3 ~~problems, or other conditions that may have caused the child~~
4 ~~to come to the attention of law enforcement or the Department~~
5 ~~of Juvenile Justice. The child shall also be screened to~~
6 ~~determine whether the child poses a danger to himself or~~
7 ~~herself or others in the community. The results of this~~
8 ~~screening shall be made available to the court and to court~~
9 ~~officers. In cases where such conditions are identified, and a~~
10 ~~nonjudicial handling of the case is chosen, the juvenile~~
11 ~~probation officer shall attempt to refer the child to a~~
12 ~~program or agency, together with all available and relevant~~
13 ~~assessment information concerning the child's precipitating~~
14 ~~condition.~~

15 ~~3.~~ The Department of Juvenile Justice shall develop an
16 intake and a case management system whereby a child brought
17 into intake is assigned a juvenile probation officer if the
18 child was not released, referred to a diversionary program,
19 referred for community arbitration, or referred to some other
20 program or agency for the purpose of nonofficial or
21 nonjudicial handling, and shall make every reasonable effort
22 to provide case management services for the child; provided,
23 however, that case management for children committed to
24 residential programs may be transferred as provided in s.
25 985.7316 ~~s. 985.316~~.

26 ~~4. In addition to duties specified in other sections~~
27 ~~and through departmental rules, the assigned juvenile~~
28 ~~probation officer shall be responsible for the following:~~

29 ~~a. Ensuring that a risk assessment instrument~~
30 ~~establishing the child's eligibility for detention has been~~
31

1 ~~accurately completed and that the appropriate recommendation~~
2 ~~was made to the court.~~

3 ~~b. Inquiring as to whether the child understands his~~
4 ~~or her rights to counsel and against self incrimination.~~

5 ~~c. Performing the preliminary screening and making~~
6 ~~referrals for comprehensive assessment regarding the child's~~
7 ~~need for substance abuse treatment services, mental health~~
8 ~~services, retardation services, literacy services, or other~~
9 ~~educational or treatment services.~~

10 ~~d. Coordinating the multidisciplinary assessment when~~
11 ~~required, which includes the classification and placement~~
12 ~~process that determines the child's priority needs, risk~~
13 ~~classification, and treatment plan. When sufficient evidence~~
14 ~~exists to warrant a comprehensive assessment and the child~~
15 ~~fails to voluntarily participate in the assessment efforts, it~~
16 ~~is the responsibility of the juvenile probation officer to~~
17 ~~inform the court of the need for the assessment and the~~
18 ~~refusal of the child to participate in such assessment. This~~
19 ~~assessment, classification, and placement process shall~~
20 ~~develop into the predisposition report.~~

21 ~~e. Making recommendations for services and~~
22 ~~facilitating the delivery of those services to the child,~~
23 ~~including any mental health services, educational services,~~
24 ~~family counseling services, family assistance services, and~~
25 ~~substance abuse services. The juvenile probation officer shall~~
26 ~~serve as the primary case manager for the purpose of managing,~~
27 ~~coordinating, and monitoring the services provided to the~~
28 ~~child. Each program administrator within the Department of~~
29 ~~Children and Family Services shall cooperate with the primary~~
30 ~~case manager in carrying out the duties and responsibilities~~
31 ~~described in this section.~~

1
2 ~~The Department of Juvenile Justice shall annually advise the~~
3 ~~Legislature and the Executive Office of the Governor of the~~
4 ~~resources needed in order for the intake and case management~~
5 ~~system to maintain a staff to client ratio that is consistent~~
6 ~~with accepted standards and allows the necessary supervision~~
7 ~~and services for each child. The intake process and case~~
8 ~~management system shall provide a comprehensive approach to~~
9 ~~assessing the child's needs, relative risks, and most~~
10 ~~appropriate handling, and shall be based on an individualized~~
11 ~~treatment plan.~~

12 (2) The intake process shall be performed by the
13 department through a case management system. The purpose of
14 the intake process is to assess the child's needs and risks
15 and to determine the most appropriate treatment plan and
16 setting for the child's programmatic needs and risks. The
17 intake process shall result in choosing the most appropriate
18 services through a balancing of the interests and needs of the
19 child with those of the family and the public. The juvenile
20 probation officer is responsible for making informed decisions
21 and recommendations to other agencies, the state attorney, and
22 the courts so that the child and family may receive the least
23 intrusive service alternative throughout the judicial process.
24 The department shall establish uniform procedures for the
25 juvenile probation officer to provide, prior to the filing of
26 a petition or as soon as possible thereafter and prior to a
27 disposition hearing, a preliminary screening of the child and
28 family for substance abuse and mental health services.

29 (3)(b) The intake and case management system shall
30 facilitate consistency in the recommended placement of each
31

1 child, and in the assessment, classification, and placement
2 process, with the following purposes:

3 ~~(a)1-~~ An individualized, multidisciplinary assessment
4 process that identifies the priority needs of each individual
5 child for rehabilitation and treatment and identifies any
6 needs of the child's parents or guardians for services that
7 would enhance their ability to provide adequate support,
8 guidance, and supervision for the child. This process shall
9 begin with the detention risk assessment instrument and
10 decision, shall include the intake preliminary screening and
11 comprehensive assessment for substance abuse treatment
12 services, mental health services, retardation services,
13 literacy services, and other educational and treatment
14 services as components, additional assessment of the child's
15 treatment needs, and classification regarding the child's
16 risks to the community and, for a serious or habitual
17 delinquent child, shall include the assessment for placement
18 in a serious or habitual delinquent children program pursuant
19 to s. 985.73331 ~~s. 985.31~~. The completed multidisciplinary
20 assessment process shall result in the predisposition report.

21 ~~(b)2-~~ A classification system that assigns a relative
22 risk to the child and the community based upon assessments
23 including the detention risk assessment results when available
24 to classify the child's risk as it relates to placement and
25 supervision alternatives.

26 ~~(c)3-~~ An admissions process that facilitates for each
27 child the utilization of the treatment plan and setting most
28 appropriate to meet the child's programmatic needs and provide
29 the minimum program security needed to ensure public safety.

30 (4) The Department of Juvenile Justice shall annually
31 advise the Legislature and the Executive Office of the

1 Governor of the resources needed in order for the intake and
2 case management system to maintain a staff-to-client ratio
3 that is consistent with accepted standards and allows the
4 necessary supervision and services for each child. The intake
5 process and case management system shall provide a
6 comprehensive approach to assessing the child's needs,
7 relative risks, and most appropriate handling, and shall be
8 based on an individualized treatment plan.

9 ~~(2) The intake process shall be performed by the~~
10 ~~department through a case management system. The purpose of~~
11 ~~the intake process is to assess the child's needs and risks~~
12 ~~and to determine the most appropriate treatment plan and~~
13 ~~setting for the child's programmatic needs and risks. The~~
14 ~~intake process shall result in choosing the most appropriate~~
15 ~~services through a balancing of the interests and needs of the~~
16 ~~child with those of the family and the public. The juvenile~~
17 ~~probation officer is responsible for making informed decisions~~
18 ~~and recommendations to other agencies, the state attorney, and~~
19 ~~the courts so that the child and family may receive the least~~
20 ~~intrusive service alternative throughout the judicial process.~~
21 ~~The department shall establish uniform procedures for the~~
22 ~~juvenile probation officer to provide, prior to the filing of~~
23 ~~a petition or as soon as possible thereafter and prior to a~~
24 ~~disposition hearing, a preliminary screening of the child and~~
25 ~~family for substance abuse and mental health services.~~

26 ~~(3) A report, affidavit, or complaint alleging that a~~
27 ~~child has committed a delinquent act or violation of law shall~~
28 ~~be made to the intake office operating in the county in which~~
29 ~~the child is found or in which the delinquent act or violation~~
30 ~~of law occurred. Any person or agency having knowledge of the~~
31 ~~facts may make such a written report, affidavit, or complaint~~

1 ~~and shall furnish to the intake office facts sufficient to~~
2 ~~establish the jurisdiction of the court and to support a~~
3 ~~finding by the court that the child has committed a delinquent~~
4 ~~act or violation of law.~~

5 ~~(4) The juvenile probation officer shall make a~~
6 ~~preliminary determination as to whether the report, affidavit,~~
7 ~~or complaint is complete, consulting with the state attorney~~
8 ~~as may be necessary. In any case where the juvenile probation~~
9 ~~officer or the state attorney finds that the report,~~
10 ~~affidavit, or complaint is insufficient by the standards for a~~
11 ~~probable cause affidavit, the juvenile probation officer or~~
12 ~~state attorney shall return the report, affidavit, or~~
13 ~~complaint, without delay, to the person or agency originating~~
14 ~~the report, affidavit, or complaint or having knowledge of the~~
15 ~~facts or to the appropriate law enforcement agency having~~
16 ~~investigative jurisdiction of the offense, and shall request,~~
17 ~~and the person or agency shall promptly furnish, additional~~
18 ~~information in order to comply with the standards for a~~
19 ~~probable cause affidavit.~~

20 ~~(a) The juvenile probation officer, upon determining~~
21 ~~that the report, affidavit, or complaint is complete, pursuant~~
22 ~~to uniform procedures established by the department, shall:~~

23 ~~1. When indicated by the preliminary screening,~~
24 ~~provide for a comprehensive assessment of the child and family~~
25 ~~for substance abuse problems, using community based licensed~~
26 ~~programs with clinical expertise and experience in the~~
27 ~~assessment of substance abuse problems.~~

28 ~~2. When indicated by the preliminary screening,~~
29 ~~provide for a comprehensive assessment of the child and family~~
30 ~~for mental health problems, using community based~~
31 ~~psychologists, psychiatrists, or other licensed mental health~~

1 ~~professionals with clinical expertise and experience in the~~
2 ~~assessment of mental health problems.~~
3
4 ~~When indicated by the comprehensive assessment, the department~~
5 ~~is authorized to contract within appropriated funds for~~
6 ~~services with a local nonprofit community mental health or~~
7 ~~substance abuse agency licensed or authorized under chapter~~
8 ~~394, or chapter 397, or other authorized nonprofit social~~
9 ~~service agency providing related services. The determination~~
10 ~~of mental health or substance abuse services shall be~~
11 ~~conducted in coordination with existing programs providing~~
12 ~~mental health or substance abuse services in conjunction with~~
13 ~~the intake office. Client information resulting from the~~
14 ~~screening and evaluation shall be documented pursuant to rules~~
15 ~~established by the department and shall serve to assist the~~
16 ~~juvenile probation officer in providing the most appropriate~~
17 ~~services and recommendations in the least intrusive manner.~~
18 ~~Such client information shall be used in the multidisciplinary~~
19 ~~assessment and classification of the child, but such~~
20 ~~information, and any information obtained directly or~~
21 ~~indirectly through the assessment process, is inadmissible in~~
22 ~~court prior to the disposition hearing, unless the child's~~
23 ~~written consent is obtained. At the disposition hearing,~~
24 ~~documented client information shall serve to assist the court~~
25 ~~in making the most appropriate custody, adjudicatory, and~~
26 ~~dispositional decision. If the screening and assessment~~
27 ~~indicate that the interest of the child and the public will be~~
28 ~~best served thereby, the juvenile probation officer, with the~~
29 ~~approval of the state attorney, may refer the child for care,~~
30 ~~diagnostic and evaluation services, substance abuse treatment~~
31 ~~services, mental health services, retardation services, a~~

1 ~~diversionary or arbitration or mediation program, community~~
2 ~~service work, or other programs or treatment services~~
3 ~~voluntarily accepted by the child and the child's parents or~~
4 ~~legal guardians. The victim, if any, and the law enforcement~~
5 ~~agency which investigated the offense shall be notified~~
6 ~~immediately by the state attorney of the action taken under~~
7 ~~this paragraph. Whenever a child volunteers to participate in~~
8 ~~any work program under this chapter or volunteers to work in a~~
9 ~~specified state, county, municipal, or community service~~
10 ~~organization supervised work program or to work for the~~
11 ~~victim, the child shall be considered an employee of the state~~
12 ~~for the purposes of liability. In determining the child's~~
13 ~~average weekly wage, unless otherwise determined by a specific~~
14 ~~funding program, all remuneration received from the employer~~
15 ~~is considered a gratuity, and the child is not entitled to any~~
16 ~~benefits otherwise payable under s. 440.15, regardless of~~
17 ~~whether the child may be receiving wages and remuneration from~~
18 ~~other employment with another employer and regardless of the~~
19 ~~child's future wage earning capacity.~~

20 ~~(b) The juvenile probation officer, upon determining~~
21 ~~that the report, affidavit, or complaint complies with the~~
22 ~~standards of a probable cause affidavit and that the interest~~
23 ~~of the child and the public will be best served, may recommend~~
24 ~~that a delinquency petition not be filed. If such a~~
25 ~~recommendation is made, the juvenile probation officer shall~~
26 ~~advise in writing the person or agency making the report,~~
27 ~~affidavit, or complaint, the victim, if any, and the law~~
28 ~~enforcement agency having investigative jurisdiction of the~~
29 ~~offense of the recommendation and the reasons therefor; and~~
30 ~~that the person or agency may submit, within 10 days after the~~
31 ~~receipt of such notice, the report, affidavit, or complaint to~~

1 ~~the state attorney for special review. The state attorney,~~
2 ~~upon receiving a request for special review, shall consider~~
3 ~~the facts presented by the report, affidavit, or complaint,~~
4 ~~and by the juvenile probation officer who made the~~
5 ~~recommendation that no petition be filed, before making a~~
6 ~~final decision as to whether a petition or information should~~
7 ~~or should not be filed.~~

8 ~~(c) Subject to the interagency agreement authorized~~
9 ~~under this paragraph, the juvenile probation officer for each~~
10 ~~case in which a child is alleged to have committed a violation~~
11 ~~of law or delinquent act and is not detained shall submit a~~
12 ~~written report to the state attorney, including the original~~
13 ~~report, complaint, or affidavit, or a copy thereof, including~~
14 ~~a copy of the child's prior juvenile record, within 20 days~~
15 ~~after the date the child is taken into custody. In cases in~~
16 ~~which the child is in detention, the intake office report must~~
17 ~~be submitted within 24 hours after the child is placed into~~
18 ~~detention. The intake office report may include a~~
19 ~~recommendation that a petition or information be filed or that~~
20 ~~no petition or information be filed, and may set forth reasons~~
21 ~~for the recommendation. The State Attorney and the Department~~
22 ~~of Juvenile Justice may, on a district by district basis,~~
23 ~~enter into interagency agreements denoting the cases that will~~
24 ~~require a recommendation and those for which a recommendation~~
25 ~~is unnecessary.~~

26 ~~(d) The state attorney may in all cases take action~~
27 ~~independent of the action or lack of action of the juvenile~~
28 ~~probation officer, and shall determine the action which is in~~
29 ~~the best interest of the public and the child. If the child~~
30 ~~meets the criteria requiring prosecution as an adult pursuant~~
31 ~~to s. 985.226, the state attorney shall request the court to~~

1 ~~transfer and certify the child for prosecution as an adult or~~
2 ~~shall provide written reasons to the court for not making such~~
3 ~~request. In all other cases, the state attorney may:~~
4 1. ~~File a petition for dependency;~~
5 2. ~~File a petition pursuant to chapter 984;~~
6 3. ~~File a petition for delinquency;~~
7 4. ~~File a petition for delinquency with a motion to~~
8 ~~transfer and certify the child for prosecution as an adult;~~
9 5. ~~File an information pursuant to s. 985.227;~~
10 6. ~~Refer the case to a grand jury;~~
11 7. ~~Refer the child to a diversionary, pretrial~~
12 ~~intervention, arbitration, or mediation program, or to some~~
13 ~~other treatment or care program if such program commitment is~~
14 ~~voluntarily accepted by the child or the child's parents or~~
15 ~~legal guardians; or~~
16 8. ~~Decline to file.~~
17 (e) ~~In cases in which a delinquency report, affidavit,~~
18 ~~or complaint is filed by a law enforcement agency and the~~
19 ~~state attorney determines not to file a petition, the state~~
20 ~~attorney shall advise the clerk of the circuit court in~~
21 ~~writing that no petition will be filed thereon.~~
22 (5) ~~Prior to requesting that a delinquency petition be~~
23 ~~filed or prior to filing a dependency petition, the juvenile~~
24 ~~probation officer may request the parent or legal guardian of~~
25 ~~the child to attend a course of instruction in parenting~~
26 ~~skills, training in conflict resolution, and the practice of~~
27 ~~nonviolence; to accept counseling; or to receive other~~
28 ~~assistance from any agency in the community which notifies the~~
29 ~~clerk of the court of the availability of its services. Where~~
30 ~~appropriate, the juvenile probation officer shall request both~~
31 ~~parents or guardians to receive such parental assistance. The~~

1 ~~juvenile probation officer may, in determining whether to~~
2 ~~request that a delinquency petition be filed, take into~~
3 ~~consideration the willingness of the parent or legal guardian~~
4 ~~to comply with such request. The parent or guardian must~~
5 ~~provide the juvenile probation officer with identifying~~
6 ~~information, including the parent's or guardian's name,~~
7 ~~address, date of birth, social security number, and driver's~~
8 ~~license number or identification card number in order to~~
9 ~~comply with s. 985.2311.~~

10 Section 24. Section 985.33212, Florida Statutes, is
11 created to read:

12 985.33212 Responsibilities of the juvenile probation
13 officer during intake; screenings and assessments.--

14 (1) The juvenile probation officer shall serve as the
15 primary case manager for the purpose of managing,
16 coordinating, and monitoring the services provided to the
17 child. Each program administrator within the Department of
18 Children and Family Services shall cooperate with the primary
19 case manager in carrying out the duties and responsibilities
20 described in this section. In addition to duties specified in
21 other sections and through departmental rules, the assigned
22 juvenile probation officer shall be responsible for the
23 following:

24 (a) Reviewing the probable cause affidavit. The
25 juvenile probation officer shall make a preliminary
26 determination as to whether the report, affidavit, or
27 complaint is complete, consulting with the state attorney as
28 may be necessary. A report, affidavit, or complaint alleging
29 that a child has committed a delinquent act or violation of
30 law shall be made to the intake office operating in the county
31 in which the child is found or in which the delinquent act or

1 violation of law occurred. Any person or agency having
2 knowledge of the facts may make such a written report,
3 affidavit, or complaint and shall furnish to the intake office
4 facts sufficient to establish the jurisdiction of the court
5 and to support a finding by the court that the child has
6 committed a delinquent act or violation of law.

7 (b) Providing notification concerning any apparent
8 insufficiencies in the probable cause affidavit. In any case
9 where the juvenile probation officer or the state attorney
10 finds that the report, affidavit, or complaint is insufficient
11 by the standards for a probable cause affidavit, the juvenile
12 probation officer or state attorney shall return the report,
13 affidavit, or complaint, without delay, to the person or
14 agency originating the report, affidavit, or complaint or
15 having knowledge of the facts or to the appropriate law
16 enforcement agency having investigative jurisdiction of the
17 offense, and shall request, and the person or agency shall
18 promptly furnish, additional information in order to comply
19 with the standards for a probable cause affidavit.

20 (c) Screening the child. During the intake process,
21 the juvenile probation officer shall screen each child or
22 shall cause each child to be screened in order to determine:

23 1. Appropriateness for release, referral to a
24 diversionary program, including, but not limited to, a teen
25 court program, referral for community arbitration, or referral
26 to some other program or agency for the purpose of nonofficial
27 or nonjudicial handling.

28 2. The presence of medical, psychiatric,
29 psychological, substance abuse, educational, or vocational
30 problems, or other conditions that may have caused the child
31 to come to the attention of law enforcement or the Department

1 of Juvenile Justice. The child shall also be screened to
2 determine whether the child poses a danger to himself or
3 herself or others in the community. The results of this
4 screening shall be made available to the court and to court
5 officers. In cases where such conditions are identified, and a
6 nonjudicial handling of the case is chosen, the juvenile
7 probation officer shall attempt to refer the child to a
8 program or agency, together with all available and relevant
9 assessment information concerning the child's precipitating
10 condition.

11 (d) Completing the risk assessment instrument
12 concerning the child. The juvenile probation officer shall
13 ensure that a risk assessment instrument establishing the
14 child's eligibility for detention has been accurately
15 completed and that the appropriate recommendation was made to
16 the court.

17 (e) Inquiring as to whether the child understands his
18 or her rights to counsel and against self-incrimination.

19 (f) Coordinating the multidisciplinary assessment
20 concerning the child. The juvenile probation officer shall
21 coordinate the multidisciplinary assessment when required,
22 which includes the classification and placement process that
23 determines the child's priority needs, risk classification,
24 and treatment plan. When sufficient evidence exists to warrant
25 a comprehensive assessment and the child fails to voluntarily
26 participate in the assessment efforts, it is the
27 responsibility of the juvenile probation officer to inform the
28 court of the need for the assessment and the refusal of the
29 child to participate in such assessment. This assessment,
30 classification, and placement process shall develop into the
31 predisposition report.

1 (g) Coordinating the comprehensive assessment
2 concerning the child. The juvenile probation officer, pursuant
3 to uniform procedures established by the department and upon
4 determining that the report, affidavit, or complaint is
5 complete, shall:

6 1. Perform the preliminary screening and make
7 referrals for a comprehensive assessment regarding the child's
8 need for substance abuse treatment services, mental health
9 services, retardation services, literacy services, or other
10 educational or treatment services.

11 2. When indicated by the preliminary screening,
12 provide for a comprehensive assessment of the child and family
13 for substance abuse problems, using community-based licensed
14 programs with clinical expertise and experience in the
15 assessment of substance abuse problems.

16 3. When indicated by the preliminary screening,
17 provide for a comprehensive assessment of the child and family
18 for mental health problems, using community-based
19 psychologists, psychiatrists, or other licensed mental health
20 professionals with clinical expertise and experience in the
21 assessment of mental health problems.

22 (h) Making appropriate referrals for services. The
23 juvenile probation officer shall make recommendations for
24 services and facilitate the delivery of those services to the
25 child, including any mental health services, educational
26 services, family counseling services, family assistance
27 services, and substance abuse services.

28 (i) Making recommendations concerning the filing of a
29 petition. Upon determining that the report, affidavit, or
30 complaint complies with the standards of a probable cause
31 affidavit and that the interest of the child and the public

1 will be best served, the juvenile probation officer may
2 recommend that a delinquency petition not be filed. If such a
3 recommendation is made, the juvenile probation officer shall
4 advise in writing the person or agency making the report,
5 affidavit, or complaint, the victim, if any, and the law
6 enforcement agency having investigative jurisdiction of the
7 offense of the recommendation and the reasons therefor; and
8 that the person or agency may submit, within 10 days after the
9 receipt of such notice, the report, affidavit, or complaint to
10 the state attorney for special review. The state attorney,
11 upon receiving a request for special review, shall consider
12 the facts presented by the report, affidavit, or complaint,
13 and by the juvenile probation officer who made the
14 recommendation that no petition be filed, before making a
15 final decision as to whether a petition or information should
16 or should not be filed.

17 (j) Completing the intake report. Subject to the
18 interagency agreement authorized under this paragraph, the
19 juvenile probation officer for each case in which a child is
20 alleged to have committed a violation of law or delinquent act
21 and is not detained shall submit a written report to the state
22 attorney, including the original report, complaint, or
23 affidavit, or a copy thereof, including a copy of the child's
24 prior juvenile record, within 20 days after the date the child
25 is taken into custody. In cases in which the child is in
26 detention, the intake office report must be submitted within
27 24 hours after the child is placed into detention. The intake
28 office report may include a recommendation that a petition or
29 information be filed or that no petition or information be
30 filed, and may set forth reasons for the recommendation. The
31 state attorney and the Department of Juvenile Justice may, on

1 a district-by-district basis, enter into interagency
2 agreements denoting the cases that will require a
3 recommendation and those for which a recommendation is
4 unnecessary.

5 (2) Prior to requesting that a delinquency petition be
6 filed or prior to filing a dependency petition, the juvenile
7 probation officer may request the parent or legal guardian of
8 the child to attend a course of instruction in parenting
9 skills, training in conflict resolution, and the practice of
10 nonviolence; to accept counseling; or to receive other
11 assistance from any agency in the community which notifies the
12 clerk of the court of the availability of its services. Where
13 appropriate, the juvenile probation officer shall request both
14 parents or guardians to receive such parental assistance. The
15 juvenile probation officer may, in determining whether to
16 request that a delinquency petition be filed, take into
17 consideration the willingness of the parent or legal guardian
18 to comply with such request. The parent or guardian must
19 provide the juvenile probation officer with identifying
20 information, including the parent's or guardian's name,
21 address, date of birth, social security number, and driver's
22 license number or identification card number in order to
23 comply with s. 985.0217.

24 (3) When indicated by the comprehensive assessment,
25 the department is authorized to contract within appropriated
26 funds for services with a local nonprofit community mental
27 health or substance abuse agency licensed or authorized under
28 chapter 394, or chapter 397, or other authorized nonprofit
29 social service agency providing related services. The
30 determination of mental health or substance abuse services
31 shall be conducted in coordination with existing programs

1 providing mental health or substance abuse services in
2 conjunction with the intake office.

3 (4) Client information resulting from the screening
4 and evaluation shall be documented pursuant to rules
5 established by the department and shall serve to assist the
6 juvenile probation officer in providing the most appropriate
7 services and recommendations in the least intrusive manner.
8 Such client information shall be used in the multidisciplinary
9 assessment and classification of the child, but such
10 information, and any information obtained directly or
11 indirectly through the assessment process, is inadmissible in
12 court prior to the disposition hearing, unless the child's
13 written consent is obtained. At the disposition hearing,
14 documented client information shall serve to assist the court
15 in making the most appropriate custody, adjudicatory, and
16 dispositional decision.

17 (5) If the screening and assessment indicate that the
18 interest of the child and the public will be best served
19 thereby, the juvenile probation officer, with the approval of
20 the state attorney, may refer the child for care, diagnostic
21 and evaluation services, substance abuse treatment services,
22 mental health services, retardation services, a diversionary
23 or arbitration or mediation program, community service work,
24 or other programs or treatment services voluntarily accepted
25 by the child and the child's parents or legal guardians.
26 Whenever a child volunteers to participate in any work program
27 under this chapter or volunteers to work in a specified state,
28 county, municipal, or community service organization
29 supervised work program or to work for the victim, the child
30 shall be considered an employee of the state for the purposes
31 of liability. In determining the child's average weekly wage,

1 unless otherwise determined by a specific funding program, all
2 remuneration received from the employer is considered a
3 gratuity, and the child is not entitled to any benefits
4 otherwise payable under s. 440.15, regardless of whether the
5 child may be receiving wages and remuneration from other
6 employment with another employer and regardless of the child's
7 future wage-earning capacity.

8 (6) The victim, if any, and the law enforcement agency
9 which investigated the offense shall be notified immediately
10 by the state attorney of the action taken under subsection
11 (5).

12 Section 25. Section 985.33213, Florida Statutes, is
13 created to read:

14 985.33213 Filing decisions.--

15 (1) The state attorney may in all cases take action
16 independent of the action or lack of action of the juvenile
17 probation officer, and shall determine the action which is in
18 the best interest of the public and the child. If the child
19 meets the criteria requiring prosecution as an adult pursuant
20 to s. 985.91226, the state attorney shall request the court to
21 transfer and certify the child for prosecution as an adult or
22 shall provide written reasons to the court for not making such
23 request. In all other cases, the state attorney may:

24 (a) File a petition for dependency;

25 (b) File a petition pursuant to chapter 984;

26 (c) File a petition for delinquency;

27 (d) File a petition for delinquency with a motion to
28 transfer and certify the child for prosecution as an adult;

29 (e) File an information pursuant to s. 985.91227;

30 (f) Refer the case to a grand jury;

31

1 (g) Refer the child to a diversionary, pretrial
2 intervention, arbitration, or mediation program, or to some
3 other treatment or care program if such program commitment is
4 voluntarily accepted by the child or the child's parents or
5 legal guardians; or

6 (h) Decline to file.

7 (2) In cases in which a delinquency report, affidavit,
8 or complaint is filed by a law enforcement agency and the
9 state attorney determines not to file a petition, the state
10 attorney shall advise the clerk of the circuit court in
11 writing that no petition will be filed thereon.

12 Section 26. Section 985.303, Florida Statutes, is
13 transferred and renumbered as section 985.33303, Florida
14 Statutes.

15 Section 27. Section 985.304, Florida Statutes, is
16 transferred, renumbered as section 985.33304, Florida
17 Statutes, and amended to read:

18 985.33304 ~~985.304~~ Community arbitration.--

19 (1) PURPOSE.--The purpose of community arbitration is
20 to provide a system by which children who commit delinquent
21 acts may be dealt with in a speedy and informal manner at the
22 community or neighborhood level, in an attempt to reduce the
23 ever-increasing instances of delinquent acts and permit the
24 judicial system to deal effectively with cases which are more
25 serious in nature.

26 (2) PROGRAMS.--

27 (a) Each county may establish community arbitration
28 programs designed to complement the department's intake
29 process provided in this chapter. Community arbitration
30 programs shall provide one or more community arbitrators or
31 community arbitration panels to hear informally cases which

1 | involve alleged commissions of certain delinquent acts by
2 | children.

3 | (b) Cases which may be referred to a community
4 | arbitrator or community arbitration panel are limited to those
5 | which involve violations of local ordinances, those which
6 | involve misdemeanors, and those which involve third degree
7 | felonies, exclusive of third degree felonies involving
8 | personal violence, grand theft auto, or the use of a weapon.

9 | (c) A child who has been the subject of at least one
10 | prior adjudication or adjudication withheld for any first or
11 | second degree felony offense, any third degree felony offense
12 | involving personal violence, grand theft auto, or the use of a
13 | weapon, or any other offense not eligible for arbitration,
14 | shall not be eligible for resolution of any current offense
15 | through community arbitration.

16 | (d) Cases resolved through community arbitration shall
17 | be limited pursuant to this subsection.

18 | 1. For each child referred to community arbitration,
19 | the primary offense shall be assigned a point value.

20 | a. Misdemeanor offenses shall be assigned two points
21 | for a misdemeanor of the second degree, four points for a
22 | nonviolent misdemeanor of the first degree, and six points for
23 | a misdemeanor of the first degree involving violence.

24 | b. Eligible third degree felony offenses shall be
25 | assigned eight points.

26 | 2. There is not a restriction on the limit of separate
27 | incidents for which a law enforcement officer may refer a
28 | child to community arbitration, but a child who has accrued a
29 | point value of 12 or more points through community arbitration
30 | prior to the current offense shall no longer be eligible for
31 | community arbitration.

1 3. The point values provided in this paragraph shall
2 also be assigned to a child's prior adjudications or
3 adjudications withheld on eligible offenses for cases not
4 referred to community arbitration.

5 (3) COMMUNITY ARBITRATORS.--The chief judge of each
6 judicial circuit shall maintain a list of qualified persons
7 who have agreed to serve as community arbitrators for the
8 purpose of carrying out the provisions of this chapter ~~part~~.
9 Community arbitrators shall meet the qualification and
10 training requirements adopted in rule by the Supreme Court.
11 Whenever possible, qualified volunteers shall be used as
12 community arbitrators.

13 (a) Each community arbitrator or member of a community
14 arbitration panel shall be selected by the chief judge of the
15 circuit, the senior circuit court judge assigned to juvenile
16 cases in the circuit, and the state attorney. A community
17 arbitrator or, in the case of a panel, the chief arbitrator
18 shall have such powers as are necessary to conduct the
19 proceedings in a fair and expeditious manner.

20 (b) A community arbitrator or member of a community
21 arbitration panel shall be trained or experienced in juvenile
22 causes and shall be:

23 1. Either a graduate of an accredited law school or of
24 an accredited school with a degree in behavioral social work
25 or trained in conflict resolution techniques; and

26 2. A person of the temperament necessary to deal
27 properly with cases involving children and with the family
28 crises likely to be presented to him or her.

29 (4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY
30 ARBITRATION.--

31

1 (a) Any law enforcement officer may issue a complaint,
2 along with a recommendation for community arbitration, against
3 any child who such officer has reason to believe has committed
4 any offense that is eligible for community arbitration. The
5 complaint shall specify the offense and the reasons why the
6 law enforcement officer feels that the offense should be
7 handled by community arbitration. Any juvenile probation
8 officer or, at the request of the child's parent or legal
9 custodian or guardian, the state attorney or the court having
10 jurisdiction, with the concurrence of the state attorney, may
11 refer a complaint to be handled by community arbitration when
12 appropriate. A copy of the complaint shall be forwarded to the
13 appropriate juvenile probation officer and the parent or legal
14 custodian or guardian of the child within 48 hours after
15 issuance of the complaint. In addition to the complaint, the
16 child and the parent or legal custodian or guardian shall be
17 informed of the objectives of the community arbitration
18 process; the conditions, procedures, and timeframes under
19 which it will be conducted; and the fact that it is not
20 obligatory. The juvenile probation officer shall contact the
21 child and the parent or legal custodian or guardian within 2
22 days after the date on which the complaint was received. At
23 this time, the child or the parent or legal custodian or
24 guardian shall inform the juvenile probation officer of the
25 decision to approve or reject the handling of the complaint
26 through community arbitration.

27 (b) The juvenile probation officer shall verify
28 accurate identification of the child and determine whether or
29 not the child has any prior adjudications or adjudications
30 withheld for an offense eligible for community arbitration for
31 consideration in the point value structure. If the child has

1 | at least one prior adjudication or adjudication withheld for
2 | an offense which is not eligible for community arbitration, or
3 | if the child has already surpassed the accepted level of
4 | points on prior community arbitration resolutions, the
5 | juvenile probation officer shall consult with the state
6 | attorney regarding the filing of formal juvenile proceedings.

7 | (c) If the child or the parent or legal custodian or
8 | guardian rejects the handling of the complaint through
9 | community arbitration, the juvenile probation officer shall
10 | consult with the state attorney for the filing of formal
11 | juvenile proceedings.

12 | (d) If the child or the parent or legal custodian or
13 | guardian accepts the handling of the complaint through
14 | community arbitration, the juvenile probation officer shall
15 | provide copies of the complaint to the arbitrator or panel
16 | within 24 hours.

17 | (e) The community arbitrator or community arbitration
18 | panel shall, upon receipt of the complaint, set a time and
19 | date for a hearing within 7 days and shall inform the child's
20 | parent or legal custodian or guardian, the complaining
21 | witness, and any victims of the time, date, and place of the
22 | hearing.

23 | (5) HEARINGS.--

24 | (a) The law enforcement officer who issued the
25 | complaint need not appear at the scheduled hearing. However,
26 | prior to the hearing, the officer shall file with the
27 | community arbitrator or the community arbitration panel a
28 | comprehensive report setting forth the facts and circumstances
29 | surrounding the allegation.

30 | (b) Records and reports submitted by interested
31 | agencies and parties, including, but not limited to,

1 | complaining witnesses and victims, may be received in evidence
2 | before the community arbitrator or the community arbitration
3 | panel without the necessity of formal proof.

4 | (c) The testimony of the complaining witness and any
5 | alleged victim may be received when available.

6 | (d) Any statement or admission made by the child
7 | appearing before the community arbitrator or the community
8 | arbitration panel relating to the offense for which he or she
9 | was cited is privileged and may not be used as evidence
10 | against the child either in a subsequent juvenile proceeding
11 | or in any subsequent civil or criminal action.

12 | (e) If a child fails to appear on the original hearing
13 | date, the matter shall be referred back to the juvenile
14 | probation officer who shall consult with the state attorney
15 | regarding the filing of formal juvenile proceedings.

16 | (6) DISPOSITION OF CASES.--

17 | (a) Subsequent to any hearing held as provided in
18 | subsection (5), the community arbitrator or community
19 | arbitration panel may:

20 | 1. Recommend that the state attorney decline to
21 | prosecute the child.

22 | 2. Issue a warning to the child or the child's family
23 | and recommend that the state attorney decline to prosecute the
24 | child.

25 | 3. Refer the child for placement in a community-based
26 | nonresidential program.

27 | 4. Refer the child or the family to community
28 | counseling.

29 | 5. Refer the child to a safety and education program
30 | related to delinquent children.

31 |

1 6. Refer the child to a work program related to
2 delinquent children and require up to 100 hours of work by the
3 child.

4 7. Refer the child to a nonprofit organization for
5 volunteer work in the community and require up to 100 hours of
6 work by the child.

7 8. Order restitution in money or in kind in a case
8 involving property damage; however, the amount of restitution
9 shall not exceed the amount of actual damage to property.

10 9. Continue the case for further investigation.

11 10. Require the child to undergo urinalysis
12 monitoring.

13 11. Impose any other restrictions or sanctions that
14 are designed to encourage responsible and acceptable behavior
15 and are agreed upon by the participants of the community
16 arbitration proceedings.

17
18 The community arbitrator or community arbitration panel shall
19 determine an appropriate timeframe in which the disposition
20 must be completed. The community arbitrator or community
21 arbitration panel shall report the disposition of the case to
22 the juvenile probation officer.

23 (b) Any person or agency to whom a child is referred
24 pursuant to this section shall periodically report the
25 progress of the child to the referring community arbitrator or
26 community arbitration panel in the manner prescribed by such
27 arbitrator or panel.

28 (c) Any child who is referred by the community
29 arbitrator or community arbitration panel to a work program
30 related to delinquent children or to a nonprofit organization
31 for volunteer work in the community, and who is also ordered

1 | to pay restitution to the victim, may be paid a reasonable
2 | hourly wage for work, to the extent that funds are
3 | specifically appropriated or authorized for this purpose;
4 | provided, however, that such payments shall not, in total,
5 | exceed the amount of restitution ordered and that such
6 | payments shall be turned over by the child to the victim.

7 | (d) If a child consents to an informal resolution and,
8 | in the presence of the parent or legal custodian or guardian
9 | and the community arbitrator or community arbitration panel,
10 | agrees to comply with any disposition suggested or ordered by
11 | such arbitrator or panel and subsequently fails to abide by
12 | the terms of such agreement, the community arbitrator or
13 | community arbitration panel may, after a careful review of the
14 | circumstances, forward the case back to the juvenile probation
15 | officer, who shall consult with the state attorney regarding
16 | the filing of formal juvenile proceedings.

17 | (7) REVIEW.--Any child or his or her parent or legal
18 | custodian or guardian who is dissatisfied with the disposition
19 | provided by the community arbitrator or the community
20 | arbitration panel may request a review of the disposition to
21 | the appropriate juvenile probation officer within 15 days
22 | after the community arbitration hearing. Upon receipt of the
23 | request for review, the juvenile probation officer shall
24 | consult with the state attorney who shall consider the request
25 | for review and may file formal juvenile proceedings or take
26 | such other action as may be warranted.

27 | (8) FUNDING.--Funding for the provisions of community
28 | arbitration may be provided through appropriations from the
29 | state or from local governments, through federal or other
30 | public or private grants, through any appropriations as
31 |

1 authorized by the county participating in the community
2 arbitration program, and through donations.

3 Section 28. Section 985.224, Florida Statutes, is
4 transferred, renumbered as section 985.4224, Florida Statutes,
5 and amended to read:

6 985.4224 ~~985.224~~ Medical, psychiatric, psychological,
7 substance abuse, and educational examination and treatment.--

8 (1) Information gathered through the intake and
9 case-management system under s. 985.3321 may serve as the
10 basis for further evaluation under this part.

11 ~~(2)(1)~~ After a detention petition or a petition for
12 delinquency has been filed, the court may order the child
13 named in the petition to be examined by a physician. The court
14 may also order the child to be evaluated by a psychiatrist or
15 a psychologist, by a district school board educational needs
16 assessment team, or, if a developmental disability is
17 suspected or alleged, by the developmental disabilities
18 diagnostic and evaluation team of the Department of Children
19 and Family Services. If it is necessary to place a child in a
20 residential facility for such evaluation, the criteria and
21 procedures established in chapter 393, chapter 394, or chapter
22 397, whichever is applicable, shall be used.

23 ~~(3)(2)~~ Whenever a child has been found to have
24 committed a delinquent act, or before such finding with the
25 consent of any parent or legal custodian of the child, the
26 court may order the child to be treated by a physician. The
27 court may also order the child to receive mental health,
28 substance abuse, or retardation services from a psychiatrist,
29 psychologist, or other appropriate service provider. If it is
30 necessary to place the child in a residential facility for
31 such services, the procedures and criteria established in

1 | chapter 393, chapter 394, or chapter 397, whichever is
2 | applicable, shall be used. After a child has been adjudicated
3 | delinquent, if an educational needs assessment by the district
4 | school board or the Department of Children and Family Services
5 | has been previously conducted, the court shall order the
6 | report of such needs assessment included in the child's court
7 | record in lieu of a new assessment. For purposes of this
8 | section, an educational needs assessment includes, but is not
9 | limited to, reports of intelligence and achievement tests,
10 | screening for learning disabilities and other handicaps, and
11 | screening for the need for alternative education.

12 | (4)~~(3)~~ When any child is detained pending a hearing,
13 | the person in charge of the detention center or facility or
14 | his or her designated representative may authorize a triage
15 | examination as a preliminary screening device to determine if
16 | the child is in need of medical care or isolation or provide
17 | or cause to be provided such medical or surgical services as
18 | may be deemed necessary by a physician.

19 | (5)~~(4)~~ Whenever a child found to have committed a
20 | delinquent act is placed by order of the court within the care
21 | and custody or under the supervision of the Department of
22 | Juvenile Justice and it appears to the court that there is no
23 | parent, guardian, or person standing in loco parentis who is
24 | capable of authorizing or willing to authorize medical,
25 | surgical, dental, or other remedial care or treatment for the
26 | child, the court may, after due notice to the parent,
27 | guardian, or person standing in loco parentis, if any, order
28 | that a representative of the Department of Juvenile Justice
29 | may authorize such medical, surgical, dental, or other
30 | remedial care for the child by licensed practitioners as may
31 | from time to time appear necessary.

1 (6) Upon specific appropriation, the department may
2 obtain comprehensive evaluations, including, but not limited
3 to, medical, academic, psychological, behavioral,
4 sociological, and vocational needs of a youth with multiple
5 arrests for all levels of criminal acts or a youth committed
6 to a minimum-risk or low-risk commitment program.

7 ~~(7)(5)~~ A physician shall be immediately notified by
8 the person taking the child into custody or the person having
9 custody if there are indications of physical injury or
10 illness, or the child shall be taken to the nearest available
11 hospital for emergency care. A child may be provided mental
12 health, substance abuse, or retardation services, in emergency
13 situations, pursuant to chapter 393, chapter 394, or chapter
14 397, whichever is applicable. After a hearing, the court may
15 order the custodial parent or parents, guardian, or other
16 custodian, if found able to do so, to reimburse the county or
17 state for the expense involved in such emergency treatment or
18 care.

19 ~~(8)(6)~~ Nothing in this section shall be deemed to
20 eliminate the right of the parents or the child to consent to
21 examination or treatment for the child, except that consent of
22 a parent shall not be required if the physician determines
23 there is an injury or illness requiring immediate treatment
24 and the child consents to such treatment or an ex parte court
25 order is obtained authorizing treatment.

26 ~~(9)(7)~~ Nothing in this section shall be construed to
27 authorize the permanent sterilization of any child unless such
28 sterilization is the result of or incidental to medically
29 necessary treatment to protect or preserve the life of the
30 child.

31

1 ~~(10)(8)~~ Except as provided in this section, nothing in
2 this section shall be deemed to preclude a court from ordering
3 services or treatment to be provided to a child by a duly
4 accredited practitioner who relies solely on spiritual means
5 for healing in accordance with the tenets and practices of a
6 church or religious organization, when requested by the child.

7 Section 29. Section 985.229, Florida Statutes, is
8 transferred, renumbered as section 985.4229, Florida Statutes,
9 and amended to read:

10 985.4229 ~~985.229~~ ~~Predisposition report; other~~
11 ~~Evaluations for disposition.--~~

12 (1) Information gathered through the intake and
13 case-management system under s. 985.3321 may serve as the
14 basis for further evaluation under this part.

15 ~~(2)(1) Upon a finding that the child has committed a~~
16 ~~delinquent act, the court may order a predisposition report~~
17 ~~regarding the eligibility of the child for disposition other~~
18 ~~than by adjudication and commitment to the department or for~~
19 ~~disposition of adjudication, commitment to the department,~~
20 ~~and, if appropriate, assignment of a residential commitment~~
21 ~~level. The predisposition report shall be the result of the~~
22 ~~multidisciplinary assessment when such assessment is needed,~~
23 ~~and of the classification and placement process, and it shall~~
24 ~~indicate and report the child's priority needs,~~
25 ~~recommendations as to a classification of risk for the child~~
26 ~~in the context of his or her program and supervision needs,~~
27 ~~and a plan for treatment that recommends the most appropriate~~
28 ~~placement setting to meet the child's needs with the minimum~~
29 ~~program security that reasonably ensures public safety. A~~
30 ~~predisposition report shall be ordered for any child for whom~~
31 ~~a residential commitment disposition is anticipated or~~

1 ~~recommended by an officer of the court or by the department. A~~
2 comprehensive evaluation for physical health, mental health,
3 substance abuse, academic, educational, or vocational problems
4 shall be ordered for any child for whom a residential
5 commitment disposition is anticipated or recommended by an
6 officer of the court or by the department. ~~If a comprehensive~~
7 ~~evaluation is ordered, the predisposition report shall include~~
8 ~~a summary of the comprehensive evaluation. The predisposition~~
9 ~~report shall be submitted to the court upon completion of the~~
10 ~~report but no later than 48 hours prior to the disposition~~
11 ~~hearing. The predisposition report shall not be reviewed by~~
12 ~~the court without the consent of the child and his or her~~
13 ~~legal counsel until the child has been found to have committed~~
14 ~~a delinquent act.~~

15 (3)(2) ~~The court shall consider the child's entire~~
16 ~~assessment and predisposition report and shall review the~~
17 ~~records of earlier judicial proceedings~~ Prior to making a
18 final disposition of the case- the court may, by order,
19 require additional evaluations and studies to be performed by
20 the department, by the county school system, or by any social,
21 psychological, or psychiatric agencies of the state. The
22 court shall order the educational needs assessment completed
23 pursuant to s. 985.224(2) to be included in the assessment and
24 predisposition report.

25 ~~(3) The predisposition report, together with all other~~
26 ~~reports and evaluations used by the department in preparing~~
27 ~~the predisposition report, shall be made available to the~~
28 ~~child, the child's parents or legal guardian, the child's~~
29 ~~legal counsel, and the state attorney upon completion of the~~
30 ~~report and at a reasonable time prior to the disposition~~
31 ~~hearing.~~

1 Section 30. Sections 985.223 and 985.418, Florida
2 Statutes, are transferred and renumbered, respectively, as
3 sections 985.44223 and 985.44418, Florida Statutes.

4 Section 31. Section 985.213, Florida Statutes, is
5 transferred, renumbered as section 985.50213, Florida
6 Statutes, and amended to read:

7 985.50213 ~~985.213~~ Use of detention; prohibitions.--

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

11 (a) Presents a substantial risk of not appearing at a
12 subsequent hearing;

13 (b) Presents a substantial risk of inflicting bodily
14 harm on others as evidenced by recent behavior;

15 (c) Presents a history of committing a property
16 offense prior to adjudication, disposition, or placement;

17 (d) Has committed contempt of court by:

18 1. Intentionally disrupting the administration of the
19 court;

20 2. Intentionally disobeying a court order; or

21 3. Engaging in a punishable act or speech in the
22 court's presence which shows disrespect for the authority and
23 dignity of the court; or

24 (e) Requests protection from imminent bodily harm.

25 (2) A child alleged to have committed a delinquent act
26 or violation of law may not be placed into secure, nonsecure,
27 or home detention care for any of the following reasons:

28 (a) To allow a parent to avoid his or her legal
29 responsibility.

30 (b) To permit more convenient administrative access to
31 the child.

1 (c) To facilitate further interrogation or
2 investigation.

3 (d) Due to a lack of more appropriate facilities.

4 (3) A child alleged to be dependent under part II of
5 chapter 39 may not, under any circumstances, be placed into
6 secure detention care.

7 ~~(2)(a) All determinations and court orders regarding~~
8 ~~placement of a child into detention care shall comply with all~~
9 ~~requirements and criteria provided in this part and shall be~~
10 ~~based on a risk assessment of the child, unless the child is~~
11 ~~placed into detention care as provided in subparagraph (b)3.~~

12 ~~(b)1. The risk assessment instrument for detention~~
13 ~~care placement determinations and orders shall be developed by~~
14 ~~the Department of Juvenile Justice in agreement with~~
15 ~~representatives appointed by the following associations: the~~
16 ~~Conference of Circuit Judges of Florida, the Prosecuting~~
17 ~~Attorneys Association, the Public Defenders Association, the~~
18 ~~Florida Sheriffs Association, and the Florida Association of~~
19 ~~Chiefs of Police. Each association shall appoint two~~
20 ~~individuals, one representing an urban area and one~~
21 ~~representing a rural area. The parties involved shall~~
22 ~~evaluate and revise the risk assessment instrument as is~~
23 ~~considered necessary using the method for revision as agreed~~
24 ~~by the parties. The risk assessment instrument shall take into~~
25 ~~consideration, but need not be limited to, prior history of~~
26 ~~failure to appear, prior offenses, offenses committed pending~~
27 ~~adjudication, any unlawful possession of a firearm, theft of a~~
28 ~~motor vehicle or possession of a stolen motor vehicle, and~~
29 ~~probation status at the time the child is taken into custody.~~
30 ~~The risk assessment instrument shall also take into~~
31 ~~consideration appropriate aggravating and mitigating~~

1 ~~circumstances, and shall be designed to target a narrower~~
2 ~~population of children than s. 985.215(2). The risk assessment~~
3 ~~instrument shall also include any information concerning the~~
4 ~~child's history of abuse and neglect. The risk assessment~~
5 ~~shall indicate whether detention care is warranted, and, if~~
6 ~~detention care is warranted, whether the child should be~~
7 ~~placed into secure, nonsecure, or home detention care.~~

8 ~~2. If, at the detention hearing, the court finds a~~
9 ~~material error in the scoring of the risk assessment~~
10 ~~instrument, the court may amend the score to reflect factual~~
11 ~~accuracy.~~

12 ~~3. A child who is charged with committing an offense~~
13 ~~of domestic violence as defined in s. 741.28 and who does not~~
14 ~~meet detention criteria may be held in secure detention if the~~
15 ~~court makes specific written findings that:~~

16 ~~a. Respite care for the child is not available; and~~

17 ~~b. It is necessary to place the child in secure~~
18 ~~detention in order to protect the victim from injury.~~

19
20 ~~The child may not be held in secure detention under this~~
21 ~~subparagraph for more than 48 hours unless ordered by the~~
22 ~~court. After 48 hours, the court shall hold a hearing if the~~
23 ~~state attorney or victim requests that secure detention be~~
24 ~~continued. The child may continue to be held in detention care~~
25 ~~if the court makes a specific, written finding that detention~~
26 ~~care is necessary to protect the victim from injury. However,~~
27 ~~the child may not be held in detention care beyond the time~~
28 ~~limits set forth in s. 985.215.~~

29 ~~4. For a child who is under the supervision of the~~
30 ~~department through probation, home detention, nonsecure~~
31 ~~detention, conditional release, postcommitment probation, or~~

1 ~~commitment and who is charged with committing a new offense,~~
2 ~~the risk assessment instrument may be completed and scored~~
3 ~~based on the underlying charge for which the child was placed~~
4 ~~under the supervision of the department and the new offense.~~

5 ~~(3)(a) While a child who is currently enrolled in~~
6 ~~school is in nonsecure or home detention care, the child shall~~
7 ~~continue to attend school unless otherwise ordered by the~~
8 ~~court.~~

9 ~~(b) While a child is in secure detention care, the~~
10 ~~child shall receive education commensurate with his or her~~
11 ~~grade level and educational ability.~~

12 (4) The Department of Juvenile Justice shall continue
13 to identify alternatives to secure detention care and shall
14 develop such alternatives and annually submit them to the
15 Legislature for authorization and appropriation.

16 Section 32. Section 985.214, Florida Statutes, is
17 repealed.

18 Section 33. Section 985.5213, Florida Statutes, is
19 created to read:

20 985.5213 Risk assessment instrument.--

21 (1) All determinations and court orders regarding
22 placement of a child into detention care shall comply with all
23 requirements and criteria provided in this part and shall be
24 based on a risk assessment of the child, unless the child is
25 placed into detention care as provided in s. 985.52152(2).

26 (2)(a) The risk assessment instrument for detention
27 care placement determinations and orders shall be developed by
28 the Department of Juvenile Justice in agreement with
29 representatives appointed by the following associations: the
30 Conference of Circuit Judges of Florida, the Prosecuting
31 Attorneys Association, the Public Defenders Association, the

1 Florida Sheriffs Association, and the Florida Association of
2 Chiefs of Police. Each association shall appoint two
3 individuals, one representing an urban area and one
4 representing a rural area. The parties involved shall evaluate
5 and revise the risk assessment instrument as is considered
6 necessary using the method for revision as agreed by the
7 parties.

8 (b) The risk assessment instrument shall take into
9 consideration, but need not be limited to, prior history of
10 failure to appear, prior offenses, offenses committed pending
11 adjudication, any unlawful possession of a firearm, theft of a
12 motor vehicle or possession of a stolen motor vehicle, and
13 probation status at the time the child is taken into custody.
14 The risk assessment instrument shall also take into
15 consideration appropriate aggravating and mitigating
16 circumstances, and shall be designed to target a narrower
17 population of children than s. 985.52152. The risk assessment
18 instrument shall also include any information concerning the
19 child's history of abuse and neglect. The risk assessment
20 shall indicate whether detention care is warranted, and, if
21 detention care is warranted, whether the child should be
22 placed into secure, nonsecure, or home detention care.

23 (3) If, at the detention hearing, the court finds a
24 material error in the scoring of the risk assessment
25 instrument, the court may amend the score to reflect factual
26 accuracy.

27 (4) For a child who is under the supervision of the
28 department through probation, home detention, nonsecure
29 detention, conditional release, postcommitment probation, or
30 commitment and who is charged with committing a new offense,
31 the risk assessment instrument may be completed and scored

1 based on the underlying charge for which the child was placed
2 under the supervision of the department and the new offense.

3 Section 34. Section 985.215, Florida Statutes, is
4 transferred, renumbered as section 985.5215, Florida Statutes,
5 and amended to read:

6 985.5215 ~~985.215~~ Detention intake.--

7 (1) The juvenile probation officer shall receive
8 custody of a child who has been taken into custody from the
9 law enforcement agency and shall review the facts in the law
10 enforcement report or probable cause affidavit and make such
11 further inquiry as may be necessary to determine whether
12 detention care is required.

13 (a) During the period of time from the taking of the
14 child into custody to the date of the detention hearing, the
15 initial decision as to the child's placement into secure
16 detention care, nonsecure detention care, or home detention
17 care shall be made by the juvenile probation officer pursuant
18 to ss. 985.50213 and 985.5213(1) ~~ss. 985.213 and 985.214~~.

19 (b) The juvenile probation officer shall base the
20 decision whether or not to place the child into secure
21 detention care, home detention care, or nonsecure detention
22 care on an assessment of risk in accordance with the risk
23 assessment instrument and procedures developed by the
24 Department of Juvenile Justice under s. 985.5213 ~~s. 985.213~~.
25 However, a child charged with possessing or discharging a
26 firearm on school property in violation of s. 790.115 shall be
27 placed in secure detention care.

28 (c) If the juvenile probation officer determines that
29 a child who is eligible for detention based upon the results
30 of the risk assessment instrument should be released, the
31 juvenile probation officer shall contact the state attorney,

1 | who may authorize release. If detention is not authorized, the
2 | child may be released by the juvenile probation officer in
3 | accordance with ss. 985.32211 and 985.3307 ~~s. 985.211~~.

4 |
5 | Under no circumstances shall the juvenile probation officer or
6 | the state attorney or law enforcement officer authorize the
7 | detention of any child in a jail or other facility intended or
8 | used for the detention of adults, without an order of the
9 | court.

10 | ~~(2) Subject to the provisions of subsection (1), a~~
11 | ~~child taken into custody and placed into nonsecure or home~~
12 | ~~detention care or detained in secure detention care prior to a~~
13 | ~~detention hearing may continue to be detained by the court if:~~

14 | ~~(a) The child is alleged to be an escapee or an~~
15 | ~~absconder from a commitment program, a probation program, or~~
16 | ~~conditional release supervision, or is alleged to have escaped~~
17 | ~~while being lawfully transported to or from such program or~~
18 | ~~supervision.~~

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

21 | ~~(c) The child is charged with a delinquent act or~~
22 | ~~violation of law and requests in writing through legal counsel~~
23 | ~~to be detained for protection from an imminent physical threat~~
24 | ~~to his or her personal safety.~~

25 | ~~(d) The child is charged with committing an offense of~~
26 | ~~domestic violence as defined in s. 741.28 and is detained as~~
27 | ~~provided in s. 985.213(2)(b)3.~~

28 | ~~(e) The child is charged with possession or~~
29 | ~~discharging a firearm on school property in violation of s.~~
30 | ~~790.115.~~

31 |

1 ~~(f) The child is charged with a capital felony, a life~~
2 ~~felony, a felony of the first degree, a felony of the second~~
3 ~~degree that does not involve a violation of chapter 893, or a~~
4 ~~felony of the third degree that is also a crime of violence,~~
5 ~~including any such offense involving the use or possession of~~
6 ~~a firearm.~~

7 ~~(g) The child is charged with any second degree or~~
8 ~~third degree felony involving a violation of chapter 893 or~~
9 ~~any third degree felony that is not also a crime of violence,~~
10 ~~and the child:~~

11 ~~1. Has a record of failure to appear at court hearings~~
12 ~~after being properly notified in accordance with the Rules of~~
13 ~~Juvenile Procedure;~~

14 ~~2. Has a record of law violations prior to court~~
15 ~~hearings;~~

16 ~~3. Has already been detained or has been released and~~
17 ~~is awaiting final disposition of the case;~~

18 ~~4. Has a record of violent conduct resulting in~~
19 ~~physical injury to others; or~~

20 ~~5. Is found to have been in possession of a firearm.~~

21 ~~(h) The child is alleged to have violated the~~
22 ~~conditions of the child's probation or conditional release~~
23 ~~supervision. However, a child detained under this paragraph~~
24 ~~may be held only in a consequence unit as provided in s.~~
25 ~~985.231(1)(a)1.c. If a consequence unit is not available, the~~
26 ~~child shall be placed on home detention with electronic~~
27 ~~monitoring.~~

28 ~~(i) The child is detained on a judicial order for~~
29 ~~failure to appear and has previously willfully failed to~~
30 ~~appear, after proper notice, for an adjudicatory hearing on~~
31 ~~the same case regardless of the results of the risk assessment~~

1 ~~instrument. A child may be held in secure detention for up to~~
2 ~~72 hours in advance of the next scheduled court hearing~~
3 ~~pursuant to this paragraph. The child's failure to keep the~~
4 ~~clerk of court and defense counsel informed of a current and~~
5 ~~valid mailing address where the child will receive notice to~~
6 ~~appear at court proceedings does not provide an adequate~~
7 ~~ground for excusal of the child's nonappearance at the~~
8 ~~hearings.~~

9 ~~(j) The child is detained on a judicial order for~~
10 ~~failure to appear and has previously willfully failed to~~
11 ~~appear, after proper notice, at two or more court hearings of~~
12 ~~any nature on the same case regardless of the results of the~~
13 ~~risk assessment instrument. A child may be held in secure~~
14 ~~detention for up to 72 hours in advance of the next scheduled~~
15 ~~court hearing pursuant to this paragraph. The child's failure~~
16 ~~to keep the clerk of court and defense counsel informed of a~~
17 ~~current and valid mailing address where the child will receive~~
18 ~~notice to appear at court proceedings does not provide an~~
19 ~~adequate ground for excusal of the child's nonappearance at~~
20 ~~the hearings.~~

21
22 ~~A child who meets any of these criteria and who is ordered to~~
23 ~~be detained pursuant to this subsection shall be given a~~
24 ~~hearing within 24 hours after being taken into custody. The~~
25 ~~purpose of the detention hearing is to determine the existence~~
26 ~~of probable cause that the child has committed the delinquent~~
27 ~~act or violation of law with which he or she is charged and~~
28 ~~the need for continued detention. Unless a child is detained~~
29 ~~under paragraph (d) or paragraph (e), the court shall utilize~~
30 ~~the results of the risk assessment performed by the juvenile~~
31 ~~probation officer and, based on the criteria in this~~

1 ~~subsection, shall determine the need for continued detention.~~
2 ~~A child placed into secure, nonsecure, or home detention care~~
3 ~~may continue to be so detained by the court pursuant to this~~
4 ~~subsection. If the court orders a placement more restrictive~~
5 ~~than indicated by the results of the risk assessment~~
6 ~~instrument, the court shall state, in writing, clear and~~
7 ~~convincing reasons for such placement. Except as provided in~~
8 ~~s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),~~
9 ~~paragraph (10)(c), or paragraph (10)(d), when a child is~~
10 ~~placed into secure or nonsecure detention care, or into a~~
11 ~~respite home or other placement pursuant to a court order~~
12 ~~following a hearing, the court order must include specific~~
13 ~~instructions that direct the release of the child from such~~
14 ~~placement no later than 5 p.m. on the last day of the~~
15 ~~detention period specified in paragraph (5)(b) or paragraph~~
16 ~~(5)(c), or subparagraph (10)(a)1., whichever is applicable,~~
17 ~~unless the requirements of such applicable provision have been~~
18 ~~met or an order of continuance has been granted pursuant to~~
19 ~~paragraph (5)(f).~~

20 ~~(3) Except in emergency situations, a child may not be~~
21 ~~placed into or transported in any police car or similar~~
22 ~~vehicle that at the same time contains an adult under arrest,~~
23 ~~unless the adult is alleged or believed to be involved in the~~
24 ~~same offense or transaction as the child.~~

25 ~~(4) The court shall order the delivery of a child to a~~
26 ~~jail or other facility intended or used for the detention of~~
27 ~~adults.~~

28 ~~(a) When the child has been transferred or indicted~~
29 ~~for criminal prosecution as an adult pursuant to this part,~~
30 ~~except that the court may not order or allow a child alleged~~
31 ~~to have committed a misdemeanor who is being transferred for~~

1 ~~criminal prosecution pursuant to either s. 985.226 or s.~~
2 ~~985.227 to be detained or held in a jail or other facility~~
3 ~~intended or used for the detention of adults; however, such~~
4 ~~child may be held temporarily in a detention facility; or~~

5 ~~(b) When a child taken into custody in this state is~~
6 ~~wanted by another jurisdiction for prosecution as an adult.~~

7
8 ~~The child shall be housed separately from adult inmates to~~
9 ~~prohibit a child from having regular contact with incarcerated~~
10 ~~adults, including trustees. "Regular contact" means sight and~~
11 ~~sound contact. Separation of children from adults shall permit~~
12 ~~no more than haphazard or accidental contact. The receiving~~
13 ~~jail or other facility shall contain a separate section for~~
14 ~~children and shall have an adequate staff to supervise and~~
15 ~~monitor the child's activities at all times. Supervision and~~
16 ~~monitoring of children includes physical observation and~~
17 ~~documented checks by jail or receiving facility supervisory~~
18 ~~personnel at intervals not to exceed 15 minutes. This~~
19 ~~paragraph does not prohibit placing two or more children in~~
20 ~~the same cell. Under no circumstances shall a child be placed~~
21 ~~in the same cell with an adult.~~

22 ~~(5)(a) A child may not be placed into or held in~~
23 ~~secure, nonsecure, or home detention care for longer than 24~~
24 ~~hours unless the court orders such detention care, and the~~
25 ~~order includes specific instructions that direct the release~~
26 ~~of the child from such detention care, in accordance with~~
27 ~~subsection (2). The order shall be a final order, reviewable~~
28 ~~by appeal pursuant to s. 985.234 and the Florida Rules of~~
29 ~~Appellate Procedure. Appeals of such orders shall take~~
30 ~~precedence over other appeals and other pending matters.~~

31

1 (2)(b) The arresting law enforcement agency shall
2 complete and present its investigation of an offense under
3 this subsection to the appropriate state attorney's office
4 within 8 days after placement of the child in secure
5 detention. The investigation shall include, but is not limited
6 to, police reports and supplemental police reports, witness
7 statements, and evidence collection documents. The failure of
8 a law enforcement agency to complete and present its
9 investigation within 8 days shall not entitle a juvenile to be
10 released from secure detention or to a dismissal of any
11 charges.

12 ~~(c) Except as provided in paragraph (g), a child may~~
13 ~~not be held in secure, nonsecure, or home detention care under~~
14 ~~a special detention order for more than 21 days unless an~~
15 ~~adjudicatory hearing for the case has been commenced in good~~
16 ~~faith by the court.~~

17 ~~(d) Except as provided in paragraph (g), a child may~~
18 ~~not be held in secure, nonsecure, or home detention care for~~
19 ~~more than 15 days following the entry of an order of~~
20 ~~adjudication.~~

21 ~~(e) A child who was not in secure detention at the~~
22 ~~time of the adjudicatory hearing, but for whom residential~~
23 ~~commitment is anticipated or recommended, may be placed under~~
24 ~~a special detention order for a period not to exceed 72 hours,~~
25 ~~excluding weekends and legal holidays, for the purpose of~~
26 ~~conducting a comprehensive evaluation as provided in s.~~
27 ~~985.229(1). Motions for the issuance of such special~~
28 ~~detention order may be made subsequent to a finding of~~
29 ~~delinquency. Upon said motion, the court shall conduct a~~
30 ~~hearing to determine the appropriateness of such special~~
31 ~~detention order and shall order the least restrictive level of~~

1 ~~detention necessary to complete the comprehensive evaluation~~
2 ~~process that is consistent with public safety. Such special~~
3 ~~detention order may be extended for an additional 72 hours~~
4 ~~upon further order of the court.~~

5 ~~(f) The time limits in paragraphs (c) and (d) do not~~
6 ~~include periods of delay resulting from a continuance granted~~
7 ~~by the court for cause on motion of the child or his or her~~
8 ~~counsel or of the state. Upon the issuance of an order~~
9 ~~granting a continuance for cause on a motion by either the~~
10 ~~child, the child's counsel, or the state, the court shall~~
11 ~~conduct a hearing at the end of each 72 hour period, excluding~~
12 ~~Saturdays, Sundays, and legal holidays, to determine the need~~
13 ~~for continued detention of the child and the need for further~~
14 ~~continuance of proceedings for the child or the state.~~

15 ~~(g) Upon good cause being shown that the nature of the~~
16 ~~charge requires additional time for the prosecution or defense~~
17 ~~of the case, the court may extend the time limits for~~
18 ~~detention specified in paragraph (c) an additional 9 days if~~
19 ~~the child is charged with an offense that would be, if~~
20 ~~committed by an adult, a capital felony, a life felony, a~~
21 ~~felony of the first degree, or a felony of the second degree~~
22 ~~involving violence against any individual.~~

23 ~~(6) When any child is placed into secure or home~~
24 ~~detention care or into other placement for the purpose of~~
25 ~~being supervised by the Department of Juvenile Justice~~
26 ~~pursuant to a court order following a detention hearing, the~~
27 ~~court shall order the parents or guardians of such child to~~
28 ~~pay to the Department of Juvenile Justice fees as provided~~
29 ~~under s. 985.2311.~~

30 ~~(7) If a child is detained and a petition for~~
31 ~~delinquency is filed, the child shall be arraigned in~~

1 ~~accordance with the Florida Rules of Juvenile Procedure within~~
2 ~~48 hours after the filing of the petition for delinquency.~~

3 ~~(8) If a child is detained pursuant to this section,~~
4 ~~the Department of Juvenile Justice may transfer the child from~~
5 ~~nonsecure or home detention care to secure detention care only~~
6 ~~if significantly changed circumstances warrant such transfer.~~

7 ~~(9) If a child is on release status and not detained~~
8 ~~pursuant to this section, the child may be placed into secure,~~
9 ~~nonsecure, or home detention care only pursuant to a court~~
10 ~~hearing in which the original risk assessment instrument,~~
11 ~~rescored based on newly discovered evidence or changed~~
12 ~~circumstances with the results recommending detention, is~~
13 ~~introduced into evidence.~~

14 ~~(10)(a)1. When a child is committed to the Department~~
15 ~~of Juvenile Justice awaiting dispositional placement, removal~~
16 ~~of the child from detention care shall occur within 5 days,~~
17 ~~excluding Saturdays, Sundays, and legal holidays. Any child~~
18 ~~held in secure detention during the 5 days must meet detention~~
19 ~~admission criteria pursuant to this section. If the child is~~
20 ~~committed to a moderate risk residential program, the~~
21 ~~department may seek an order from the court authorizing~~
22 ~~continued detention for a specific period of time necessary~~
23 ~~for the appropriate residential placement of the child.~~
24 ~~However, such continued detention in secure detention care may~~
25 ~~not exceed 15 days after commitment, excluding Saturdays,~~
26 ~~Sundays, and legal holidays, and except as otherwise provided~~
27 ~~in this subsection.~~

28 ~~2. The court must place all children who are~~
29 ~~adjudicated and awaiting placement in a residential commitment~~
30 ~~program in detention care. Children who are in home detention~~
31

1 ~~care or nonsecure detention care may be placed on electronic~~
2 ~~monitoring.~~

3 ~~(b) A child who is placed in home detention care,~~
4 ~~nonsecure detention care, or home or nonsecure detention care~~
5 ~~with electronic monitoring, while awaiting placement in a~~
6 ~~low risk or moderate risk program, may be held in secure~~
7 ~~detention care for 5 days, if the child violates the~~
8 ~~conditions of the home detention care, the nonsecure detention~~
9 ~~care, or the electronic monitoring agreement. For any~~
10 ~~subsequent violation, the court may impose an additional 5~~
11 ~~days in secure detention care.~~

12 ~~(c) If the child is committed to a high risk~~
13 ~~residential program, the child must be held in detention care~~
14 ~~until placement or commitment is accomplished.~~

15 ~~(e) Upon specific appropriation, the department may~~
16 ~~obtain comprehensive evaluations, including, but not limited~~
17 ~~to, medical, academic, psychological, behavioral,~~
18 ~~sociological, and vocational needs of a youth with multiple~~
19 ~~arrests for all level criminal acts or a youth committed to a~~
20 ~~minimum risk or low risk commitment program.~~

21 ~~(f) Regardless of detention status, a child being~~
22 ~~transported by the department to a commitment facility of the~~
23 ~~department may be placed in secure detention overnight, not to~~
24 ~~exceed a 24 hour period, for the specific purpose of ensuring~~
25 ~~the safe delivery of the child to his or her commitment~~
26 ~~program, court, appointment, transfer, or release.~~

27 ~~(11)(a) When a juvenile sexual offender is placed in~~
28 ~~detention, detention staff shall provide appropriate~~
29 ~~monitoring and supervision to ensure the safety of other~~
30 ~~children in the facility.~~

31

1 ~~(b) When a juvenile sexual offender, pursuant to this~~
2 ~~subsection, is released from detention or transferred to home~~
3 ~~detention or nonsecure detention, detention staff shall~~
4 ~~immediately notify the appropriate law enforcement agency and~~
5 ~~school personnel.~~

6 Section 35. Section 985.52152, Florida Statutes, is
7 created to read:

8 985.52152 Detention criteria; detention hearing.--

9 (1) Subject to the provisions of s. 985.5215(1), a
10 child taken into custody and placed into nonsecure or home
11 detention care or detained in secure detention care prior to a
12 detention hearing may continue to be detained by the court if:

13 (a) The child is alleged to be an escapee or an
14 absconder from a commitment program, a probation program, or
15 conditional release supervision, or is alleged to have escaped
16 while being lawfully transported to or from such program or
17 supervision.

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

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

24 (d) The child is charged with committing an offense of
25 domestic violence as defined in s. 741.28 and is detained as
26 provided in subsection (2).

27 (e) The child is charged with possession or
28 discharging a firearm on school property in violation of s.
29 790.115.

30 (f) The child is charged with a capital felony, a life
31 felony, a felony of the first degree, a felony of the second

1 degree that does not involve a violation of chapter 893, or a
2 felony of the third degree that is also a crime of violence,
3 including any such offense involving the use or possession of
4 a firearm.

5 (g) The child is charged with any second degree or
6 third degree felony involving a violation of chapter 893 or
7 any third degree felony that is not also a crime of violence,
8 and the child:

9 1. Has a record of failure to appear at court hearings
10 after being properly notified in accordance with the Rules of
11 Juvenile Procedure;

12 2. Has a record of law violations prior to court
13 hearings;

14 3. Has already been detained or has been released and
15 is awaiting final disposition of the case;

16 4. Has a record of violent conduct resulting in
17 physical injury to others; or

18 5. Is found to have been in possession of a firearm.

19 (h) The child is alleged to have violated the
20 conditions of the child's probation or conditional release
21 supervision. However, a child detained under this paragraph
22 may be held only in a consequence unit as provided in s.
23 985.72312. If a consequence unit is not available, the child
24 shall be placed on home detention with electronic monitoring.

25 (i) The child is detained on a judicial order for
26 failure to appear and has previously willfully failed to
27 appear, after proper notice, for an adjudicatory hearing on
28 the same case regardless of the results of the risk assessment
29 instrument. A child may be held in secure detention for up to
30 72 hours in advance of the next scheduled court hearing
31 pursuant to this paragraph. The child's failure to keep the

1 clerk of court and defense counsel informed of a current and
2 valid mailing address where the child will receive notice to
3 appear at court proceedings does not provide an adequate
4 ground for excusal of the child's nonappearance at the
5 hearings.

6 (j) The child is detained on a judicial order for
7 failure to appear and has previously willfully failed to
8 appear, after proper notice, at two or more court hearings of
9 any nature on the same case regardless of the results of the
10 risk assessment instrument. A child may be held in secure
11 detention for up to 72 hours in advance of the next scheduled
12 court hearing pursuant to this paragraph. The child's failure
13 to keep the clerk of court and defense counsel informed of a
14 current and valid mailing address where the child will receive
15 notice to appear at court proceedings does not provide an
16 adequate ground for excusal of the child's nonappearance at
17 the hearings.

18 (2) A child who is charged with committing an offense
19 of domestic violence as defined in s. 741.28 and who does not
20 meet detention criteria may be held in secure detention if the
21 court makes specific written findings that:

22 (a) Respite care for the child is not available; and

23 (b) It is necessary to place the child in secure
24 detention in order to protect the victim from injury.

25
26 The child may not be held in secure detention under this
27 subparagraph for more than 48 hours unless ordered by the
28 court. After 48 hours, the court shall hold a hearing if the
29 state attorney or victim requests that secure detention be
30 continued. The child may continue to be held in detention care
31 if the court makes a specific, written finding that detention

1 care is necessary to protect the victim from injury. However,
2 the child may not be held in detention care beyond the time
3 limits set forth in this section or s. 985.52155.

4 (3)(a) A child who meets any of the criteria set forth
5 in subsection (1) and who is ordered to be detained pursuant
6 to that subsection shall be given a hearing within 24 hours
7 after being taken into custody. The purpose of the detention
8 hearing is to determine the existence of probable cause that
9 the child has committed the delinquent act or violation of law
10 with which he or she is charged and the need for continued
11 detention. Unless a child is detained under paragraph (1)(d)
12 or paragraph (1)(e), the court shall use the results of the
13 risk assessment performed by the juvenile probation officer
14 and, based on the criteria in subsection (1), shall determine
15 the need for continued detention. A child placed into secure,
16 nonsecure, or home detention care may continue to be so
17 detained by the court.

18 (b) If the court orders a placement more restrictive
19 than indicated by the results of the risk assessment
20 instrument, the court shall state, in writing, clear and
21 convincing reasons for such placement.

22 (c) Except as provided in s. 790.22(8) or in s.
23 985.57215, when a child is placed into secure or nonsecure
24 detention care, or into a respite home or other placement
25 pursuant to a court order following a hearing, the court order
26 must include specific instructions that direct the release of
27 the child from such placement no later than 5 p.m. on the last
28 day of the detention period specified in s. 985.52155 or s.
29 985.57215, whichever is applicable, unless the requirements of
30 such applicable provision have been met or an order of
31 continuance has been granted pursuant to s. 985.52155(4).

1 Section 36. Section 985.52155, Florida Statutes, is
2 created to read:

3 985.52155 Length of detention.--

4 (1) A child may not be placed into or held in secure,
5 nonsecure, or home detention care for longer than 24 hours
6 unless the court orders such detention care, and the order
7 includes specific instructions that direct the release of the
8 child from such detention care, in accordance with s.
9 985.52152. The order shall be a final order, reviewable by
10 appeal pursuant to s. 985.90234 and the Florida Rules of
11 Appellate Procedure. Appeals of such orders shall take
12 precedence over other appeals and other pending matters.

13 (2) A child may not be held in secure, nonsecure, or
14 home detention care under a special detention order for more
15 than 21 days unless an adjudicatory hearing for the case has
16 been commenced in good faith by the court. However, upon good
17 cause being shown that the nature of the charge requires
18 additional time for the prosecution or defense of the case,
19 the court may extend the length of detention for an additional
20 9 days if the child is charged with an offense that would be,
21 if committed by an adult, a capital felony, a life felony, a
22 felony of the first degree, or a felony of the second degree
23 involving violence against any individual.

24 (3) Except as provided in subsection (2), a child may
25 not be held in secure, nonsecure, or home detention care for
26 more than 15 days following the entry of an order of
27 adjudication.

28 (4) The time limits in subsections (2) and (3) do not
29 include periods of delay resulting from a continuance granted
30 by the court for cause on motion of the child or his or her
31 counsel or of the state. Upon the issuance of an order

1 granting a continuance for cause on a motion by either the
2 child, the child's counsel, or the state, the court shall
3 conduct a hearing at the end of each 72-hour period, excluding
4 Saturdays, Sundays, and legal holidays, to determine the need
5 for continued detention of the child and the need for further
6 continuance of proceedings for the child or the state.

7 (5) A child who was not in secure detention at the
8 time of the adjudicatory hearing, but for whom residential
9 commitment is anticipated or recommended, may be placed under
10 a special detention order for a period not to exceed 72 hours,
11 excluding weekends and legal holidays, for the purpose of
12 conducting a comprehensive evaluation as provided in s.
13 985.7229. Motions for the issuance of such special detention
14 order may be made subsequent to a finding of delinquency. Upon
15 said motion, the court shall conduct a hearing to determine
16 the appropriateness of such special detention order and shall
17 order the least restrictive level of detention necessary to
18 complete the comprehensive evaluation process that is
19 consistent with public safety. Such special detention order
20 may be extended for an additional 72 hours upon further order
21 of the court.

22 (6) If a child is detained and a petition for
23 delinquency is filed, the child shall be arraigned in
24 accordance with the Florida Rules of Juvenile Procedure within
25 48 hours after the filing of the petition for delinquency.

26 Section 37. Section 985.53215, Florida Statutes, is
27 created to read:

28 985.53215 Detention transfer and release; education;
29 adult jails.--

30 (1) If a child is detained pursuant to this part, the
31 Department of Juvenile Justice may transfer the child from

1 nonsecure or home detention care to secure detention care only
2 if significantly changed circumstances warrant such transfer.

3 (2) If a child is on release status and not detained
4 pursuant to this part, the child may be placed into secure,
5 nonsecure, or home detention care only pursuant to a court
6 hearing in which the original risk assessment instrument,
7 rescored based on newly discovered evidence or changed
8 circumstances with the results recommending detention, is
9 introduced into evidence.

10 (3)(a) When a juvenile sexual offender is placed in
11 detention, detention staff shall provide appropriate
12 monitoring and supervision to ensure the safety of other
13 children in the facility.

14 (b) When a juvenile sexual offender, pursuant to this
15 subsection, is released from detention or transferred to home
16 detention or nonsecure detention, detention staff shall
17 immediately notify the appropriate law enforcement agency and
18 school personnel.

19 (4)(a) While a child who is currently enrolled in
20 school is in nonsecure or home detention care, the child shall
21 continue to attend school unless otherwise ordered by the
22 court.

23 (b) While a child is in secure detention care, the
24 child shall receive education commensurate with his or her
25 grade level and educational ability.

26 (5) The court shall order the delivery of a child to a
27 jail or other facility intended or used for the detention of
28 adults:

29 (a) When the child has been transferred or indicted
30 for criminal prosecution as an adult pursuant to this part,
31 except that the court may not order or allow a child alleged

1 to have committed a misdemeanor who is being transferred for
2 criminal prosecution pursuant to s. 985.91226 or s. 985.91227
3 to be detained or held in a jail or other facility intended or
4 used for the detention of adults; however, such child may be
5 held temporarily in a detention facility; or

6 (b) When a child taken into custody in this state is
7 wanted by another jurisdiction for prosecution as an adult.

8
9 The child shall be housed separately from adult inmates to
10 prohibit a child from having regular contact with incarcerated
11 adults, including trustees. "Regular contact" means sight and
12 sound contact. Separation of children from adults shall permit
13 no more than haphazard or accidental contact. The receiving
14 jail or other facility shall contain a separate section for
15 children and shall have an adequate staff to supervise and
16 monitor the child's activities at all times. Supervision and
17 monitoring of children includes physical observation and
18 documented checks by jail or receiving facility supervisory
19 personnel at intervals not to exceed 15 minutes. This
20 paragraph does not prohibit placing two or more children in
21 the same cell. Under no circumstances shall a child be placed
22 in the same cell with an adult.

23 Section 38. Section 985.56215, Florida Statutes, is
24 created to read:

25 985.56215 Detention cost of care; fees.--When any
26 child is placed into secure or home detention care or into
27 other placement for the purpose of being supervised by the
28 Department of Juvenile Justice pursuant to a court order
29 following a detention hearing, the court shall order the
30 parents or guardians of such child to pay to the Department of
31 Juvenile Justice fees as provided under s. 985.0217.

1 Section 39. Section 985.57215, Florida Statutes, is
2 created to read:

3 985.57215 Postcommitment detention while awaiting
4 placement.--

5 (1) The court must place all children who are
6 adjudicated and awaiting placement in a residential commitment
7 program in detention care. Children who are in home detention
8 care or nonsecure detention care may be placed on electronic
9 monitoring.

10 (a) A child who is awaiting placement in a low-risk
11 residential program must be removed from secure detention
12 within 5 days, excluding Saturdays, Sundays, and legal
13 holidays. Any child held in secure detention during the 5 days
14 must meet detention admission criteria pursuant to this part.
15 A child who is placed in home detention care, nonsecure
16 detention care, or home or nonsecure detention care with
17 electronic monitoring, while awaiting placement in a low-risk
18 program, may be held in secure detention care for 5 days, if
19 the child violates the conditions of the home detention care,
20 the nonsecure detention care, or the electronic monitoring
21 agreement. For any subsequent violation, the court may impose
22 an additional 5 days in secure detention care.

23 (b) A child who is awaiting placement in a
24 moderate-risk residential program must be removed from secure
25 detention within 5 days, excluding Saturdays, Sundays, and
26 legal holidays. Any child held in secure detention during the
27 5 days must meet detention admission criteria pursuant to this
28 part. The department may seek an order from the court
29 authorizing continued detention for a specific period of time
30 necessary for the appropriate residential placement of the
31 child. However, such continued detention in secure detention

1 care may not exceed 15 days after entry of the commitment
2 order, excluding Saturdays, Sundays, and legal holidays, and
3 except as otherwise provided in this section. A child who is
4 placed in home detention care, nonsecure detention care, or
5 home or nonsecure detention care with electronic monitoring,
6 while awaiting placement in a moderate-risk program, may be
7 held in secure detention care for 5 days, if the child
8 violates the conditions of the home detention care, the
9 nonsecure detention care, or the electronic monitoring
10 agreement. For any subsequent violation, the court may impose
11 an additional 5 days in secure detention care.

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

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

18 (2) Regardless of detention status, a child being
19 transported by the department to a commitment facility of the
20 department may be placed in secure detention overnight, not to
21 exceed a 24-hour period, for the specific purpose of ensuring
22 the safe delivery of the child to his or her commitment
23 program, court, appointment, transfer, or release.

24 Section 40. Section 985.208, Florida Statutes, is
25 transferred, renumbered as section 985.58208, Florida
26 Statutes, and amended to read:

27 985.58208 ~~985.208~~ Detention of escapee on authority of
28 the department.--

29 (1) If an authorized agent of the department has
30 reasonable grounds to believe that any delinquent child
31 committed to the department has escaped from a facility of the

1 | department or from being lawfully transported thereto or
2 | therefrom, the agent may take the child into active custody
3 | and may deliver the child to the facility or, if it is closer,
4 | to a detention center for return to the facility. However, a
5 | child may not be held in detention longer than 24 hours,
6 | excluding Saturdays, Sundays, and legal holidays, unless a
7 | special order so directing is made by the judge after a
8 | detention hearing resulting in a finding that detention is
9 | required based on the criteria in s. 985.52152 ~~s. 985.215(2)~~.
10 | The order shall state the reasons for such finding. The
11 | reasons shall be reviewable by appeal or in habeas corpus
12 | proceedings in the district court of appeal.

13 | (2) Any sheriff or other law enforcement officer, upon
14 | the request of the secretary of the department or duly
15 | authorized agent, shall take a child who has escaped or
16 | absconded from a department facility for committed delinquent
17 | children, or from being lawfully transported thereto or
18 | therefrom, into custody and deliver the child to the
19 | appropriate juvenile probation officer of the department.

20 | Section 41. Section 985.218, Florida Statutes, is
21 | transferred and renumbered as section 985.6218, Florida
22 | Statutes.

23 | Section 42. Section 985.219, Florida Statutes, is
24 | transferred, renumbered as section 985.6219, Florida Statutes,
25 | and amended to read:

26 | 985.6219 ~~985.219~~ Process and service.--

27 | (1) Personal appearance of any person in a hearing
28 | before the court obviates the necessity of serving process on
29 | that person.

30 | (2) Upon the filing of a petition containing
31 | allegations of facts which, if true, would establish that the

1 child committed a delinquent act or violation of law, and upon
2 the request of the petitioner, the clerk or deputy clerk shall
3 issue a summons.

4 (3) The summons shall have a copy of the petition
5 attached and shall require the person on whom it is served to
6 appear for a hearing at a time and place specified. Except in
7 cases of medical emergency, the time may not be less than 24
8 hours after service of the summons. If the child is not
9 detained by an order of the court, the summons shall require
10 the custodian of the child to produce the child at the said
11 time and place.

12 (4) Law enforcement agencies shall act upon subpoenas
13 received and serve process within 7 days after arraignment or
14 as soon thereafter as is possible, except that no service
15 shall be made on Sundays.

16 (5) The summons shall be directed to, and shall be
17 served upon, the following persons:

- 18 (a) The child, in the same manner as an adult;
19 (b) The parents of the child; and
20 (c) Any legal custodians, actual custodians,
21 guardians, and guardians ad litem of the child.

22 (6) If the petition alleges that the child has
23 committed a delinquent act or violation of law and the judge
24 deems it advisable to do so, pursuant to the criteria of s.
25 985.215, the judge may, by endorsement upon the summons and
26 after the entry of an order in which valid reasons are
27 specified, order the child to be taken into custody
28 immediately, and in such case the person serving the summons
29 shall immediately take the child into custody.

30 (7) If the identity or residence of the parents,
31 custodians, or guardians of the child is unknown after a

1 diligent search and inquiry, if the parents, custodians, or
2 guardians are residents of a state other than Florida, or if
3 the parents, custodians, or guardians evade service, the
4 person who made the search and inquiry shall file in the case
5 a certificate of those facts, and the court shall appoint a
6 guardian ad litem for the child, if appropriate. If the
7 parent, custodian, or guardian of the child fails to obey a
8 summons, the court may, by endorsement upon the summons and
9 after the entry of an order in which valid reasons are
10 specified, order the parent, custodian, or guardian to be
11 taken into custody immediately to show cause why the parent,
12 guardian, or custodian should not be held in contempt for
13 failing to obey the summons. The court may appoint a guardian
14 ad litem for the child, if appropriate.

15 ~~(8) The jurisdiction of the court shall attach to the~~
16 ~~child and the case when the summons is served upon the child~~
17 ~~and a parent or legal or actual custodian or guardian of the~~
18 ~~child, or when the child is taken into custody with or without~~
19 ~~service of summons and before or after the filing of a~~
20 ~~petition, whichever first occurs, and thereafter the court may~~
21 ~~control the child and the case in accordance with this part.~~

22 (8)(9) Upon the application of the child or the state
23 attorney, the clerk or deputy clerk shall issue, and the court
24 on its own motion may issue, subpoenas requiring attendance
25 and testimony of witnesses and production of records,
26 documents, or other tangible objects at any hearing.

27 (9)(10) All process and orders issued by the court
28 shall be served or executed as other process and orders of the
29 circuit court and, in addition, may be served or executed by
30 authorized agents of the Department of Juvenile Justice at the
31 department's discretion.

1 ~~(10)~~~~(11)~~ Subpoenas may be served within the state by
2 any person over 18 years of age who is not a party to the
3 proceeding.

4 ~~(11)~~~~(12)~~ No fee shall be paid for service of any
5 process or other papers by an agent of the department. If any
6 process, orders, or other papers are served or executed by any
7 sheriff, the sheriff's fees shall be paid by the county.

8 Section 43. Section 985.22, Florida Statutes, is
9 transferred, renumbered as section 985.622, Florida Statutes,
10 and amended to read:

11 985.622 ~~985.22~~ Threatening or dismissing an employee
12 prohibited.--

13 (1) An employer, or the employer's agent, may not
14 dismiss from employment an employee who is summoned to appear
15 before the court under s. 985.6219 ~~s. 985.219~~ solely because
16 of the nature of the summons or because the employee complies
17 with the summons.

18 (2) If an employer, or the employer's agent, threatens
19 an employee with dismissal, or dismisses an employee, who is
20 summoned to appear under s. 985.6219 ~~s. 985.219~~, the court may
21 hold the employer in contempt.

22 Section 44. Sections 985.221, 985.222, and 985.306,
23 Florida Statutes, are transferred and renumbered as sections
24 985.6221, 985.6222, and 985.6306, Florida Statutes.

25 Section 45. Section 985.228, Florida Statutes, is
26 transferred, renumbered as section 985.66228, Florida
27 Statutes, and amended to read:

28 985.66228 ~~985.228~~ Adjudicatory hearings; withheld
29 adjudications; orders of adjudication.--

30 (1) The adjudicatory hearing must be held as soon as
31 practicable after the petition alleging that a child has

1 committed a delinquent act or violation of law is filed and in
2 accordance with the Florida Rules of Juvenile Procedure; but
3 reasonable delay for the purpose of investigation, discovery,
4 or procuring counsel or witnesses shall be granted. If the
5 child is being detained, the time limitations provided for in
6 s. 985.52155 ~~s. 985.215(5)(c) and (d)~~ apply.

7 (2) Adjudicatory hearings shall be conducted without a
8 jury by the court, applying in delinquency cases the rules of
9 evidence in use in criminal cases; adjourning the hearings
10 from time to time as necessary; and conducting a fundamentally
11 fair hearing in language understandable, to the fullest extent
12 practicable, to the child before the court.

13 (a) In a hearing on a petition alleging that a child
14 has committed a delinquent act or violation of law, the
15 evidence must establish the findings beyond a reasonable
16 doubt.

17 (b) The child is entitled to the opportunity to
18 introduce evidence and otherwise be heard in the child's own
19 behalf and to cross-examine witnesses.

20 (c) A child charged with a delinquent act or violation
21 of law must be afforded all rights against self-incrimination.
22 Evidence illegally seized or obtained may not be received to
23 establish the allegations against the child.

24 (3) If the court finds that the child named in a
25 petition has not committed a delinquent act or violation of
26 law, it shall enter an order so finding and dismissing the
27 case.

28 (4) If the court finds that the child named in the
29 petition has committed a delinquent act or violation of law,
30 it may, in its discretion, enter an order stating the facts
31

1 upon which its finding is based but withholding adjudication
2 of delinquency.

3 (a) Upon withholding adjudication of delinquency, the
4 court may place ~~and placing~~ the child in a probation program
5 under the supervision of the department or under the
6 supervision of any other person or agency specifically
7 authorized and appointed by the court. The court may, as a
8 condition of the program, impose as a penalty component
9 restitution in money or in kind, community service, a curfew,
10 urine monitoring, revocation or suspension of the driver's
11 license of the child, or other nonresidential punishment
12 appropriate to the offense, and may impose as a rehabilitative
13 component a requirement of participation in substance abuse
14 treatment, or school or other educational program attendance.

15 (b) If the child is attending public school and the
16 court finds that the victim or a sibling of the victim in the
17 case was assigned to attend or is eligible to attend the same
18 school as the child, the court order shall include a finding
19 pursuant to the proceedings described in s. 985.72316,
20 regardless of whether adjudication is withheld ~~s.~~
21 ~~985.23(1)(d).~~

22 (c) If the court later finds that the child has not
23 complied with the rules, restrictions, or conditions of the
24 community-based program, the court may, after a hearing to
25 establish the lack of compliance, but without further evidence
26 of the state of delinquency, enter an adjudication of
27 delinquency and shall thereafter have full authority under
28 this chapter to deal with the child as adjudicated.

29 (5) If the court finds that the child named in a
30 petition has committed a delinquent act or violation of law,
31 but elects not to proceed under subsection (4), it shall

1 incorporate that finding in an order of adjudication of
2 delinquency entered in the case, briefly stating the facts
3 upon which the finding is made, and the court shall thereafter
4 have full authority under this chapter to deal with the child
5 as adjudicated.

6 (6) Except as the term "conviction" is used in chapter
7 322, and except for use in a subsequent proceeding under this
8 chapter, an adjudication of delinquency by a court with
9 respect to any child who has committed a delinquent act or
10 violation of law shall not be deemed a conviction; nor shall
11 the child be deemed to have been found guilty or to be a
12 criminal by reason of that adjudication; nor shall that
13 adjudication operate to impose upon the child any of the civil
14 disabilities ordinarily imposed by or resulting from
15 conviction or to disqualify or prejudice the child in any
16 civil service application or appointment, with the exception
17 of the use of records of proceedings under this chapter part
18 as provided in s. 985.2105(4) ~~s. 985.05(4)~~.

19 ~~(7) Notwithstanding any other provision of law, an~~
20 ~~adjudication of delinquency for an offense classified as a~~
21 ~~felony shall disqualify a person from lawfully possessing a~~
22 ~~firearm until such person reaches 24 years of age.~~

23 Section 46. Section 985.7229, Florida Statutes, is
24 created to read:

25 985.7229 Predisposition reports; other evaluations.--

26 (1) Upon a finding that the child has committed a
27 delinquent act:

28 (a) The court may order the department to prepare a
29 predisposition report regarding the eligibility of the child
30 for disposition other than by adjudication and commitment to
31 the department or for disposition of adjudication, commitment

1 to the department, and, if appropriate, assignment of a
2 residential commitment level. The predisposition report shall
3 be the result of the multidisciplinary assessment when such
4 assessment is needed, and of the classification and placement
5 process, and it shall indicate and report the child's priority
6 needs, recommendations as to a classification of risk for the
7 child in the context of his or her program and supervision
8 needs, and a plan for treatment that recommends the most
9 appropriate placement setting to meet the child's needs with
10 the minimum program security that reasonably ensures public
11 safety. A predisposition report shall be ordered for any child
12 for whom a residential commitment disposition is anticipated
13 or recommended by an officer of the court or by the
14 department.

15 (b) A comprehensive evaluation for physical health,
16 mental health, substance abuse, academic, educational, or
17 vocational problems shall be ordered for any child for whom a
18 residential commitment disposition is anticipated or
19 recommended by an officer of the court or by the department.
20 If a comprehensive evaluation is ordered, the predisposition
21 report shall include a summary of the comprehensive
22 evaluation.

23 (c) A child who was not in secure detention at the
24 time of the adjudicatory hearing, but for whom residential
25 commitment is anticipated or recommended, may be placed under
26 a special detention order, as provided in s. 985.52155(5), for
27 the purpose of conducting a comprehensive evaluation.

28 (2) The court shall consider the child's entire
29 assessment and predisposition report and shall review the
30 records of earlier judicial proceedings prior to making a
31 final disposition of the case. The court may, by order,

1 require additional evaluations and studies to be performed by
2 the department, by the county school system, or by any social,
3 psychological, or psychiatric agencies of the state. The court
4 shall order the educational needs assessment completed
5 pursuant to s. 985.4224(3) to be included in the assessment
6 and predisposition report.

7 (3) The predisposition report, together with all other
8 reports and evaluations used by the department in preparing
9 the predisposition report, shall be made available to the
10 child, the child's parents or legal guardian, the child's
11 legal counsel, and the state attorney upon completion of the
12 report, but no later than 48 hours prior to the disposition
13 hearing. The predisposition report shall be submitted to the
14 court upon completion of the report. The predisposition report
15 shall not be reviewed by the court without the consent of the
16 child and his or her legal counsel until the child has been
17 found to have committed a delinquent act.

18 Section 47. Section 985.23, Florida Statutes, is
19 transferred, renumbered as section 985.723, Florida Statutes,
20 and amended to read:

21 985.723 ~~985.23~~ Disposition hearings in delinquency
22 cases.--When a child has been found to have committed a
23 delinquent act, the following procedures shall be applicable
24 to the disposition of the case:

25 (1) The court shall notify any victim of the offense,
26 if such person is known and within the jurisdiction of the
27 court, of the hearing.

28 (2) The court shall notify and summon or subpoena, if
29 necessary, the parents, legal custodians, or guardians of the
30 child to attend the disposition hearing if they reside in the
31 state.

1 (3) The court may receive and consider any other
2 relevant and material evidence, including other written or
3 oral reports or statements, in its effort to determine the
4 appropriate disposition to be made with regard to the child.
5 The court may rely upon such evidence to the extent of its
6 probative value, even though such evidence may not be
7 technically competent in an adjudicatory hearing.

8 ~~(4)(1)~~ Before the court determines and announces the
9 disposition to be imposed, it shall:

10 (a) State clearly, using common terminology, the
11 purpose of the hearing and the right of persons present as
12 parties to comment at the appropriate time on the issues
13 before the court;

14 (b) Discuss with the child his or her compliance with
15 any home release plan or other plan imposed since the date of
16 the offense;

17 (c) Discuss with the child his or her feelings about
18 the offense committed, the harm caused to the victim or
19 others, and what penalty he or she should be required to pay
20 for such transgression; and

21 (d) Give all parties, as well as the victim, or a
22 representative of the victim, representatives of the
23 appropriate school system, and the law enforcement officers
24 involved in the case who are present at the hearing an
25 opportunity to comment on the issue of disposition and any
26 proposed rehabilitative plan. Parties to the case shall
27 include the parents, legal custodians, or guardians of the
28 child; the child's counsel; the state attorney; and
29 ~~representatives of the department; the victim if any, or his~~
30 ~~or her representative; representatives of the school system;~~
31 ~~and the law enforcement officers involved in the case. If the~~

1 ~~child is attending or is eligible to attend public school and~~
2 ~~the court finds that the victim or a sibling of the victim in~~
3 ~~the case is attending or may attend the same school as the~~
4 ~~child, the court shall, on its own motion or upon the request~~
5 ~~of any party or any parent or legal guardian of the victim,~~
6 ~~determine whether it is appropriate to enter a no contact~~
7 ~~order in favor of the victim or a sibling of the victim. If~~
8 ~~appropriate and acceptable to the victim and the victim's~~
9 ~~parent or parents or legal guardian, the court may reflect in~~
10 ~~the written disposition order that the victim or the victim's~~
11 ~~parent stated in writing or in open court that he or she did~~
12 ~~not object to the offender being permitted to attend the same~~
13 ~~school or ride on the same school bus as the victim or a~~
14 ~~sibling of the victim.~~

15 (5) At the time of disposition, the court may make
16 recommendations to the department as to specific treatment
17 approaches to be employed.

18 ~~(6)(2)~~ The first determination to be made by the court
19 is a determination of the suitability or nonsuitability for
20 adjudication and commitment of the child to the department.
21 This determination shall include consideration of the
22 recommendations of the department, which may include a
23 predisposition report. The predisposition report shall
24 include, whether as part of the child's multidisciplinary
25 assessment, classification, and placement process components
26 or separately, evaluation of the following criteria:

27 (a) The seriousness of the offense to the community.
28 If the court determines that the child was a member of a
29 criminal street gang at the time of the commission of the
30 offense, which determination shall be made pursuant to chapter
31

1 874, the seriousness of the offense to the community shall be
2 given great weight.

3 (b) Whether the protection of the community requires
4 adjudication and commitment to the department.

5 (c) Whether the offense was committed in an
6 aggressive, violent, premeditated, or willful manner.

7 (d) Whether the offense was against persons or against
8 property, greater weight being given to offenses against
9 persons, especially if personal injury resulted.

10 (e) The sophistication and maturity of the child.

11 (f) The record and previous criminal history of the
12 child, including without limitations:

13 1. Previous contacts with the department, the former
14 Department of Health and Rehabilitative Services, the
15 Department of Children and Family Services, the Department of
16 Corrections, other law enforcement agencies, and courts;

17 2. Prior periods of probation;

18 3. Prior adjudications of delinquency; and

19 4. Prior commitments to institutions.

20 (g) The prospects for adequate protection of the
21 public and the likelihood of reasonable rehabilitation of the
22 child if committed to a community services program or
23 facility.

24 (h) The child's educational status, including, but not
25 limited to, the child's strengths, abilities, and unmet and
26 special educational needs. The report shall identify
27 appropriate educational and vocational goals for the child.
28 Examples of appropriate goals include:

29 1. Attainment of a high school diploma or its
30 equivalent.

31 2. Successful completion of literacy course(s).

- 1 3. Successful completion of vocational course(s).
2 4. Successful attendance and completion of the child's
3 current grade if enrolled in school.
4 5. Enrollment in an apprenticeship or a similar
5 program.
6

7 It is the intent of the Legislature that the criteria set
8 forth in this subsection are general guidelines to be followed
9 at the discretion of the court and not mandatory requirements
10 of procedure. It is not the intent of the Legislature to
11 provide for the appeal of the disposition made pursuant to
12 this section. At the time of disposition, the court may make
13 recommendations to the department as to specific treatment
14 approaches to be employed.

15 ~~(7)(3)(a)~~ If the court determines that the child
16 should be adjudicated as having committed a delinquent act and
17 should be committed to the department, such determination
18 shall be in writing or on the record of the hearing. The
19 determination shall include a specific finding of the reasons
20 for the decision to adjudicate and to commit the child to the
21 department, including any determination that the child was a
22 member of a criminal street gang.

23 ~~(a)(b)~~ ~~If the court determines that commitment to the~~
24 ~~department is appropriate,~~ The juvenile probation officer
25 shall recommend to the court the most appropriate placement
26 and treatment plan, specifically identifying the
27 restrictiveness level most appropriate for the child. If the
28 court has determined that the child was a member of a criminal
29 street gang, that determination shall be given great weight in
30 identifying the most appropriate restrictiveness level for the
31

1 child. The court shall consider the department's
2 recommendation in making its commitment decision.

3 (b)~~(e)~~ The court shall commit the child to the
4 department at the restrictiveness level identified or may
5 order placement at a different restrictiveness level. The
6 court shall state for the record the reasons which establish
7 by a preponderance of the evidence why the court is
8 disregarding the assessment of the child and the
9 restrictiveness level recommended by the department. Any
10 party may appeal the court's findings resulting in a modified
11 level of restrictiveness pursuant to this paragraph.

12 (c)~~(d)~~ The court may also require that the child be
13 placed in a probation program following the child's discharge
14 from commitment. Community-based sanctions pursuant to
15 subsection(8)~~(4)~~ may be imposed by the court at the
16 disposition hearing or at any time prior to the child's
17 release from commitment.

18 ~~(e) The court shall be responsible for the
19 fingerprinting of any child at the disposition hearing if the
20 child has been adjudicated or had adjudication withheld for
21 any felony in the case currently before the court.~~

22 (8)~~(4)~~ If the court determines not to adjudicate and
23 commit to the department, then the court shall determine what
24 community-based sanctions it will impose in a probation
25 program for the child. Community-based sanctions may include,
26 but are not limited to, participation in substance abuse
27 treatment, a day-treatment probation program, restitution in
28 money or in kind, a curfew, revocation or suspension of the
29 driver's license of the child, community service, and
30 appropriate educational programs as determined by the district
31 school board.

1 (9) If the court determines to withhold adjudication,
2 the court shall follow the procedures under s. 985.66228.

3 ~~(10)(5)~~ After appropriate sanctions for the offense
4 are determined, the court shall develop, approve, and order a
5 plan of probation which will contain rules, requirements,
6 conditions, and rehabilitative programs, including the option
7 of a day-treatment probation program, which are designed to
8 encourage responsible and acceptable behavior and to promote
9 both the rehabilitation of the child and the protection of the
10 community.

11 (11) Any disposition order must be in writing as
12 prepared by the clerk of court and may thereafter be modified
13 or set aside by the court.

14 ~~(6) The court may receive and consider any other~~
15 ~~relevant and material evidence, including other written or~~
16 ~~oral reports or statements, in its effort to determine the~~
17 ~~appropriate disposition to be made with regard to the child.~~
18 ~~The court may rely upon such evidence to the extent of its~~
19 ~~probative value, even though such evidence may not be~~
20 ~~technically competent in an adjudicatory hearing.~~

21 ~~(7) The court shall notify any victim of the offense,~~
22 ~~if such person is known and within the jurisdiction of the~~
23 ~~court, of the hearing and shall notify and summon or subpoena,~~
24 ~~if necessary, the parents, legal custodians, or guardians of~~
25 ~~the child to attend the disposition hearing if they reside in~~
26 ~~the state.~~

27
28 ~~It is the intent of the Legislature that the criteria set~~
29 ~~forth in subsection (2) are general guidelines to be followed~~
30 ~~at the discretion of the court and not mandatory requirements~~
31 ~~of procedure. It is not the intent of the Legislature to~~

1 ~~provide for the appeal of the disposition made pursuant to~~
2 ~~this section.~~

3 Section 48. Section 985.231, Florida Statutes, is
4 transferred, renumbered as section 985.7231, Florida Statutes,
5 and amended to read:

6 985.7231 ~~985.231~~ Probation and postcommitment
7 probation; community service Powers of disposition in
8 delinquency cases.--

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

13 ~~+~~ place the child in a probation program or a
14 postcommitment probation program. Such placement must be under
15 the supervision of an authorized agent of the Department of
16 Juvenile Justice or of any other person or agency specifically
17 authorized and appointed by the court, whether in the child's
18 own home, in the home of a relative of the child, or in some
19 other suitable place under such reasonable conditions as the
20 court may direct.

21 (1) A probation program for an adjudicated delinquent
22 child must include a penalty component such as:

23 (a) Restitution in money or in kind; ~~+~~

24 (b) Community service; ~~+~~

25 (c) A curfew; ~~+~~

26 (d) Revocation or suspension of the driver's license
27 of the child; ~~+~~ or

28 (e) Other nonresidential punishment appropriate to the
29 offense.

30 (2) A probation program ~~and~~ must also include a
31 rehabilitative program component such as a requirement of

1 participation in substance abuse treatment or in school or
2 other educational program. The child's failure to consent to
3 treatment in a substance abuse treatment program does not
4 preclude the court from ordering such treatment ~~If the child~~
5 ~~is attending or is eligible to attend public school and the~~
6 ~~court finds that the victim or a sibling of the victim in the~~
7 ~~case is attending or may attend the same school as the child,~~
8 ~~the court placement order shall include a finding pursuant to~~
9 ~~the proceedings described in s. 985.23(1)(d).~~ Upon the
10 recommendation of the department at the time of disposition,
11 ~~or subsequent to disposition pursuant to the filing of a~~
12 ~~petition alleging a violation of the child's conditions of~~
13 ~~postcommitment probation,~~ the court may order the child to
14 submit to random testing for the purpose of detecting and
15 monitoring the use of alcohol or controlled substances.

16 (3) The court may require the child and, if the court
17 finds it appropriate, the child's parent or guardian together
18 with the child, to render community service in a public
19 service program or to participate in a community work project
20 as an alternative to monetary restitution or as part of the
21 rehabilitative or probation program.

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

1 shall be designed to encourage the child toward acceptable and
2 functional social behavior.

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

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

25 ~~e.~~ ~~If the conditions of the probation program or the~~
26 ~~postcommitment probation program are violated, the department~~
27 ~~or the state attorney may bring the child before the court on~~
28 ~~a petition alleging a violation of the program. Any child who~~
29 ~~violates the conditions of probation or postcommitment~~
30 ~~probation must be brought before the court if sanctions are~~
31 ~~sought. A child taken into custody under s. 985.207 for~~

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

31

1 ~~(I) Place the child in a consequence unit in that~~
2 ~~judicial circuit, if available, for up to 5 days for a first~~
3 ~~violation, and up to 15 days for a second or subsequent~~
4 ~~violation.~~

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

8 ~~(III) Modify or continue the child's probation program~~
9 ~~or postcommitment probation program.~~

10 ~~(IV) Revoke probation or postcommitment probation and~~
11 ~~commit the child to the department.~~

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

17 ~~2. Commit the child to a licensed child caring agency~~
18 ~~willing to receive the child, but the court may not commit the~~
19 ~~child to a jail or to a facility used primarily as a detention~~
20 ~~center or facility or shelter.~~

21 ~~3. Commit the child to the Department of Juvenile~~
22 ~~Justice at a residential commitment level defined in s.~~
23 ~~985.03. Such commitment must be for the purpose of exercising~~
24 ~~active control over the child, including, but not limited to,~~
25 ~~custody, care, training, urine monitoring, and treatment of~~
26 ~~the child and release of the child into the community in a~~
27 ~~postcommitment nonresidential conditional release program. If~~
28 ~~the child is eligible to attend public school following~~
29 ~~residential commitment and the court finds that the victim or~~
30 ~~a sibling of the victim in the case is or may be attending the~~
31 ~~same school as the child, the commitment order shall include a~~

1 ~~finding pursuant to the proceedings described in s.~~
2 ~~985.23(1)(d). If the child is not successful in the~~
3 ~~conditional release program, the department may use the~~
4 ~~transfer procedure under s. 985.404. Notwithstanding s. 743.07~~
5 ~~and paragraph (d), and except as provided in s. 985.31, the~~
6 ~~term of the commitment must be until the child is discharged~~
7 ~~by the department or until he or she reaches the age of 21.~~

8 ~~4. Revoke or suspend the driver's license of the~~
9 ~~child.~~

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

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

1 ~~guardian has made diligent and good faith efforts to prevent~~
2 ~~the child from engaging in delinquent acts absolves the parent~~
3 ~~or guardian of liability for restitution under this~~
4 ~~subparagraph.~~

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

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

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

30 ~~10. Subject to specific appropriation, commit the~~
31 ~~juvenile sexual offender to the Department of Juvenile Justice~~

1 ~~for placement in a program or facility for juvenile sexual~~
2 ~~offenders in accordance with s. 985.308. Any commitment of a~~
3 ~~juvenile sexual offender to a program or facility for juvenile~~
4 ~~sexual offenders must be for an indeterminate period of time,~~
5 ~~but the time may not exceed the maximum term of imprisonment~~
6 ~~that an adult may serve for the same offense. The court may~~
7 ~~retain jurisdiction over a juvenile sexual offender until the~~
8 ~~juvenile sexual offender reaches the age of 21, specifically~~
9 ~~for the purpose of completing the program.~~

10 ~~(b) When any child is found by the court to have~~
11 ~~committed a delinquent act and is placed on probation,~~
12 ~~regardless of adjudication, under the supervision of or in the~~
13 ~~temporary legal custody of the Department of Juvenile Justice,~~
14 ~~the court shall order the parents of such child to pay fees to~~
15 ~~the department as provided under s. 985.2311.~~

16 ~~(c) Any order made pursuant to paragraph (a) shall be~~
17 ~~in writing as prepared by the clerk of court and may~~
18 ~~thereafter be modified or set aside by the court.~~

19 ~~(d) Any commitment of a delinquent child to the~~
20 ~~Department of Juvenile Justice must be for an indeterminate~~
21 ~~period of time, which may include periods of temporary~~
22 ~~release, but the time may not exceed the maximum term of~~
23 ~~imprisonment that an adult may serve for the same offense. The~~
24 ~~duration of the child's placement in a residential commitment~~
25 ~~program of any level shall be based on objective~~
26 ~~performance based treatment planning. The child's treatment~~
27 ~~plan progress and adjustment related issues shall be reported~~
28 ~~to the court each month. The child's length of stay in a~~
29 ~~residential commitment program may be extended if the child~~
30 ~~fails to comply with or participate in treatment activities.~~
31 ~~The child's length of stay in such program shall not be~~

1 ~~extended for purposes of sanction or punishment. Any temporary~~
2 ~~release from such program must be approved by the court. Any~~
3 ~~child so committed may be discharged from institutional~~
4 ~~confinement or a program upon the direction of the department~~
5 ~~with the concurrence of the court. The child's treatment plan~~
6 ~~progress and adjustment related issues must be communicated to~~
7 ~~the court at the time the department requests the court to~~
8 ~~consider releasing the child from the residential commitment~~
9 ~~program. Notwithstanding s. 743.07 and this subsection, and~~
10 ~~except as provided in ss. 985.201 and 985.31, a child may not~~
11 ~~be held under a commitment from a court pursuant to this~~
12 ~~section after becoming 21 years of age. The department shall~~
13 ~~give the court that committed the child to the department~~
14 ~~reasonable notice, in writing, of its desire to discharge the~~
15 ~~child from a commitment facility. The court that committed the~~
16 ~~child may thereafter accept or reject the request. If the~~
17 ~~court does not respond within 10 days after receipt of the~~
18 ~~notice, the request of the department shall be deemed granted.~~
19 ~~This section does not limit the department's authority to~~
20 ~~revoke a child's temporary release status and return the child~~
21 ~~to a commitment facility for any violation of the terms and~~
22 ~~conditions of the temporary release.~~

23 ~~(c) In carrying out the provisions of this part, the~~
24 ~~court may order the natural parents or legal custodian or~~
25 ~~guardian of a child who is found to have committed a~~
26 ~~delinquent act to participate in family counseling and other~~
27 ~~professional counseling activities deemed necessary for the~~
28 ~~rehabilitation of the child or to enhance their ability to~~
29 ~~provide the child with adequate support, guidance, and~~
30 ~~supervision. The court may also order that the parent,~~
31 ~~custodian, or guardian support the child and participate with~~

1 ~~the child in fulfilling a court imposed sanction. In addition,~~
2 ~~the court may use its contempt powers to enforce a~~
3 ~~court imposed sanction.~~

4 ~~(f) The court may at any time enter an order ending~~
5 ~~its jurisdiction over any child.~~

6 ~~(g) Whenever a child is required by the court to~~
7 ~~participate in any work program under this part or whenever a~~
8 ~~child volunteers to work in a specified state, county,~~
9 ~~municipal, or community service organization supervised work~~
10 ~~program or to work for the victim, either as an alternative to~~
11 ~~monetary restitution or as a part of the rehabilitative or~~
12 ~~probation program, the child is an employee of the state for~~
13 ~~the purposes of liability. In determining the child's average~~
14 ~~weekly wage unless otherwise determined by a specific funding~~
15 ~~program, all remuneration received from the employer is a~~
16 ~~gratuity, and the child is not entitled to any benefits~~
17 ~~otherwise payable under s. 440.15, regardless of whether the~~
18 ~~child may be receiving wages and remuneration from other~~
19 ~~employment with another employer and regardless of the child's~~
20 ~~future wage earning capacity.~~

21 ~~(h) The court may, upon motion of the child or upon~~
22 ~~its own motion, within 60 days after imposition of a~~
23 ~~disposition of commitment, suspend the further execution of~~
24 ~~the disposition and place the child in a probation program~~
25 ~~upon such terms and conditions as the court may require. The~~
26 ~~department shall forward to the court all relevant material on~~
27 ~~the child's progress while in custody not later than 3 working~~
28 ~~days prior to the hearing on the motion to suspend the~~
29 ~~disposition.~~

30 ~~(i) The nonconsent of the child to commitment or~~
31 ~~treatment in a substance abuse treatment program in no way~~

1 ~~precludes the court from ordering such commitment or~~
2 ~~treatment.~~

3 ~~(j) If the offense committed by the child was grand~~
4 ~~theft of a motor vehicle, the court:~~

5 ~~1. Upon a first adjudication for a grand theft of a~~
6 ~~motor vehicle, may place the youth in a boot camp, unless the~~
7 ~~child is ineligible pursuant to s. 985.309, and shall order~~
8 ~~the youth to complete a minimum of 50 hours of community~~
9 ~~service.~~

10 ~~2. Upon a second adjudication for grand theft of a~~
11 ~~motor vehicle which is separate and unrelated to the previous~~
12 ~~adjudication, may place the youth in a boot camp, unless the~~
13 ~~child is ineligible pursuant to s. 985.309, and shall order~~
14 ~~the youth to complete a minimum of 100 hours of community~~
15 ~~service.~~

16 ~~3. Upon a third adjudication for grand theft of a~~
17 ~~motor vehicle which is separate and unrelated to the previous~~
18 ~~adjudications, shall place the youth in a boot camp or other~~
19 ~~treatment program, unless the child is ineligible pursuant to~~
20 ~~s. 985.309, and shall order the youth to complete a minimum of~~
21 ~~250 hours of community service.~~

22 ~~(2) Following a delinquency adjudicatory hearing~~
23 ~~pursuant to s. 985.228 and a delinquency disposition hearing~~
24 ~~pursuant to s. 985.23 which results in a commitment~~
25 ~~determination, the court shall, on its own or upon request by~~
26 ~~the state or the department, determine whether the protection~~
27 ~~of the public requires that the child be placed in a program~~
28 ~~for serious or habitual juvenile offenders and whether the~~
29 ~~particular needs of the child would be best served by a~~
30 ~~program for serious or habitual juvenile offenders as provided~~

31

1 in s. 985.31. The determination shall be made pursuant to ss.
2 985.03(48) and 985.23(3).

3 ~~(3) Following a delinquency adjudicatory hearing~~
4 ~~pursuant to s. 985.228, the court may on its own or upon~~
5 ~~request by the state or the department and subject to specific~~
6 ~~appropriation, determine whether a juvenile sexual offender~~
7 ~~placement is required for the protection of the public and~~
8 ~~what would be the best approach to address the treatment needs~~
9 ~~of the juvenile sexual offender. When the court determines~~
10 ~~that a juvenile has no history of a recent comprehensive~~
11 ~~assessment focused on sexually deviant behavior, the court~~
12 ~~may, subject to specific appropriation, order the department~~
13 ~~to conduct or arrange for an examination to determine whether~~
14 ~~the juvenile sexual offender is amenable to community based~~
15 ~~treatment.~~

16 ~~(a) The report of the examination shall include, at a~~
17 ~~minimum, the following:~~

18 ~~1. The juvenile sexual offender's account of the~~
19 ~~incident and the official report of the investigation.~~

20 ~~2. The juvenile sexual offender's offense history.~~

21 ~~3. A multidisciplinary assessment of the sexually~~
22 ~~deviant behaviors, including an assessment by a certified~~
23 ~~psychologist, therapist, or psychiatrist.~~

24 ~~4. An assessment of the juvenile sexual offender's~~
25 ~~family, social, educational, and employment situation. The~~
26 ~~report shall set forth the sources of the evaluator's~~
27 ~~information.~~

28 ~~(b) The report shall assess the juvenile sexual~~
29 ~~offender's amenability to treatment and relative risk to the~~
30 ~~victim and the community.~~

31

1 ~~(c) The department shall provide a proposed plan to~~
2 ~~the court that shall include, at a minimum:~~

3 ~~1. The frequency and type of contact between the~~
4 ~~offender and therapist.~~

5 ~~2. The specific issues and behaviors to be addressed~~
6 ~~in the treatment and description of planned treatment methods.~~

7 ~~3. Monitoring plans, including any requirements~~
8 ~~regarding living conditions, school attendance and~~
9 ~~participation, lifestyle, and monitoring by family members,~~
10 ~~legal guardians, or others.~~

11 ~~4. Anticipated length of treatment.~~

12 ~~5. Recommended crime related prohibitions and curfew.~~

13 ~~6. Reasonable restrictions on the contact between the~~
14 ~~juvenile sexual offender and either the victim or alleged~~
15 ~~victim.~~

16 ~~(d) After receipt of the report on the proposed plan~~
17 ~~of treatment, the court shall consider whether the community~~
18 ~~and the offender will benefit from use of juvenile sexual~~
19 ~~offender community based treatment alternative disposition and~~
20 ~~consider the opinion of the victim or the victim's family as~~
21 ~~to whether the offender should receive a community based~~
22 ~~treatment alternative disposition under this subsection.~~

23 ~~(e) If the court determines that this juvenile sexual~~
24 ~~offender community based treatment alternative is appropriate,~~
25 ~~the court may place the offender on community supervision for~~
26 ~~up to 3 years. As a condition of community treatment and~~
27 ~~supervision, the court may order the offender to:~~

28 ~~1. Undergo available outpatient juvenile sexual~~
29 ~~offender treatment for up to 3 years. A program or provider~~
30 ~~may not be used for such treatment unless it has an~~
31 ~~appropriate program designed for sexual offender treatment.~~

1 ~~The department shall not change the treatment provider without~~
2 ~~first notifying the state attorney's office.~~

3 ~~2. Remain within described geographical boundaries and~~
4 ~~notify the court or the department counselor prior to any~~
5 ~~change in the offender's address, educational program, or~~
6 ~~employment.~~

7 ~~3. Comply with all requirements of the treatment plan.~~

8 ~~(f) The juvenile sexual offender treatment provider~~
9 ~~shall submit quarterly reports on the respondent's progress in~~
10 ~~treatment to the court and the parties to the proceedings.~~
11 ~~The juvenile sexual offender reports shall reference the~~
12 ~~treatment plan and include, at a minimum, the following:~~

13 ~~1. Dates of attendance.~~

14 ~~2. The juvenile sexual offender's compliance with the~~
15 ~~requirements of treatment.~~

16 ~~3. A description of the treatment activities.~~

17 ~~4. The sexual offender's relative progress in~~
18 ~~treatment.~~

19 ~~5. The offender's family support of the treatment~~
20 ~~objectives.~~

21 ~~6. Any other material specified by the court at the~~
22 ~~time of the disposition.~~

23 ~~(g) At the disposition hearing, the court may set case~~
24 ~~review hearings as the court considers appropriate.~~

25 ~~(h) If the juvenile sexual offender violates any~~
26 ~~condition of the disposition or the court finds that the~~
27 ~~juvenile sexual offender is failing to make satisfactory~~
28 ~~progress in treatment, the court may revoke the~~
29 ~~community based treatment alternative and order commitment to~~
30 ~~the department pursuant to subsection (1).~~

31

1 ~~(i) If the court determines that the juvenile sexual~~
2 ~~offender is not amenable to community based treatment, the~~
3 ~~court shall proceed with a juvenile sexual offender~~
4 ~~disposition hearing pursuant to subsection (1).~~

5 Section 49. Section 985.72311, Florida Statutes, is
6 created to read:

7 985.72311 Restitution.--

8 (1) The court that has jurisdiction of an adjudicated
9 delinquent child may, by an order stating the facts upon which
10 a determination of a sanction and rehabilitative program was
11 made at the disposition hearing, order the child to make
12 restitution in money or in kind. This order may be part of the
13 probation program to be implemented by the Department of
14 Juvenile Justice, or, in the case of a committed child, as
15 part of the community-based sanctions ordered by the court at
16 the disposition hearing or before the child's release from
17 commitment.

18 (2) The court may order the child to make restitution
19 in money, through a promissory note cosigned by the child's
20 parent or guardian, or in kind for any damage or loss caused
21 by the child's offense in a reasonable amount or manner to be
22 determined by the court. When restitution is ordered by the
23 court, the amount of restitution may not exceed an amount the
24 child and the parent or guardian could reasonably be expected
25 to pay or make.

26 (3) A child who participates in any work program under
27 this chapter is considered an employee of the state for
28 purposes of liability, unless otherwise provided by law.

29 (4) The clerk of the circuit court shall be the
30 receiving and dispensing agent. In such case, the court shall
31 order the child or the child's parent or guardian to pay to

1 the office of the clerk of the circuit court an amount not to
2 exceed the actual cost incurred by the clerk as a result of
3 receiving and dispensing restitution payments. The clerk shall
4 notify the court if restitution is not made, and the court
5 shall take any further action that is necessary against the
6 child or the child's parent or guardian.

7 (5) A finding by the court, after a hearing, that the
8 parent or guardian has made diligent and good faith efforts to
9 prevent the child from engaging in delinquent acts absolves
10 the parent or guardian of liability for restitution under this
11 section.

12 (6) The court may retain jurisdiction over a child and
13 the child's parent or legal guardian whom the court has
14 ordered to pay restitution until the restitution order is
15 satisfied or until the court orders otherwise, as provided in
16 s. 985.0201.

17 Section 50. Section 985.72312, Florida Statutes, is
18 created to read:

19 985.72312 Violation of probation or postcommitment
20 probation.--

21 (1) If the conditions of the probation program or the
22 postcommitment probation program are violated, the child may
23 be brought before the court on an affidavit by the department
24 or an affidavit or petition by the state attorney alleging a
25 violation of the program. Any child who violates the
26 conditions of probation or postcommitment probation must be
27 brought before the court if sanctions are sought.

28 (2) A child taken into custody under s. 985.3207 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. 985.3207 for violating probation or postcommitment
7 probation or who have been found by the court to have violated
8 the conditions of probation or postcommitment probation. If
9 the violation involves a new charge of delinquency, the child
10 may be detained under part V in a facility other than a
11 consequence unit. If the child is not eligible for detention
12 for the new charge of delinquency, the child may be held in
13 the consequence unit pending a hearing and is subject to the
14 time limitations specified in part V.

15 (3) 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.

18 (4) Upon the child's admission, or if the court finds
19 after a hearing that the child has violated the conditions of
20 probation or postcommitment probation, the court shall enter
21 an order revoking, modifying, or continuing probation or
22 postcommitment probation. In each such case, the court shall
23 enter a new disposition order and, in addition to the
24 sanctions set forth in this section, may impose any sanction
25 the court could have imposed at the original disposition
26 hearing. If the child is found to have violated the conditions
27 of probation or postcommitment probation, the court may:

28 (a) 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 (b) 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 (c) Modify or continue the child's probation program
5 or postcommitment probation program.

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

8 (5) Pursuant to the filing of an affidavit by the
9 department or an affidavit or a petition by the state attorney
10 alleging a violation of the child's conditions of
11 postcommitment probation, the court may also order the child
12 to submit to random testing for the purpose of detecting and
13 monitoring the use of alcohol or controlled substances.

14 Section 51. Section 985.72313, Florida Statutes, is
15 created to read:

16 985.72313 Commitment.--

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

21 (a) Commit the child to a licensed child-caring agency
22 willing to receive the child, but the court may not commit the
23 child to a jail or to a facility used primarily as a detention
24 center or facility or shelter.

25 (b) Commit the child to the Department of Juvenile
26 Justice at a residential commitment level defined in s.
27 985.003. Such commitment must be for the purpose of exercising
28 active control over the child, including, but not limited to,
29 custody, care, training, urine monitoring, and treatment of
30 the child and release of the child into the community in a
31 postcommitment nonresidential conditional release program. If

1 the child is not successful in the conditional release
2 program, the department may use the transfer procedure under
3 subsection (3).

4 (c) Commit the child to the Department of Juvenile
5 Justice for placement in a program or facility for serious or
6 habitual juvenile offenders in accordance with s. 985.73331.

7 1. Following a delinquency adjudicatory hearing
8 pursuant to s. 985.66228 and a delinquency disposition hearing
9 pursuant to s. 985.723 which results in a commitment
10 determination, the court shall, on its own or upon request by
11 the state or the department, determine whether the protection
12 of the public requires that the child be placed in a program
13 for serious or habitual juvenile offenders and whether the
14 particular needs of the child would be best served by a
15 program for serious or habitual juvenile offenders as provided
16 in s. 985.73331. The determination shall be made pursuant to
17 ss. 985.73331(1) and 985.723(7).

18 2. Any commitment of a child to a program or facility
19 for serious or habitual juvenile offenders must be for an
20 indeterminate period of time, but the time may not exceed the
21 maximum term of imprisonment that an adult may serve for the
22 same offense.

23 (d) Commit the child to the Department of Juvenile
24 Justice for placement in a program or facility for juvenile
25 sexual offenders in accordance with s. 985.74308, subject to
26 specific appropriation for such program.

27 1. The child may only be committed for such placement
28 pursuant to determination that the child is a juvenile sexual
29 offender under the criteria specified in s. 985.74231.

30 2. Any commitment of a juvenile sexual offender to a
31 program or facility for juvenile sexual offenders must be for

1 an indeterminate period of time, but the time may not exceed
2 the maximum term of imprisonment that an adult may serve for
3 the same offense.

4 (2) The failure of the child to consent to commitment
5 or treatment in a substance abuse treatment program does not
6 preclude the court from ordering such commitment or treatment.

7 (3) The department may transfer a child, when
8 necessary to appropriately administer the child's commitment,
9 from one facility or program to another facility or program
10 operated, contracted, subcontracted, or designated by the
11 department, including a postcommitment nonresidential
12 conditional release program. The department shall notify the
13 court that committed the child to the department and any
14 attorney of record, in writing, of its intent to transfer the
15 child from a commitment facility or program to another
16 facility or program of a higher or lower restrictiveness
17 level. The court that committed the child may agree to the
18 transfer or may set a hearing to review the transfer. If the
19 court does not respond within 10 days after receipt of the
20 notice, the transfer of the child shall be deemed granted.

21 Section 52. Section 985.232, Florida Statutes, is
22 transferred and renumbered as section 985.723132, Florida
23 Statutes.

24 Section 53. Section 985.72314, Florida Statutes, is
25 created to read:

26 985.72314 Disposition in delinquency cases involving
27 grand theft of a motor vehicle.--If the offense committed by
28 the child was grand theft of a motor vehicle, the court:

29 (1) Upon a first adjudication for a grand theft of a
30 motor vehicle, may place the youth in a boot camp, unless the
31 child is ineligible pursuant to s. 985.77309, and shall order

1 the youth to complete a minimum of 50 hours of community
2 service.

3 (2) Upon a second adjudication for grand theft of a
4 motor vehicle which is separate and unrelated to the previous
5 adjudication, may place the youth in a boot camp, unless the
6 child is ineligible pursuant to s. 985.77309, and shall order
7 the youth to complete a minimum of 100 hours of community
8 service.

9 (3) Upon a third adjudication for grand theft of a
10 motor vehicle which is separate and unrelated to the previous
11 adjudications, shall place the youth in a boot camp or other
12 treatment program, unless the child is ineligible pursuant to
13 s. 985.77309, and shall order the youth to complete a minimum
14 of 250 hours of community service.

15 Section 54. Section 985.72315, Florida Statutes, is
16 created to read:

17 985.72315 Liability and remuneration for work.--

18 (1) Whenever a child is required by the court to
19 participate in any work program under this part or whenever a
20 child volunteers to work in a specified state, county,
21 municipal, or community service organization supervised work
22 program or to work for the victim, either as an alternative to
23 monetary restitution or as a part of the rehabilitative or
24 probation program, the child is an employee of the state for
25 the purposes of liability.

26 (2) In determining the child's average weekly wage
27 unless otherwise determined by a specific funding program, all
28 remuneration received from the employer is a gratuity, and the
29 child is not entitled to any benefits otherwise payable under
30 s. 440.15, regardless of whether the child may be receiving
31 wages and remuneration from other employment with another

1 employer and regardless of the child's future wage-earning
2 capacity.

3 Section 55. Section 985.72316, Florida Statutes, is
4 created to read:

5 985.72316 Other dispositional issues.--

6 (1) The court that has jurisdiction of an adjudicated
7 delinquent child may, by an order stating the facts upon which
8 a determination of a sanction and rehabilitative program was
9 made at the disposition hearing, revoke or suspend the
10 driver's license of the child.

11 (2) If the child is attending or is eligible to attend
12 public school and the court finds that the victim or a sibling
13 of the victim in the case is attending or may attend the same
14 school as the child, the court shall, on its own motion or
15 upon the request of any party or any parent or legal guardian
16 of the victim, determine whether it is appropriate to enter a
17 no-contact order in favor of the victim or a sibling of the
18 victim. If appropriate and acceptable to the victim and the
19 victim's parent or parents or legal guardian, the court may
20 reflect in the written disposition order that the victim or
21 the victim's parent stated in writing or in open court that he
22 or she did not object to the offender being permitted to
23 attend the same school or ride on the same school bus as the
24 victim or a sibling of the victim. If applicable, the court
25 placement or commitment order must include a finding pursuant
26 to this subsection.

27 (3) Any commitment of a delinquent child to the
28 Department of Juvenile Justice must be for an indeterminate
29 period of time, which may include periods of temporary
30 release, but the time may not exceed the maximum term of
31 imprisonment that an adult may serve for the same offense. The

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

28 (4) The court may, upon motion of the child or upon
29 its own motion, within 60 days after imposition of a
30 disposition of commitment, suspend the further execution of
31 the disposition and place the child in a probation program

1 upon the terms and conditions as the court requires. The
2 department shall forward to the court all relevant material
3 concerning the child's progress while in custody not later
4 than 3 working days before the hearing on the motion to
5 suspend the disposition.

6 Section 56. Section 985.316, Florida Statutes, is
7 transferred, renumbered as section 985.7316, Florida Statutes,
8 and amended to read:

9 985.7316 ~~985.316~~ Conditional release.--

10 (1) The Legislature finds that:

11 (a) Conditional release is the care, treatment, help,
12 and supervision provided juveniles released from residential
13 commitment programs to promote rehabilitation and prevent
14 recidivism.

15 (b) Conditional release services can contribute
16 significantly to a successful transition of a juvenile from a
17 residential commitment to the juvenile's home, school, and
18 community. Therefore, the best efforts should be made to
19 provide for a successful transition.

20 (c) The purpose of conditional release is to protect
21 safety; reduce recidivism; increase responsible productive
22 behaviors; and provide for a successful transition of care and
23 custody of the youth from the state to the family.

24 (d) Accordingly, conditional release should be
25 included in the continuum of care.

26 (2) It is the intent of the Legislature that:

27 (a) Commitment programs include rehabilitative efforts
28 on preparing committed juveniles for a successful release to
29 the community.

30 (b) Conditional release transition planning begins as
31 early in the commitment process as possible.

1 (c) Each juvenile committed to a residential
2 commitment program be assessed to determine the need for
3 conditional release services upon release from the commitment
4 program.

5 (3) For juveniles referred or committed to the
6 department, the function of the department may include, but
7 shall not be limited to, assessing each committed juvenile to
8 determine the need for conditional release services upon
9 release from a commitment program, supervising the juvenile
10 when released into the community from a residential commitment
11 facility of the department, providing such counseling and
12 other services as may be necessary for the families and
13 assisting their preparations for the return of the child.
14 Subject to specific appropriation, the department shall
15 provide for outpatient sexual offender counseling for any
16 juvenile sexual offender released from a commitment program as
17 a component of conditional release.

18 (4) A juvenile under nonresidential commitment
19 placement will continue to be on commitment status and subject
20 to the transfer provision under s. 985.72313(3) ~~s. 985.404~~.

21 (5) Participation in the educational program by
22 students of compulsory school attendance age pursuant to s.
23 1003.21(1) and (2)(a) is mandatory for juvenile justice youth
24 on conditional release or postcommitment probation status. A
25 student of noncompulsory school-attendance age who has not
26 received a high school diploma or its equivalent must
27 participate in the educational program. A youth who has
28 received a high school diploma or its equivalent and is not
29 employed must participate in workforce development or other
30 career or technical education or attend a community college or
31

1 a university while in the program, subject to available
2 funding.

3 Section 57. Section 985.313, Florida Statutes, is
4 transferred, renumbered as section 985.73313, Florida
5 Statutes, and amended to read:

6 985.73313 ~~985.313~~ Juvenile correctional facilities or
7 juvenile prison.--A juvenile correctional facility or juvenile
8 prison is a physically secure residential commitment program
9 with a designated length of stay from 18 months to 36 months,
10 primarily serving children 13 years of age to 19 years of age,
11 or until the jurisdiction of the court expires. ~~The court may~~
12 ~~retain jurisdiction over the child until the child reaches the~~
13 ~~age of 21, specifically for the purpose of the child~~
14 ~~completing the program.~~ Each child committed to this level
15 must meet one of the following criteria:

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

- 19 (a) Arson;
20 (b) Sexual battery;
21 (c) Robbery;
22 (d) Kidnapping;
23 (e) Aggravated child abuse;
24 (f) Aggravated assault;
25 (g) Aggravated stalking;
26 (h) Murder;
27 (i) Manslaughter;
28 (j) Unlawful throwing, placing, or discharging of a
29 destructive device or bomb;
30 (k) Armed burglary;
31 (l) Aggravated battery;

1 (m) Carjacking;

2 (n) Home-invasion robbery;

3 (o) Burglary with an assault or battery;

4 (p) Any lewd or lascivious offense committed upon or
5 in the presence of a person less than 16 years of age; or

6 (q) Carrying, displaying, using, threatening to use,
7 or attempting to use a weapon or firearm during the commission
8 of a felony.

9 (2) The youth is at least 13 years of age at the time
10 of the disposition, the current offense is a felony, and the
11 child has previously been committed three or more times to a
12 delinquency commitment program.

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

16 (4) The youth is at least 13 years of age at the time
17 of the disposition for the current offense, the youth is
18 eligible for prosecution as an adult for the current offense,
19 and the current offense is ranked at level 7 or higher on the
20 Criminal Punishment Code offense severity ranking chart
21 pursuant to s. 921.0022.

22 Section 58. Section 985.31, Florida Statutes, is
23 transferred, renumbered as section 985.73331, Florida
24 Statutes, and amended to read:

25 (Substantial rewording of section. See

26 s. 985.31, F.S., for present text.)

27 985.73331 Serious or habitual juvenile offender.--

28 (1) CRITERIA.--A "serious or habitual juvenile
29 offender," for purposes of commitment to a residential
30 facility and for purposes of records retention, means a child
31 who has been found to have committed a delinquent act or a

1 violation of law, in the case currently before the court, and
2 who meets at least one of the following criteria:

3 (a) The youth is at least 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 youth is at least 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 two times to a
27 delinquency commitment program.

28 (c) The youth is at least 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 (2) DETERMINATION.--After a child has been adjudicated
2 delinquent pursuant to s. 985.66228, the court shall determine
3 whether the child meets the criteria for a serious or habitual
4 juvenile offender pursuant to subsection (1). If the court
5 determines that the child does not meet such criteria, the
6 provisions of ss. 985.7231, 985.72311, 985.72312, 985.72313,
7 985.72314, 985.72315, and 985.72316 shall apply.

8 (3) PLACEMENT RECOMMENDATIONS.--After a child has been
9 transferred for criminal prosecution, a circuit court judge
10 may direct a juvenile probation officer to consult with
11 designated staff from an appropriate serious or habitual
12 juvenile offender program for the purpose of making
13 recommendations to the court regarding the child's placement
14 in such program.

15 (4) TIME AND PLACE FOR
16 RECOMMENDATIONS.--Recommendations as to a child's placement in
17 a serious or habitual juvenile offender program shall be
18 presented to the court within 72 hours after the adjudication
19 or conviction, and may be based on a preliminary screening of
20 the child at appropriate sites, considering the child's
21 location while court action is pending, which may include the
22 nearest regional detention center or facility or jail.

23 (5) REPORTING RECOMMENDATIONS TO THE COURT.--Based on
24 the recommendations of the multidisciplinary assessment, the
25 juvenile probation officer shall make the following
26 recommendations to the court:

27 (a) For each child who has not been transferred for
28 criminal prosecution, the juvenile probation officer shall
29 recommend whether placement in such program is appropriate and
30 needed.

31

1 (b) For each child who has been transferred for
2 criminal prosecution, the juvenile probation officer shall
3 recommend whether the most appropriate placement for the child
4 is a juvenile justice system program, including a serious or
5 habitual juvenile offender program or facility, or placement
6 in the adult correctional system.

7
8 If treatment provided by a serious or habitual juvenile
9 offender program or facility is determined to be appropriate
10 and needed and placement is available, the juvenile probation
11 officer and the court shall identify the appropriate serious
12 or habitual juvenile offender program or facility best suited
13 to the needs of the child.

14 (6) ACTION UPON RECOMMENDATIONS.--The treatment and
15 placement recommendations shall be submitted to the court for
16 further action pursuant to this subsection:

17 (a) If it is recommended that placement in a serious
18 or habitual juvenile offender program or facility is
19 inappropriate, the court shall make an alternative disposition
20 pursuant to s. 985.77309 or other alternative sentencing as
21 applicable, utilizing the recommendation as a guide.

22 (b) If it is recommended that placement in a serious
23 or habitual juvenile offender program or facility is
24 appropriate, the court may commit the child to the department
25 for placement in the restrictiveness level designated for
26 serious or habitual delinquent children programs.

27 (7) DURATION OF COMMITMENT.--Any commitment of a child
28 to the department for placement in a serious or habitual
29 juvenile offender program or facility shall be for an
30 indeterminate period of time, but the time shall not exceed
31

1 the maximum term of imprisonment which an adult may serve for
2 the same offense.

3 (8) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
4 the provisions of this chapter and the establishment of
5 appropriate program guidelines and standards, contractual
6 instruments, which shall include safeguards of all
7 constitutional rights, shall be developed as follows:

8 (a) The department shall provide for:

9 1. The oversight of implementation of assessment and
10 treatment approaches.

11 2. The identification and prequalification of
12 appropriate individuals or not-for-profit organizations,
13 including minority individuals or organizations when possible,
14 to provide assessment and treatment services to serious or
15 habitual delinquent children.

16 3. The monitoring and evaluation of assessment and
17 treatment services for compliance with the provisions of this
18 chapter and all applicable rules and guidelines pursuant
19 thereto.

20 4. The development of an annual report on the
21 performance of assessment and treatment to be presented to the
22 Governor, the Attorney General, the President of the Senate,
23 the Speaker of the House of Representatives, and the Auditor
24 General no later than January 1 of each year.

25 (b) Assessment shall generally comprise the first 30
26 days of treatment and be provided by the same provider as
27 treatment, but assessment and treatment services may be
28 provided by separate providers, where warranted. Providers
29 shall be selected who have the capacity to assess and treat
30 the unique problems presented by children with different
31 racial and ethnic backgrounds. The department shall retain

1 contractual authority to reject any assessment or treatment
2 provider for lack of qualification.

3 (9) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--

4 (a) There is created the serious or habitual juvenile
5 offender program. The program shall consist of at least 9
6 months of intensive secure residential treatment. Conditional
7 release assessment and services shall be provided in
8 accordance with s. 985.7316. The components of the program
9 shall include, but not be limited to:

10 1. Diagnostic evaluation services.

11 2. Appropriate treatment modalities, including
12 substance abuse intervention, mental health services, and
13 sexual behavior dysfunction interventions and gang-related
14 behavior interventions.

15 3. Prevocational and vocational services.

16 4. Job training, job placement, and
17 employability-skills training.

18 5. Case management services.

19 6. Educational services, including special education
20 and pre-GED literacy.

21 7. Self-sufficiency planning.

22 8. Independent living skills.

23 9. Parenting skills.

24 10. Recreational and leisure time activities.

25 11. Community involvement opportunities commencing,
26 where appropriate, with the direct and timely payment of
27 restitution to the victim.

28 12. Intensive conditional release supervision.

29 13. Graduated reentry into the community.

30
31

1 14. A diversity of forms of individual and family
2 treatment appropriate to and consistent with the child's
3 needs.

4 15. Consistent and clear consequences for misconduct.

5 (b) The department is authorized to contract with
6 private companies to provide some or all of the components
7 indicated in paragraph (a).

8 (c) The department shall involve local law enforcement
9 agencies, the judiciary, school board personnel, the office of
10 the state attorney, the office of the public defender, and
11 community service agencies interested in or currently working
12 with juveniles, in planning and developing this program.

13 (d) The department is authorized to accept funds or
14 in-kind contributions from public or private sources to be
15 used for the purposes of this section.

16 (10) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
17 TREATMENT.--

18 (a) Assessment and treatment shall be conducted by
19 treatment professionals with expertise in specific treatment
20 procedures, which professionals shall exercise all
21 professional judgment independently of the department.

22 (b) Treatment provided to children in designated
23 facilities shall be suited to the assessed needs of each
24 individual child and shall be administered safely and
25 humanely, with respect for human dignity.

26 (c) The department may promulgate rules for the
27 implementation and operation of programs and facilities for
28 serious or habitual juvenile offenders.

29 (d) Any provider who acts in good faith is immune from
30 civil or criminal liability for his or her actions in
31 connection with the assessment, treatment, or transportation

1 of a serious or habitual juvenile offender under the
2 provisions of this chapter.

3 (e) The following provisions shall apply to children
4 in serious or habitual juvenile offender programs and
5 facilities:

6 1. A child shall begin participation in the
7 conditional release component of the program based upon a
8 determination made by the treatment provider and approved by
9 the department.

10 2. A child shall begin participation in the community
11 supervision component of conditional release based upon a
12 determination made by the treatment provider and approved by
13 the department. The treatment provider shall give written
14 notice of the determination to the circuit court having
15 jurisdiction over the child. If the court does not respond
16 with a written objection within 10 days, the child shall begin
17 the conditional release component.

18 3. A child shall be discharged from the program based
19 upon a determination made by the treatment provider with the
20 approval of the department.

21 4. In situations where the department does not agree
22 with the decision of the treatment provider, a reassessment
23 shall be performed, and the department shall use the
24 reassessment determination to resolve the disagreement and
25 make a final decision.

26 (11) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

27 (a) Pursuant to the provisions of this section, the
28 department shall implement the comprehensive assessment
29 instrument for the treatment needs of serious or habitual
30 juvenile offenders and for the assessment, which assessment
31

1 shall include the criteria under subsection (1) and shall also
2 include, but not be limited to, evaluation of the child's:

3 1. Amenability to treatment.

4 2. Proclivity toward violence.

5 3. Tendency toward gang involvement.

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

7 5. History of being a victim of child abuse or sexual
8 abuse, or indication of sexual behavior dysfunction.

9 6. Number and type of previous adjudications, findings
10 of guilt, and convictions.

11 7. Potential for rehabilitation.

12 (b) The department shall contract with multiple
13 individuals or not-for-profit organizations to perform the
14 assessments and treatment, and shall ensure that the staff of
15 each provider is appropriately trained.

16 (c) Assessment and treatment providers shall have a
17 written procedure developed, in consultation with licensed
18 treatment professionals, establishing conditions under which a
19 child's blood and urine samples will be tested for substance
20 abuse indications. It is not unlawful for the person receiving
21 the test results to divulge the test results to the relevant
22 facility staff and department personnel. However, such
23 information is exempt from the provisions of ss. 119.01 and
24 119.07(1) and s. 24(a), Art. I of the State Constitution.

25 (d) Serologic blood test and urinalysis results
26 obtained pursuant to paragraph (c) are confidential, except
27 that they may be shared with employees or officers of the
28 department, the court, and any assessment or treatment
29 provider and designated facility treating the child. No
30 person to whom the results of a test have been disclosed under
31

1 this section may disclose the test results to another person
2 not authorized under this section.

3 (e) The results of any serologic blood or urine test
4 on a serious or habitual juvenile offender shall become a part
5 of that child's medical file. Upon transfer of the child to
6 any other designated treatment facility, such file shall be
7 transferred in an envelope marked confidential. The results of
8 any test designed to identify the human immunodeficiency
9 virus, or its antigen or antibody, shall be accessible only to
10 persons designated by rule of the department. The provisions
11 of such rule shall be consistent with the guidelines
12 established by the Centers for Disease Control and Prevention.

13 (f) A record of the assessment and treatment of each
14 serious or habitual juvenile offender shall be maintained by
15 the provider, which shall include data pertaining to the
16 child's treatment and such other information as may be
17 required under rules of the department. Unless waived by
18 express and informed consent by the child or the guardian or,
19 if the child is deceased, by the child's personal
20 representative or by the person who stands next in line of
21 intestate succession, the privileged and confidential status
22 of the clinical assessment and treatment record shall not be
23 lost by either authorized or unauthorized disclosure to any
24 person, organization, or agency.

25 (g) The assessment and treatment record shall not be a
26 public record, and no part of it shall be released, except
27 that:

28 1. The record shall be released to such persons and
29 agencies as are designated by the child or the guardian.

30
31

1 2. The record shall be released to persons authorized
2 by order of court, excluding matters privileged by other
3 provisions of law.

4 3. The record or any part thereof shall be disclosed
5 to a qualified researcher, as defined by rule; a staff member
6 of the designated treatment facility; or an employee of the
7 department when the administrator of the facility or the
8 Secretary of Juvenile Justice deems it necessary for treatment
9 of the child, maintenance of adequate records, compilation of
10 treatment data, or evaluation of programs.

11 4. Information from the assessment and treatment
12 record may be used for statistical and research purposes if
13 the information is abstracted in such a way as to protect the
14 identity of individuals.

15 (h) Notwithstanding other provisions of this section,
16 the department may request, receive, and provide assessment
17 and treatment information to facilitate treatment,
18 rehabilitation, and continuity of care of any serious or
19 habitual juvenile offender from any of the following:

20 1. The Social Security Administration and the United
21 States Department of Veterans Affairs.

22 2. Law enforcement agencies, state attorneys, defense
23 attorneys, and judges in regard to the child's status.

24 3. Personnel in any facility in which the child may be
25 placed.

26 4. Community agencies and others expected to provide
27 services to the child upon his or her return to the community.

28 (i) Any law enforcement agency, designated treatment
29 facility, governmental or community agency, or other entity
30 that receives information pursuant to this section shall
31

1 maintain such information as a nonpublic record as otherwise
2 provided herein.

3 (j) Any agency, not-for-profit organization, or
4 treatment professional who acts in good faith in releasing
5 information pursuant to this subsection shall not be subject
6 to civil or criminal liability for such release.

7 (k) Assessment and treatment records are confidential
8 as described in this paragraph and exempt from the provisions
9 of s. 119.07(1) and s. 24(a), Art. I of the State
10 Constitution.

11 1. The department shall have full access to the
12 assessment and treatment records to ensure coordination of
13 services to the child.

14 2. The principles of confidentiality of records as
15 provided in s. 985.2104 shall apply to the assessment and
16 treatment records of serious or habitual juvenile offenders.

17 (l) For purposes of effective administration, accurate
18 tracking and recordkeeping, and optimal treatment decisions,
19 each assessment and treatment provider shall maintain a
20 central identification file on the serious or habitual
21 juvenile offenders it treats.

22 (m) The file of each serious or habitual juvenile
23 offender shall contain, but is not limited to, pertinent
24 children-in-need-of-services and delinquency record
25 information maintained by the department; pertinent school
26 records information on behavior, attendance, and achievement;
27 and pertinent information on delinquency or children in need
28 of services maintained by law enforcement agencies and the
29 state attorney.

30 (n) All providers under this section shall, as part of
31 their contractual duties, collect, maintain, and report to the

1 department all information necessary to comply with mandatory
2 reporting pursuant to the promulgation of rules by the
3 department for the implementation of serious or habitual
4 juvenile offender programs and the monitoring and evaluation
5 thereof.

6 (o) The department is responsible for the development
7 and maintenance of a statewide automated tracking system for
8 serious or habitual juvenile offenders.

9 (12) DESIGNATED TREATMENT FACILITIES.--

10 (a) Designated facilities shall be sited and
11 constructed by the department, directly or by contract,
12 pursuant to departmental rules, to ensure that facility design
13 is compatible with treatment. The department is authorized to
14 contract for the construction of the facilities and may also
15 lease facilities. The number of beds per facility shall not
16 exceed 25. An assessment of need for additional facilities
17 shall be conducted prior to the siting or construction of more
18 than one facility in any judicial circuit.

19 (b) Designated facilities for serious or habitual
20 juvenile offenders shall be separate and secure facilities
21 established under the authority of the department for the
22 treatment of such children.

23 (c) Security for designated facilities for serious or
24 habitual juvenile offenders shall be determined by the
25 department. The department is authorized to contract for the
26 provision of security.

27 (d) With respect to the treatment of serious or
28 habitual juvenile offenders under this section, designated
29 facilities shall be immune from liability for civil damages
30 except in instances when the failure to act in good faith
31

1 results in serious injury or death, in which case liability
2 shall be governed by s. 768.28.

3 (e) Minimum standards and requirements for designated
4 treatment facilities shall be contractually prescribed
5 pursuant to subsection (8).

6 Section 59. Section 985.74231, Florida Statutes, is
7 created to read:

8 985.74231 Juvenile sexual offenders.--

9 (1) A "juvenile sexual offender" means:

10 (a) A juvenile who has been found by the court
11 pursuant to s. 985.66228 to have committed a violation of
12 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
13 847.0133;

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

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

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

26 3. "Consent" means an agreement including all of the
27 following:

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

30 b. Knowledge of societal standards for what is being
31 proposed.

1 c. Awareness of potential consequences and
2 alternatives.

3 d. Assumption that agreement or disagreement will be
4 accepted equally.

5 e. Voluntary decision.

6 f. Mental competence.

7
8 Juvenile sexual offender behavior ranges from noncontact
9 sexual behavior such as making obscene phone calls,
10 exhibitionism, voyeurism, and the showing or taking of lewd
11 photographs to varying degrees of direct sexual contact, such
12 as frottage, fondling, digital penetration, rape, fellatio,
13 sodomy, and various other sexually aggressive acts.

14 (2) Following a delinquency adjudicatory hearing
15 pursuant to s. 985.66228, the court may on its own or upon
16 request by the state or the department and subject to specific
17 appropriation, determine whether a juvenile sexual offender
18 placement is required for the protection of the public and
19 what would be the best approach to address the treatment needs
20 of the juvenile sexual offender. When the court determines
21 that a juvenile has no history of a recent comprehensive
22 assessment focused on sexually deviant behavior, the court
23 may, subject to specific appropriation, order the department
24 to conduct or arrange for an examination to determine whether
25 the juvenile sexual offender is amenable to community-based
26 treatment.

27 (a) The report of the examination must include, at a
28 minimum, the following:

29 1. The juvenile sexual offender's account of the
30 incident and the official report of the investigation.

31 2. The juvenile sexual offender's offense history.

1 3. A multidisciplinary assessment of the sexually
2 deviant behaviors, including an assessment by a certified
3 psychologist, therapist, or psychiatrist.

4 4. An assessment of the juvenile sexual offender's
5 family, social, educational, and employment situation. The
6 report must set forth the sources of the evaluator's
7 information.

8 (b) The report shall assess the juvenile sexual
9 offender's amenability to treatment and relative risk to the
10 victim and the community.

11 (c) The department shall provide a proposed plan to
12 the court that shall include, at a minimum:

13 1. The frequency and type of contact between the
14 offender and therapist.

15 2. The specific issues and behaviors to be addressed
16 in the treatment and description of planned treatment methods.

17 3. Monitoring plans, including any requirements
18 regarding living conditions, school attendance and
19 participation, lifestyle, and monitoring by family members,
20 legal guardians, or others.

21 4. Anticipated length of treatment.

22 5. Recommended crime-related prohibitions and curfew.

23 6. Reasonable restrictions on the contact between the
24 juvenile sexual offender and either the victim or alleged
25 victim.

26 (d) After receipt of the report on the proposed plan
27 of treatment, the court shall consider whether the community
28 and the offender will benefit from use of juvenile sexual
29 offender community-based treatment alternative disposition and
30 consider the opinion of the victim or the victim's family as
31

1 to whether the offender should receive a community-based
2 treatment alternative disposition under this subsection.

3 (e) If the court determines that this juvenile sexual
4 offender community-based treatment alternative is appropriate,
5 the court may place the offender on community supervision for
6 up to 3 years. As a condition of community treatment and
7 supervision, the court may order the offender to:

8 1. Undergo available outpatient juvenile sexual
9 offender treatment for up to 3 years. A program or provider
10 may not be used for such treatment unless it has an
11 appropriate program designed for sexual offender treatment.
12 The department shall not change the treatment provider without
13 first notifying the state attorney's office.

14 2. Remain within described geographical boundaries and
15 notify the court or the department counselor prior to any
16 change in the offender's address, educational program, or
17 employment.

18 3. Comply with all requirements of the treatment plan.

19 (f) The juvenile sexual offender treatment provider
20 shall submit quarterly reports on the respondent's progress in
21 treatment to the court and the parties to the proceedings. The
22 juvenile sexual offender reports shall reference the treatment
23 plan and include, at a minimum, the following:

24 1. Dates of attendance.

25 2. The juvenile sexual offender's compliance with the
26 requirements of treatment.

27 3. A description of the treatment activities.

28 4. The sexual offender's relative progress in
29 treatment.

30 5. The offender's family support of the treatment
31 objectives.

1 6. Any other material specified by the court at the
2 time of the disposition.

3 (g) At the disposition hearing, the court may set case
4 review hearings as the court considers appropriate.

5 (h) If the juvenile sexual offender violates any
6 condition of the disposition or the court finds that the
7 juvenile sexual offender is failing to make satisfactory
8 progress in treatment, the court may revoke the
9 community-based treatment alternative and order commitment to
10 the department pursuant to s. 985.7231, 985.72311, 985.72312,
11 985.72313, 985.72314, 985.72315, and 985.72316.

12 (i) If the court determines that the juvenile sexual
13 offender is not amenable to community-based treatment, the
14 court shall proceed with a juvenile sexual offender
15 disposition hearing pursuant to s. 985.7231, 985.72311,
16 985.72312, 985.72313, 985.72314, 985.72315, and 985.72316.

17 Section 60. Section 985.308, Florida Statutes, is
18 transferred and renumbered as section 985.74308, Florida
19 Statutes.

20 Section 61. Section 985.311, Florida Statutes, is
21 transferred, renumbered as section 985.75311, Florida
22 Statutes, and amended to read:

23 (Substantial rewording of section. See
24 s. 985.311, F.S., for present text.)

25 985.75311 Intensive residential treatment program for
26 offenders less than 13 years of age.--

27 (1) CRITERIA.--A "child eligible for an intensive
28 residential treatment program for offenders less than 13 years
29 of age" 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 (2) DETERMINATION.--After a child has been adjudicated
2 delinquent pursuant to s. 985.6628(5), the court shall
3 determine whether the child is eligible for an intensive
4 residential treatment program for offenders less than 13 years
5 of age pursuant to subsection (1). If the court determines
6 that the child does not meet the criteria, the provisions of
7 s. 985.7231, 985.72311, 985.72312, 985.72313, 985.72314,
8 985.72315, and 985.72316 shall apply.

9 (3) PLACEMENT RECOMMENDATIONS.--After a child has been
10 transferred for criminal prosecution, a circuit court judge
11 may direct a juvenile probation officer to consult with
12 designated staff from an appropriate intensive residential
13 treatment program for offenders less than 13 years of age for
14 the purpose of making recommendations to the court regarding
15 the child's placement in such program.

16 (4) TIME AND PLACE FOR
17 RECOMMENDATIONS.--Recommendations as to a child's placement in
18 an intensive residential treatment program for offenders less
19 than 13 years of age may be based on a preliminary screening
20 of the child at appropriate sites, considering the child's
21 location while court action is pending, which may include the
22 nearest regional detention center or facility or jail.

23 (5) REPORTING RECOMMENDATIONS TO THE COURT.--Based on
24 the recommendations of the multidisciplinary assessment, the
25 juvenile probation officer shall make the following
26 recommendations to the court:

27 (a) For each child who has not been transferred for
28 criminal prosecution, the juvenile probation officer shall
29 recommend whether placement in such program is appropriate and
30 needed.

31

1 (b) For each child who has been transferred for
2 criminal prosecution, the juvenile probation officer shall
3 recommend whether the most appropriate placement for the child
4 is a juvenile justice system program, including a child who is
5 eligible for an intensive residential treatment program for
6 offenders less than 13 years of age, or placement in the adult
7 correctional system.

8
9 If treatment provided by an intensive residential treatment
10 program for offenders less than 13 years of age is determined
11 to be appropriate and needed and placement is available, the
12 juvenile probation officer and the court shall identify the
13 appropriate intensive residential treatment program for
14 offenders less than 13 years of age best suited to the needs
15 of the child.

16 (6) ACTION UPON RECOMMENDATIONS.--The treatment and
17 placement recommendations shall be submitted to the court for
18 further action pursuant to this subsection:

19 (a) If it is recommended that placement in an
20 intensive residential treatment program for offenders less
21 than 13 years of age is inappropriate, the court shall make an
22 alternative disposition pursuant to s. 985.77309 or other
23 alternative sentencing as applicable, utilizing the
24 recommendation as a guide.

25 (b) If it is recommended that placement in an
26 intensive residential treatment program for offenders less
27 than 13 years of age is appropriate, the court may commit the
28 child to the department for placement in the restrictiveness
29 level designated for intensive residential treatment program
30 for offenders less than 13 years of age.

31

1 (7) DURATION OF COMMITMENT.--Any commitment of a child
2 to the department for placement in an intensive residential
3 treatment program for offenders less than 13 years of age
4 shall be for an indeterminate period of time, but the time
5 shall not exceed the maximum term of imprisonment which an
6 adult may serve for the same offense. Any child who has not
7 completed the residential portion of the intensive residential
8 treatment program for offenders less than 13 years of age by
9 his or her fourteenth birthday may be transferred to another
10 program for committed delinquent offenders.

11 (8) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
12 the provisions of this chapter and the establishment of
13 appropriate program guidelines and standards, contractual
14 instruments, which shall include safeguards of all
15 constitutional rights, shall be developed for intensive
16 residential treatment programs for offenders less than 13
17 years of age as follows:

18 (a) The department shall provide for:

19 1. The oversight of implementation of assessment and
20 treatment approaches.

21 2. The identification and prequalification of
22 appropriate individuals or not-for-profit organizations,
23 including minority individuals or organizations when possible,
24 to provide assessment and treatment services to intensive
25 offenders less than 13 years of age.

26 3. The monitoring and evaluation of assessment and
27 treatment services for compliance with the provisions of this
28 chapter and all applicable rules and guidelines pursuant
29 thereto.

30 4. The development of an annual report on the
31 performance of assessment and treatment to be presented to the

1 Governor, the Attorney General, the President of the Senate,
2 the Speaker of the House of Representatives, the Auditor
3 General, and the Office of Program Policy Analysis and
4 Government Accountability no later than January 1 of each
5 year.

6 (b) Assessment shall generally comprise the first 30
7 days of treatment and be provided by the same provider as
8 treatment, but assessment and treatment services may be
9 provided by separate providers, where warranted. Providers
10 shall be selected who have the capacity to assess and treat
11 the unique problems presented by children with different
12 racial and ethnic backgrounds. The department shall retain
13 contractual authority to reject any assessment or treatment
14 provider for lack of qualification.

15 (9) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
16 OFFENDERS LESS THAN 13 YEARS OF AGE.--

17 (a) There is created the intensive residential
18 treatment program for offenders less than 13 years of age. The
19 program shall consist of at least 9 months of intensive secure
20 residential treatment. Conditional release assessment and
21 services shall be provided in accordance with s. 985.7316. The
22 components of the program shall include, but not be limited
23 to:

- 24 1. Diagnostic evaluation services.
- 25 2. Appropriate treatment modalities, including
26 substance abuse intervention, mental health services, and
27 sexual behavior dysfunction interventions and gang-related
28 behavior interventions.
- 29 3. Life skills.
- 30 4. Values clarification.
- 31 5. Case management services.

- 1 6. Educational services, including special and
2 remedial education.
- 3 7. Recreational and leisure time activities.
- 4 8. Community involvement opportunities commencing,
5 where appropriate, with the direct and timely payment of
6 restitution to the victim.
- 7 9. Intensive conditional release supervision.
- 8 10. Graduated reentry into the community.
- 9 11. A diversity of forms of individual and family
10 treatment appropriate to and consistent with the child's
11 needs.
- 12 12. Consistent and clear consequences for misconduct.
- 13 (b) The department is authorized to contract with
14 private companies to provide some or all of the components
15 indicated in paragraph (a).
- 16 (c) The department shall involve local law enforcement
17 agencies, the judiciary, school board personnel, the office of
18 the state attorney, the office of the public defender, and
19 community service agencies interested in or currently working
20 with juveniles, in planning and developing this program.
- 21 (d) The department is authorized to accept funds or
22 in-kind contributions from public or private sources to be
23 used for the purposes of this section.
- 24 (e) The department shall establish quality assurance
25 standards to ensure the quality and substance of mental health
26 services provided to children with mental, nervous, or
27 emotional disorders who may be committed to intensive
28 residential treatment programs. The quality assurance
29 standards shall address the possession of credentials by the
30 mental health service providers.

1 (10) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
2 TREATMENT.--

3 (a) Assessment and treatment shall be conducted by
4 treatment professionals with expertise in specific treatment
5 procedures, which professionals shall exercise all
6 professional judgment independently of the department.

7 (b) Treatment provided to children in designated
8 facilities shall be suited to the assessed needs of each
9 individual child and shall be administered safely and
10 humanely, with respect for human dignity.

11 (c) The department may promulgate rules for the
12 implementation and operation of programs and facilities for
13 children who are eligible for an intensive residential
14 treatment program for offenders less than 13 years of age.
15 The department must involve the following groups in the
16 promulgation of rules for services for this population: local
17 law enforcement agencies, the judiciary, school board
18 personnel, the office of the state attorney, the office of the
19 public defender, and community service agencies interested in
20 or currently working with juveniles. When adopting these
21 rules, the department must consider program principles,
22 components, standards, procedures for intake, diagnostic and
23 assessment activities, treatment modalities, and case
24 management.

25 (d) Any provider who acts in good faith is immune from
26 civil or criminal liability for his or her actions in
27 connection with the assessment, treatment, or transportation
28 of an intensive offender less than 13 years of age under the
29 provisions of this chapter.

30
31

1 (e) The following provisions shall apply to children
2 in an intensive residential treatment program for offenders
3 less than 13 years of age:

4 1. A child shall begin participation in the
5 conditional release component of the program based upon a
6 determination made by the treatment provider and approved by
7 the department.

8 2. A child shall begin participation in the community
9 supervision component of conditional release based upon a
10 determination made by the treatment provider and approved by
11 the department. The treatment provider shall give written
12 notice of the determination to the circuit court having
13 jurisdiction over the child. If the court does not respond
14 with a written objection within 10 days, the child shall begin
15 the conditional release component.

16 3. A child shall be discharged from the program based
17 upon a determination made by the treatment provider with the
18 approval of the department.

19 4. In situations where the department does not agree
20 with the decision of the treatment provider, a reassessment
21 shall be performed, and the department shall use the
22 reassessment determination to resolve the disagreement and
23 make a final decision.

24 (11) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

25 (a) Pursuant to the provisions of this section, the
26 department shall implement the comprehensive assessment
27 instrument for the treatment needs of children who are
28 eligible for an intensive residential treatment program for
29 offenders less than 13 years of age and for the assessment,
30 which assessment shall include the criteria under subsection
31

1 (1) and shall also include, but not be limited to, evaluation
2 of the child's:
3 1. Amenability to treatment.
4 2. Proclivity toward violence.
5 3. Tendency toward gang involvement.
6 4. Substance abuse or addiction and the level thereof.
7 5. History of being a victim of child abuse or sexual
8 abuse, or indication of sexual behavior dysfunction.
9 6. Number and type of previous adjudications, findings
10 of guilt, and convictions.
11 7. Potential for rehabilitation.
12 (b) The department shall contract with multiple
13 individuals or not-for-profit organizations to perform the
14 assessments and treatment, and shall ensure that the staff of
15 each provider is appropriately trained.
16 (c) Assessment and treatment providers shall have a
17 written procedure developed, in consultation with licensed
18 treatment professionals, establishing conditions under which a
19 child's blood and urine samples will be tested for substance
20 abuse indications. It is not unlawful for the person receiving
21 the test results to divulge the test results to the relevant
22 facility staff and department personnel. However, such
23 information is exempt from the provisions of ss. 119.01 and
24 119.07(1) and s. 24(a), Art. I of the State Constitution.
25 (d) Serologic blood test and urinalysis results
26 obtained pursuant to paragraph (c) are confidential, except
27 that they may be shared with employees or officers of the
28 department, the court, and any assessment or treatment
29 provider and designated facility treating the child. A person
30 to whom the results of a test have been disclosed under this
31

1 section may not disclose the test results to another person
2 not authorized under this section.

3 (e) The results of any serologic blood or urine test
4 on a child who is eligible for an intensive residential
5 treatment program for offenders less than 13 years of age
6 shall become a part of that child's permanent medical file.
7 Upon transfer of the child to any other designated treatment
8 facility, such file shall be transferred in an envelope marked
9 confidential. The results of any test designed to identify the
10 human immunodeficiency virus, or its antigen or antibody,
11 shall be accessible only to persons designated by rule of the
12 department. The provisions of such rule shall be consistent
13 with the guidelines established by the Centers for Disease
14 Control and Prevention.

15 (f) A record of the assessment and treatment of each
16 child who is eligible for an intensive residential treatment
17 program for offenders less than 13 years of age shall be
18 maintained by the provider, which shall include data
19 pertaining to the child's treatment and such other information
20 as may be required under rules of the department. Unless
21 waived by express and informed consent by the child or the
22 guardian or, if the child is deceased, by the child's personal
23 representative or by the person who stands next in line of
24 intestate succession, the privileged and confidential status
25 of the clinical assessment and treatment record shall not be
26 lost by either authorized or unauthorized disclosure to any
27 person, organization, or agency.

28 (g) The assessment and treatment record shall not be a
29 public record, and no part of it shall be released, except
30 that:

31

1 1. The record shall be released to such persons and
2 agencies as are designated by the child or the guardian.

3 2. The record shall be released to persons authorized
4 by order of court, excluding matters privileged by other
5 provisions of law.

6 3. The record or any part thereof shall be disclosed
7 to a qualified researcher, as defined by rule; a staff member
8 of the designated treatment facility; or an employee of the
9 department when the administrator of the facility or the
10 Secretary of Juvenile Justice deems it necessary for treatment
11 of the child, maintenance of adequate records, compilation of
12 treatment data, or evaluation of programs.

13 4. Information from the assessment and treatment
14 record may be used for statistical and research purposes if
15 the information is abstracted in such a way as to protect the
16 identity of individuals.

17 (h) Notwithstanding other provisions of this section,
18 the department may request, receive, and provide assessment
19 and treatment information to facilitate treatment,
20 rehabilitation, and continuity of care of any child who is
21 eligible for an intensive residential treatment program for
22 offenders less than 13 years of age from any of the following:

23 1. The Social Security Administration and the United
24 States Department of Veterans Affairs.

25 2. Law enforcement agencies, state attorneys, defense
26 attorneys, and judges in regard to the child's status.

27 3. Personnel in any facility in which the child may be
28 placed.

29 4. Community agencies and others expected to provide
30 services to the child upon his or her return to the community.

31

1 (i) Any law enforcement agency, designated treatment
2 facility, governmental or community agency, or other entity
3 that receives information pursuant to this section shall
4 maintain such information as a nonpublic record as otherwise
5 provided herein.

6 (j) Any agency, not-for-profit organization, or
7 treatment professional who acts in good faith in releasing
8 information pursuant to this subsection shall not be subject
9 to civil or criminal liability for such release.

10 (k) Assessment and treatment records are confidential
11 as described in this paragraph are and exempt from the
12 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
13 Constitution.

14 1. The department shall have full access to the
15 assessment and treatment records to ensure coordination of
16 services to the child.

17 2. The principles of confidentiality of records as
18 provided in s. 985.2105 shall apply to the assessment and
19 treatment records of children who are eligible for an
20 intensive residential treatment program for offenders less
21 than 13 years of age.

22 (l) For purposes of effective administration, accurate
23 tracking and recordkeeping, and optimal treatment decisions,
24 each assessment and treatment provider shall maintain a
25 central identification file on each child it treats in the
26 intensive residential treatment program for offenders less
27 than 13 years of age.

28 (m) The file of each child treated in the intensive
29 residential treatment program for offenders less than 13 years
30 of age shall contain, but is not limited to, pertinent
31 children-in-need-of-services and delinquency record

1 information maintained by the department; pertinent school
2 records information on behavior, attendance, and achievement;
3 and pertinent information on delinquency or children in need
4 of services maintained by law enforcement agencies and the
5 state attorney.

6 (n) All providers under this section shall, as part of
7 their contractual duties, collect, maintain, and report to the
8 department all information necessary to comply with mandatory
9 reporting pursuant to the promulgation of rules by the
10 department for the implementation of intensive residential
11 treatment programs for offenders less than 13 years of age and
12 the monitoring and evaluation thereof.

13 (o) The department is responsible for the development
14 and maintenance of a statewide automated tracking system for
15 children who are treated in an intensive residential treatment
16 program for offenders less than 13 years of age.

17 (12) DESIGNATED TREATMENT FACILITIES.--

18 (a) Designated facilities shall be sited and
19 constructed by the department, directly or by contract,
20 pursuant to departmental rules, to ensure that facility design
21 is compatible with treatment. The department may contract for
22 the construction of the facilities and may also lease
23 facilities. The number of beds per facility may not exceed 25.
24 An assessment of need for additional facilities shall be
25 conducted prior to the siting or construction of more than one
26 facility in any judicial circuit.

27 (b) Designated facilities for an intensive residential
28 treatment program for offenders less than 13 years of age
29 shall be separate and secure facilities established under the
30 authority of the department for the treatment of such
31 children.

1 (c) Security for designated facilities for children
2 who are eligible for an intensive residential treatment
3 program for offenders less than 13 years of age shall be
4 determined by the department. The department is authorized to
5 contract for the provision of security.

6 (d) With respect to the treatment of children who are
7 eligible for an intensive residential treatment program for
8 offenders less than 13 years of age under this section,
9 designated facilities shall be immune from liability for civil
10 damages except in instances when the failure to act in good
11 faith results in serious injury or death, in which case
12 liability shall be governed by s. 768.28.

13 (e) Minimum standards and requirements for designated
14 treatment facilities shall be contractually prescribed
15 pursuant to subsection (8).

16 Section 62. Section 985.312, Florida Statutes, is
17 transferred, renumbered as section 985.76312, Florida
18 Statutes, and amended to read:

19 985.76312 ~~985.312~~ Intensive residential treatment
20 programs for offenders less than 13 years of age; prerequisite
21 for commitment.--No child who is eligible for commitment to an
22 intensive residential treatment program for offenders less
23 than 13 years of age as established in s. 985.75311(1) ~~s.~~
24 ~~985.03(7)~~, may be committed to any intensive residential
25 treatment program for offenders less than 13 years of age as
26 established in s. 985.311, unless such program has been
27 established by the department through existing resources or
28 specific appropriation, for such program.

29 Section 63. Section 985.309, Florida Statutes, is
30 transferred, renumbered as section 985.77309, Florida
31 Statutes, and amended to read:

1 985.77309 ~~985.309~~ Boot camp for children.--

2 (1) Contingent upon specific appropriation, local
3 funding, or specific appropriation and local funding, the
4 department or a county or municipal government may implement
5 and operate a boot camp program to provide an intensive
6 educational and physical training and rehabilitative program
7 for appropriate children. Boot camps implemented and operated
8 by a sheriff shall be under his or her supervisory
9 jurisdiction and authority as determined by a contract between
10 the department and the sheriff.

11 (2) A child may be placed in a boot camp program if he
12 or she is at least 14 years of age but less than 18 years of
13 age at the time of adjudication and has been committed to the
14 department for any offense that, if committed by an adult,
15 would be a felony, other than a capital felony, a life felony,
16 or a violent felony of the first degree.

17 (3) A child committed to the department and eligible
18 for placement in a boot camp shall be placed in a boot camp in
19 or nearest to the judicial circuit in which the child was
20 adjudicated, unless such a placement would not be in the best
21 interest of the child or the boot camp was unable to accept
22 the child.

23 (4) The department, county, or municipality operating
24 the boot camp program shall screen children sent to the boot
25 camp program, so that only those children who have medical and
26 psychological profiles conducive to successfully completing an
27 intensive work, educational, and disciplinary program may be
28 admitted to the program. The department shall adopt rules for
29 use by the department, county, or municipality operating the
30 boot camp program for screening such admissions.
31

1 (5) The program shall include educational assignments,
2 work assignments, and physical training exercises. Children
3 shall be required to participate in educational, vocational,
4 and substance abuse programs and to receive additional
5 training in techniques of appropriate decisionmaking, as well
6 as in life skills and job skills. The program shall include
7 counseling that is directed at replacing the criminal
8 thinking, beliefs, and values of the child with moral
9 thinking, beliefs, and values.

10 (6) A boot camp operated by the department, a county,
11 or a municipality must provide for the following minimum
12 periods of participation:

13 (a) A participant in a low-risk residential program
14 must spend at least 2 months in the boot camp component of the
15 program. Conditional release assessment and services shall be
16 provided in accordance with s. 985.7316 ~~s. 985.316~~.

17 (b) A participant in a moderate-risk residential
18 program must spend at least 4 months in the boot camp
19 component of the program. Conditional release assessment and
20 services shall be provided in accordance with s. 985.7316 ~~s.~~
21 ~~985.316~~.

22
23 This subsection does not preclude the operation of a program
24 that requires the participants to spend more than 4 months in
25 the boot camp component of the program or that requires the
26 participants to complete two sequential programs of 4 months
27 each in the boot camp component of the program.

28 (7) The department shall adopt rules for use by the
29 department, county, or municipality operating the boot camp
30 program which provide for disciplinary sanctions and
31

1 | restrictions on the privileges of the general population of
2 | children in the program.

3 | (8) The department shall conduct quarterly inspections
4 | and evaluations of each department, county, or municipal
5 | government boot camp program to determine whether the program
6 | complies with department rules for continued operation of the
7 | program. If a county or municipal government boot camp program
8 | fails to pass the department's quarterly inspection and
9 | evaluation, such failure shall cause the department to
10 | terminate the program unless the program complies with
11 | department rules within 3 months or unless there are
12 | documented extenuating circumstances.

13 | (9) If a department-operated boot camp fails to pass
14 | the department's quarterly inspection and evaluation, the
15 | department must take necessary and sufficient steps to ensure
16 | and document program changes to achieve compliance with
17 | department rules. If the department-operated boot camp fails
18 | to achieve compliance with department rules within 3 months
19 | and if there are no documented extenuating circumstances, the
20 | department must notify the Executive Office of the Governor
21 | and the Legislature of the corrective action taken.
22 | Appropriate corrective action may include, but is not limited
23 | to:

24 | (a) Contracting out for the operation of the boot
25 | camp;

26 | (b) Initiating appropriate disciplinary action against
27 | all employees whose conduct or performance is deemed to have
28 | materially contributed to the program's failure to meet
29 | department rules;

30 | (c) Redesigning the program; or

31 | (d) Realigning the program.

1 (10) The department shall keep records and monitor
2 criminal activity, educational progress, and employment
3 placement of all boot camp program participants in department,
4 county, and municipal boot camp programs after their release
5 from the program. The department must publish an outcome
6 evaluation study of each boot camp program within 18 months
7 after the fourth platoon has graduated.

8 (11) A child in any boot camp program who becomes
9 unmanageable or medically or psychologically ineligible must
10 be removed from the program.

11 (12)(a) The department may contract with private
12 organizations for the operation of its boot camp program and
13 conditional release.

14 (b) A county or municipality may contract with private
15 organizations for the operation of its boot camp program and
16 conditional release.

17 (13)(a) The Juvenile Justice Standards and Training
18 Commission shall either establish criteria for training all
19 contract staff or provide a special training program for
20 department, county, and municipal boot camp program staff,
21 which shall include appropriate methods of dealing with
22 children who have been placed in such a stringent program.

23 (b) Administrative staff must successfully complete a
24 minimum of 120 contact hours of commission-approved training.
25 Staff who have direct contact with children must successfully
26 complete a minimum of 200 contact hours of commission-approved
27 training, which must include training in the counseling
28 techniques that are used in the boot camp program, basic
29 cardiopulmonary resuscitation and choke-relief, and the
30 control of aggression.
31

1 (c) All training courses must be taught by persons who
2 are certified as instructors by the Division of Criminal
3 Justice Standards and Training of the Department of Law
4 Enforcement and who have prior experience in a juvenile boot
5 camp program. A training course in counseling techniques need
6 not be taught by a certified instructor but must be taught by
7 a person who has at least a bachelor's degree in social work,
8 counseling, psychology, or a related field.

9 (d) A person may not have direct contact with a child
10 in the boot camp program until he or she has successfully
11 completed the training requirements specified in paragraph
12 (b), unless he or she is under the direct supervision of a
13 certified drill instructor or camp commander.

14 Section 64. Section 985.314, Florida Statutes, is
15 transferred, renumbered as section 985.78314, Florida
16 Statutes, and amended to read:

17 985.78314 ~~985.314~~ Commitment programs for juvenile
18 felony offenders.--

19 (1) Notwithstanding any other law and regardless of
20 the child's age, a child who is adjudicated delinquent, or for
21 whom adjudication is withheld, for an act that would be a
22 felony if committed by an adult, shall be committed to:

23 (a) A boot camp program under s. 985.77309 ~~s. 985.309~~
24 if the child has participated in an early delinquency
25 intervention program as provided in s. 985.9415 ~~s. 985.305~~.

26 (b) A program for serious or habitual juvenile
27 offenders under s. 985.73331 ~~s. 985.31~~ or an intensive
28 residential treatment program for offenders less than 13 years
29 of age under s. 985.75311 ~~s. 985.311~~, if the child has
30 participated in an early delinquency intervention program and
31 has completed a boot camp program.

1 (c) A maximum-risk residential program, if the child
2 has participated in an early delinquency intervention program,
3 has completed a boot camp program, and has completed a program
4 for serious or habitual juvenile offenders or an intensive
5 residential treatment program for offenders less than 13 years
6 of age. The commitment of a child to a maximum-risk
7 residential program must be for an indeterminate period, but
8 may not exceed the maximum term of imprisonment that an adult
9 may serve for the same offense.

10 (2) In committing a child to the appropriate program,
11 the court may consider an equivalent program of similar
12 intensity as being comparable to a program required under
13 subsection (1).

14 Section 65. Section 985.8203, Florida Statutes, is
15 created to read:

16 985.8203 Child's right to counsel; costs of
17 representation.--A child is entitled to representation by
18 legal counsel at all stages of any proceedings under this
19 chapter. The responsibilities of the parents or legal guardian
20 of the child to pay costs associated with the representation
21 of the child are prescribed under s. 985.0203.

22 Section 66. Section 985.204, Florida Statutes, is
23 transferred and renumbered as section 985.8204, Florida
24 Statutes.

25 Section 67. Section 985.8231, Florida Statutes, is
26 created to read:

27 985.8231 Powers of the court over parent or guardian
28 at disposition.--At disposition, the court that has
29 jurisdiction of an adjudicated delinquent child may, in order
30 to carry out the provisions of this chapter:

31

1 (1) Order the natural parents or legal custodian or
2 guardian of a child who is found to have committed a
3 delinquent act to participate in family counseling and other
4 professional counseling activities deemed necessary for the
5 rehabilitation of the child or to enhance their ability to
6 provide the child with adequate support, guidance, and
7 supervision. The court may also order that the parent,
8 custodian, or guardian support the child and participate with
9 the child in fulfilling a court-imposed sanction. In addition,
10 the court may use its contempt powers to enforce a
11 court-imposed sanction.

12 (2) Order the child's parent or guardian, together
13 with the child, to render community service in a public
14 service program or to participate in a community work project.
15 In addition to the sanctions imposed on the child, the court
16 may order the parent or guardian of the child to perform
17 community service if the court finds that the parent or
18 guardian did not make a diligent and good faith effort to
19 prevent the child from engaging in delinquent acts.

20 (3) Order the parent or guardian to make restitution
21 in money or in kind for any damage or loss caused by the
22 child's offense. The court may also require the parent or
23 legal guardian of the child to be responsible for any
24 restitution ordered against the child, as provided under s.
25 985.72311. The court shall determine a reasonable amount or
26 manner of restitution, and payment shall be made to the clerk
27 of the circuit court as provided in s. 985.72311. The court
28 may retain jurisdiction, as provided under s. 985.0201, over
29 the child and the parents or legal guardian of the child
30 against whom the court has entered order of restitution until
31 such order is satisfied or the court orders otherwise.

1 Section 68. Section 985.8233, Florida Statutes, is
2 created to read:

3 985.8233 Responsibility for costs of care; fees.--

4 (1) When any child is placed into secure or home
5 detention care or into other placement for the purpose of
6 being supervised by the Department of Juvenile Justice
7 pursuant to a court order following a detention hearing, the
8 court shall order the parents or guardians of such child to
9 pay to the Department of Juvenile Justice as provided under s.
10 985.0217.

11 (2) When any child is found by the court to have
12 committed a delinquent act and is placed on probation,
13 regardless of adjudication, under the supervision of or in the
14 temporary legal custody of the Department of Juvenile Justice,
15 the court shall order the parents of such child to pay fees to
16 the department as provided under s. 985.0217.

17 (3) When a child is transferred for prosecution as an
18 adult and the court orders any child to be supervised by or
19 committed to the Department of Juvenile Justice for treatment
20 in any of the department's programs for children, the court
21 shall order the parents of such child to pay fees as provided
22 under s. 985.0217.

23 Section 69. Sections 985.234, 985.235, and 985.236,
24 Florida Statutes, are transferred and renumbered as sections
25 985.90234, 985.90235, and 985.90236, Florida Statutes.

26 Section 70. Section 985.226, Florida Statutes, is
27 transferred, renumbered as section 985.91226, Florida
28 Statutes, and amended to read:

29 985.91226 ~~985.226~~ Voluntary and involuntary waiver of
30 juvenile court jurisdiction; waiver hearings ~~Criteria for~~
31

1 ~~waiver of juvenile court jurisdiction; hearing on motion to~~
2 ~~transfer for prosecution as an adult.--~~

3 (1) VOLUNTARY WAIVER.--The court shall transfer and
4 certify a child's criminal case for trial as an adult if the
5 child is alleged to have committed a violation of law and,
6 prior to the commencement of an adjudicatory hearing, the
7 child, joined by a parent or, in the absence of a parent, by
8 the guardian or guardian ad litem, demands in writing to be
9 tried as an adult. Once a child has been transferred for
10 criminal prosecution pursuant to a voluntary waiver hearing
11 and has been found to have committed the presenting offense or
12 a lesser included offense, the child shall be handled
13 thereafter in every respect as an adult for any subsequent
14 violation of state law, unless the court imposes juvenile
15 sanctions under s. 985.91223(4)(b) ~~s. 985.233(4)(b)~~.

16 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

17 ~~(a) Discretionary waiver.~~ Except as provided in
18 subsection (3) paragraph (b), the state attorney may file a
19 motion requesting the court to transfer the child for criminal
20 prosecution if the child was 14 years of age or older at the
21 time the alleged delinquent act or violation of law was
22 committed.

23 (3) INVOLUNTRAY MANDATORY WAIVER.--(b) Mandatory
24 waiver.

25 (a)1- If the child was 14 years of age or older, and
26 if the child has been previously adjudicated delinquent for an
27 act classified as a felony, which adjudication was for the
28 commission of, attempt to commit, or conspiracy to commit
29 murder, sexual battery, armed or strong-armed robbery,
30 carjacking, home-invasion robbery, aggravated battery,
31 aggravated assault, or burglary with an assault or battery,

1 and the child is currently charged with a second or subsequent
2 violent crime against a person; or

3 ~~(b)2-~~ If the child was 14 years of age or older at the
4 time of commission of a fourth or subsequent alleged felony
5 offense and the child was previously adjudicated delinquent or
6 had adjudication withheld for or was found to have committed,
7 or to have attempted or conspired to commit, three offenses
8 that are felony offenses if committed by an adult, and one or
9 more of such felony offenses involved the use or possession of
10 a firearm or violence against a person;

11
12 the state attorney shall request the court to transfer and
13 certify the child for prosecution as an adult or shall provide
14 written reasons to the court for not making such request, or
15 proceed pursuant to s. 985.91227 ~~s. 985.227(1)~~. Upon the
16 state attorney's request, the court shall either enter an
17 order transferring the case and certifying the case for trial
18 as if the child were an adult or provide written reasons for
19 not issuing such an order.

20 ~~(4)(3)~~ WAIVER HEARING.--

21 (a) Within 7 days, excluding Saturdays, Sundays, and
22 legal holidays, after the date a petition alleging that a
23 child has committed a delinquent act or violation of law has
24 been filed, or later with the approval of the court, but
25 before an adjudicatory hearing and after considering the
26 recommendation of the juvenile probation officer, the state
27 attorney may file a motion requesting the court to transfer
28 the child for criminal prosecution.

29 (b) After the filing of the motion of the state
30 attorney, summonses must be issued and served in conformity
31 with s. 985.6219 ~~s. 985.219~~. A copy of the motion and a copy

1 of the delinquency petition, if not already served, must be
2 attached to each summons.

3 (c) The court shall conduct a hearing on all transfer
4 request motions for the purpose of determining whether a child
5 should be transferred. In making its determination, the court
6 shall consider:

7 1. The seriousness of the alleged offense to the
8 community and whether the protection of the community is best
9 served by transferring the child for adult sanctions.

10 2. Whether the alleged offense was committed in an
11 aggressive, violent, premeditated, or willful manner.

12 3. Whether the alleged offense was against persons or
13 against property, greater weight being given to offenses
14 against persons, especially if personal injury resulted.

15 4. The probable cause as found in the report,
16 affidavit, or complaint.

17 5. The desirability of trial and disposition of the
18 entire offense in one court when the child's associates in the
19 alleged crime are adults or children who are to be tried as
20 adults.

21 6. The sophistication and maturity of the child.

22 7. The record and previous history of the child,
23 including:

24 a. Previous contacts with the department, the
25 Department of Corrections, the former Department of Health and
26 Rehabilitative Services, the Department of Children and Family
27 Services, other law enforcement agencies, and courts;

28 b. Prior periods of probation;

29 c. Prior adjudications that the child committed a
30 delinquent act or violation of law, greater weight being given
31 if the child has previously been found by a court to have

1 committed a delinquent act or violation of law involving an
2 offense classified as a felony or has twice previously been
3 found to have committed a delinquent act or violation of law
4 involving an offense classified as a misdemeanor; and

5 d. Prior commitments to institutions.

6 8. The prospects for adequate protection of the public
7 and the likelihood of reasonable rehabilitation of the child,
8 if the child is found to have committed the alleged offense,
9 by the use of procedures, services, and facilities currently
10 available to the court.

11 (d) Prior to a hearing on the transfer request motion
12 by the state attorney, a study and report to the court
13 relevant to the factors in paragraph (c) must be made in
14 writing by an authorized agent of the department. The child
15 and the child's parents or legal guardians and counsel and the
16 state attorney shall have the right to examine these reports
17 and to question the parties responsible for them at the
18 hearing.

19 (e) Any decision to transfer a child for criminal
20 prosecution must be in writing and include consideration of,
21 and findings of fact with respect to, all criteria in
22 paragraph (c). The court shall render an order including a
23 specific finding of fact and the reasons for a decision to
24 impose adult sanctions. The order shall be reviewable on
25 appeal under s. 985.90234 ~~s. 985.234~~ and the Florida Rules of
26 Appellate Procedure.

27 ~~(5)(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

28 (a) Once a child has been transferred for criminal
29 prosecution pursuant to an involuntary waiver hearing and has
30 been found to have committed the presenting offense or a
31 lesser included offense, the child shall thereafter be handled

1 in every respect as an adult for any subsequent violation of
2 state law, unless the court imposes juvenile sanctions under
3 s. 985.91233 ~~s. 985.233~~.

4 (b) When a child is transferred for criminal
5 prosecution as an adult, the court shall immediately transfer
6 and certify to the adult circuit court all felony cases
7 pertaining to the child, for prosecution of the child as an
8 adult, which have not yet resulted in a plea of guilty or nolo
9 contendere or in which a finding of guilt has not been made.
10 If the child is acquitted of all charged offenses or lesser
11 included offenses contained in the original case transferred
12 to adult court, all felony cases that were transferred to
13 adult court pursuant to this paragraph shall be subject to the
14 same penalties such cases were subject to before being
15 transferred to adult court.

16 Section 71. Section 985.227, Florida Statutes, is
17 transferred, renumbered as section 985.91227, Florida
18 Statutes, and amended to read:

19 985.91227 ~~985.227~~ ~~Prosecution of juveniles as adults~~
20 ~~by the~~ Direct filing of an information in the criminal
21 division of the circuit court; discretionary criteria;
22 mandatory criteria.--

23 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

24 (a) With respect to any child who was 14 or 15 years
25 of age at the time the alleged offense was committed, the
26 state attorney may file an information when in the state
27 attorney's judgment and discretion the public interest
28 requires that adult sanctions be considered or imposed and
29 when the offense charged is for the commission of, attempt to
30 commit, or conspiracy to commit:

31 1. Arson;

- 1 2. Sexual battery;
- 2 3. Robbery;
- 3 4. Kidnapping;
- 4 5. Aggravated child abuse;
- 5 6. Aggravated assault;
- 6 7. Aggravated stalking;
- 7 8. Murder;
- 8 9. Manslaughter;
- 9 10. Unlawful throwing, placing, or discharging of a
10 destructive device or bomb;
- 11 11. Armed burglary in violation of s. 810.02(2)(b) or
12 specified burglary of a dwelling or structure in violation of
13 s. 810.02(2)(c), or burglary with an assault or battery in
14 violation of s. 810.02(2)(a);
- 15 12. Aggravated battery;
- 16 13. Any lewd or lascivious offense committed upon or
17 in the presence of a person less than 16 years of age;
- 18 14. Carrying, displaying, using, threatening, or
19 attempting to use a weapon or firearm during the commission of
20 a felony;
- 21 15. Grand theft in violation of s. 812.014(2)(a);
- 22 16. Possessing or discharging any weapon or firearm on
23 school property in violation of s. 790.115;
- 24 17. Home invasion robbery;
- 25 18. Carjacking; or
- 26 19. Grand theft of a motor vehicle in violation of s.
27 812.014(2)(c)6. or grand theft of a motor vehicle valued at
28 \$20,000 or more in violation of s. 812.014(2)(b) if the child
29 has a previous adjudication for grand theft of a motor vehicle
30 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
31

1 (b) With respect to any child who was 16 or 17 years
2 of age at the time the alleged offense was committed, the
3 state attorney may file an information when in the state
4 attorney's judgment and discretion the public interest
5 requires that adult sanctions be considered or imposed.
6 However, the state attorney may not file an information on a
7 child charged with a misdemeanor, unless the child has had at
8 least two previous adjudications or adjudications withheld for
9 delinquent acts, one of which involved an offense classified
10 as a felony under state law.

11 (2) MANDATORY DIRECT FILE.--

12 (a) With respect to any child who was 16 or 17 years
13 of age at the time the alleged offense was committed, the
14 state attorney shall file an information if the child has been
15 previously adjudicated delinquent for an act classified as a
16 felony, which adjudication was for the commission of, attempt
17 to commit, or conspiracy to commit murder, sexual battery,
18 armed or strong-armed robbery, carjacking, home-invasion
19 robbery, aggravated battery, or aggravated assault, and the
20 child is currently charged with a second or subsequent violent
21 crime against a person.

22 (b) With respect to any child 16 or 17 years of age at
23 the time an offense classified as a forcible felony, as
24 defined in s. 776.08, was committed, the state attorney shall
25 file an information if the child has previously been
26 adjudicated delinquent or had adjudication withheld for three
27 acts classified as felonies each of which occurred at least 45
28 days apart from each other. This paragraph does not apply when
29 the state attorney has good cause to believe that exceptional
30 circumstances exist which preclude the just prosecution of the
31 juvenile in adult court.

1 (c) The state attorney must file an information if a
2 child, regardless of the child's age at the time the alleged
3 offense was committed, is alleged to have committed an act
4 that would be a violation of law if the child were an adult,
5 that involves stealing a motor vehicle, including, but not
6 limited to, a violation of s. 812.133, relating to carjacking,
7 or s. 812.014(2)(c)6., relating to grand theft of a motor
8 vehicle, and while the child was in possession of the stolen
9 motor vehicle the child caused serious bodily injury to or the
10 death of a person who was not involved in the underlying
11 offense. For purposes of this section, the driver and all
12 willing passengers in the stolen motor vehicle at the time
13 such serious bodily injury or death is inflicted shall also be
14 subject to mandatory transfer to adult court. "Stolen motor
15 vehicle," for the purposes of this section, means a motor
16 vehicle that has been the subject of any criminal wrongful
17 taking. For purposes of this section, "willing passengers"
18 means all willing passengers who have participated in the
19 underlying offense.

20 (d)1. With respect to any child who was 16 or 17 years
21 of age at the time the alleged offense was committed, the
22 state attorney shall file an information if the child has been
23 charged with committing or attempting to commit an offense
24 listed in s. 775.087(2)(a)1.a.-q., and, during the commission
25 of or attempt to commit the offense, the child:

26 a. Actually possessed a firearm or destructive device,
27 as those terms are defined in s. 790.001.

28 b. Discharged a firearm or destructive device, as
29 described in s. 775.087(2)(a)2.

30 c. Discharged a firearm or destructive device, as
31 described in s. 775.087(2)(a)3., and, as a result of the

1 discharge, death or great bodily harm was inflicted upon any
2 person.

3 2. Upon transfer, any child who is:

4 a. Charged pursuant to sub-subparagraph 1.a. and who
5 has been previously adjudicated or had adjudication withheld
6 for a forcible felony offense or any offense involving a
7 firearm, or who has been previously placed in a residential
8 commitment program, shall be subject to sentencing under s.
9 775.087(2)(a), notwithstanding s. 985.91233 ~~s. 985.233~~.

10 b. Charged pursuant to sub-subparagraph 1.b. or
11 sub-subparagraph 1.c., shall be subject to sentencing under s.
12 775.087(2)(a), notwithstanding s. 985.91233 ~~s. 985.233~~.

13 3. Upon transfer, any child who is charged pursuant to
14 this paragraph, but who does not meet the requirements
15 specified in subparagraph 2., shall be sentenced pursuant to
16 s. 985.91233 ~~s. 985.233~~; however, if the court imposes a
17 juvenile sanction, the court must commit the child to a
18 high-risk or maximum-risk juvenile facility.

19 4. This paragraph shall not apply if the state
20 attorney has good cause to believe that exceptional
21 circumstances exist which preclude the just prosecution of the
22 child in adult court.

23 5. The Department of Corrections shall make every
24 reasonable effort to ensure that any child 16 or 17 years of
25 age who is convicted and sentenced under this paragraph be
26 completely separated such that there is no physical contact
27 with adult offenders in the facility, to the extent that it is
28 consistent with chapter 958.

29 (3) EFFECT OF DIRECT FILE.--

30 (a) Once a child has been transferred for criminal
31 prosecution pursuant to an information and has been found to

1 | have committed the presenting offense or a lesser included
2 | offense, the child shall be handled thereafter in every
3 | respect as if an adult for any subsequent violation of state
4 | law, unless the court imposes juvenile sanctions under s.
5 | 985.91233 ~~s. 985.233~~.

6 | (b) When a child is transferred for criminal
7 | prosecution as an adult, the court shall immediately transfer
8 | and certify to the adult circuit court all felony cases
9 | pertaining to the child, for prosecution of the child as an
10 | adult, which have not yet resulted in a plea of guilty or nolo
11 | contendere or in which a finding of guilt has not been made.
12 | If a child is acquitted of all charged offenses or lesser
13 | included offenses contained in the original case transferred
14 | to adult court, all felony cases that were transferred to
15 | adult court as a result of this paragraph shall be subject to
16 | the same penalties to which such cases would have been subject
17 | before being transferred to adult court.

18 | (c) When a child has been transferred for criminal
19 | prosecution as an adult and has been found to have committed a
20 | violation of state law, the disposition of the case may be
21 | made under s. 985.91233 ~~s. 985.233~~ and may include the
22 | enforcement of any restitution ordered in any juvenile
23 | proceeding.

24 | (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
25 | attorney shall develop written policies and guidelines to
26 | govern determinations for filing an information on a juvenile,
27 | to be submitted to the Executive Office of the Governor, the
28 | President of the Senate, and the Speaker of the House of
29 | Representatives not later than January 1 of each year.

30 |
31 |

1 (5) An information filed pursuant to this section may
2 include all charges that are based on the same act, criminal
3 episode, or transaction as the primary offenses.

4 Section 72. Section 985.225, Florida Statutes, is
5 transferred, renumbered as section 985.91228, Florida
6 Statutes, and amended to read:

7 985.91228 ~~985.225~~ Indictment of a juvenile.--

8 (1) A child of any age who is charged with a violation
9 of state law punishable by death or by life imprisonment is
10 subject to the jurisdiction of the court as set forth in s.
11 985.0201(2) ~~s. 985.219(8)~~ unless and until an indictment on
12 the charge is returned by the grand jury. When such indictment
13 is returned, the petition for delinquency, if any, must be
14 dismissed and the child must be tried and handled in every
15 respect as an adult:

16 (a) On the offense punishable by death or by life
17 imprisonment; and

18 (b) On all other felonies or misdemeanors charged in
19 the indictment which are based on the same act or transaction
20 as the offense punishable by death or by life imprisonment or
21 on one or more acts or transactions connected with the offense
22 punishable by death or by life imprisonment.

23 (2) An adjudicatory hearing may not be held until 21
24 days after the child is taken into custody and charged with
25 having committed an offense punishable by death or by life
26 imprisonment, unless the state attorney advises the court in
27 writing that he or she does not intend to present the case to
28 the grand jury, or has presented the case to the grand jury
29 and the grand jury has not returned an indictment. If the
30 court receives such a notice from the state attorney, or if
31

1 the grand jury fails to act within the 21-day period, the
2 court may proceed as otherwise authorized under this part.

3 (3) If the child is found to have committed the
4 offense punishable by death or by life imprisonment, the child
5 shall be sentenced as an adult. If the juvenile is not found
6 to have committed the indictable offense but is found to have
7 committed a lesser included offense or any other offense for
8 which he or she was indicted as a part of the criminal
9 episode, the court may sentence pursuant to s. 985.91233 ~~s.~~
10 ~~985.233~~.

11 (4)(a) Once a child has been indicted pursuant to this
12 ~~section~~ subsection and has been found to have committed any
13 offense for which he or she was indicted as a part of the
14 criminal episode, the child shall be handled thereafter in
15 every respect as if an adult for any subsequent violation of
16 state law, unless the court imposes juvenile sanctions under
17 s. 985.91233 ~~s. 985.233~~.

18 (b) When a child has been indicted pursuant to this
19 subsection the court shall immediately transfer and certify to
20 the adult circuit court all felony cases pertaining to the
21 child, for prosecution of the child as an adult, which have
22 not yet resulted in a plea of guilty or nolo contendere or in
23 which a finding of guilt has not been made. If the child is
24 acquitted of all charged offenses or lesser included offenses
25 contained in the indictment case, all felony cases that were
26 transferred to adult court pursuant to this paragraph shall be
27 subject to the same penalties such cases were subject to
28 before being transferred to adult court.

29 Section 73. Section 985.233, Florida Statutes, is
30 transferred, renumbered as section 985.91233, Florida
31 Statutes, and amended to read:

1 985.91233 ~~985.233~~ Sentencing powers; procedures;
2 alternatives for juveniles prosecuted as adults.--
3 (1) POWERS OF DISPOSITION.--
4 (a) A child who is found to have committed a violation
5 of law may, as an alternative to adult dispositions, be
6 committed to the department for treatment in an appropriate
7 program for children outside the adult correctional system or
8 be placed on juvenile probation.
9 (b) In determining whether to impose juvenile
10 sanctions instead of adult sanctions, the court shall consider
11 the following criteria:
12 1. The seriousness of the offense to the community and
13 whether the community would best be protected by juvenile or
14 adult sanctions.
15 2. Whether the offense was committed in an aggressive,
16 violent, premeditated, or willful manner.
17 3. Whether the offense was against persons or against
18 property, with greater weight being given to offenses against
19 persons, especially if personal injury resulted.
20 4. The sophistication and maturity of the offender.
21 5. The record and previous history of the offender,
22 including:
23 a. Previous contacts with the Department of
24 Corrections, the Department of Juvenile Justice, the former
25 Department of Health and Rehabilitative Services, the
26 Department of Children and Family Services, law enforcement
27 agencies, and the courts.
28 b. Prior periods of probation.
29 c. Prior adjudications that the offender committed a
30 delinquent act or violation of law as a child.
31

1 d. Prior commitments to the Department of Juvenile
2 Justice, the former Department of Health and Rehabilitative
3 Services, the Department of Children and Family Services, or
4 other facilities or institutions.

5 6. The prospects for adequate protection of the public
6 and the likelihood of deterrence and reasonable rehabilitation
7 of the offender if assigned to services and facilities of the
8 Department of Juvenile Justice.

9 7. Whether the Department of Juvenile Justice has
10 appropriate programs, facilities, and services immediately
11 available.

12 8. Whether adult sanctions would provide more
13 appropriate punishment and deterrence to further violations of
14 law than the imposition of juvenile sanctions.

15 (2) PRESENTENCE INVESTIGATION REPORT.--

16 (a) Upon a plea of guilty, the court may refer the
17 case to the department for investigation and recommendation as
18 to the suitability of its programs for the child.

19 (b) Upon completion of the presentence investigation
20 report, it must be made available to the child's counsel and
21 the state attorney by the department prior to the sentencing
22 hearing.

23 (3) SENTENCING HEARING.--

24 (a) At the sentencing hearing the court shall receive
25 and consider a presentence investigation report by the
26 Department of Corrections regarding the suitability of the
27 offender for disposition as an adult or as a juvenile. The
28 presentence investigation report must include a comments
29 section prepared by the Department of Juvenile Justice, with
30 its recommendations as to disposition. This report requirement
31 may be waived by the offender.

1 (b) After considering the presentence investigation
2 report, the court shall give all parties present at the
3 hearing an opportunity to comment on the issue of sentence and
4 any proposed rehabilitative plan. Parties to the case include
5 the parent, guardian, or legal custodian of the offender; the
6 offender's counsel; the state attorney; representatives of the
7 Department of Corrections and the Department of Juvenile
8 Justice; the victim or victim's representative;
9 representatives of the school system; and the law enforcement
10 officers involved in the case.

11 (c) The court may receive and consider any other
12 relevant and material evidence, including other reports,
13 written or oral, in its effort to determine the action to be
14 taken with regard to the child, and may rely upon such
15 evidence to the extent of its probative value even if the
16 evidence would not be competent in an adjudicatory hearing.

17 (d) The court shall notify any victim of the offense
18 of the hearing and shall notify, or subpoena if appropriate,
19 the parents, guardians, or legal custodians of the child to
20 attend the disposition hearing.

21 (4) SENTENCING ALTERNATIVES.--

22 (a) ~~Sentencing to~~ Adult sanctions.--

23 1. Cases prosecuted on indictment.--If the child is
24 found to have committed the offense punishable by death or
25 life imprisonment, the child shall be sentenced as an adult.
26 If the juvenile is not found to have committed the indictable
27 offense but is found to have committed a lesser included
28 offense or any other offense for which he or she was indicted
29 as a part of the criminal episode, the court may sentence as
30 follows:

31 a. As an adult;

1 b. Pursuant to chapter 958; or
2 c. As a juvenile pursuant to this section.
3 2. Other cases.--If a child who has been transferred
4 for criminal prosecution pursuant to information or waiver of
5 juvenile court jurisdiction is found to have committed a
6 violation of state law or a lesser included offense for which
7 he or she was charged as a part of the criminal episode, the
8 court may sentence as follows:
9 a. As an adult;
10 b. Pursuant to chapter 958; or
11 c. As a juvenile pursuant to this section.
12 3. Notwithstanding any other provision to the
13 contrary, if the state attorney is required to file a motion
14 to transfer and certify the juvenile for prosecution as an
15 adult pursuant to s. 985.91226(3) ~~s. 985.226(2)(b)~~ and that
16 motion is granted, or if the state attorney is required to
17 file an information pursuant to s. 985.91227(2)(a) or (b) ~~s.~~
18 ~~985.227(2)(a) or (b)~~, the court must impose adult sanctions.
19 4. Any sentence imposing adult sanctions is presumed
20 appropriate, and the court is not required to set forth
21 specific findings or enumerate the criteria in this subsection
22 as any basis for its decision to impose adult sanctions.
23 5. When a child has been transferred for criminal
24 prosecution as an adult and has been found to have committed a
25 violation of state law, the disposition of the case may
26 include the enforcement of any restitution ordered in any
27 juvenile proceeding.
28 (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles
29 transferred to adult court but who do not qualify for such
30 transfer pursuant to s. 985.91226(3) ~~s. 985.226(2)(b)~~ or s.
31 985.91227(2)(a) or (b) ~~s. 985.227(2)(a) or (b)~~, the court may

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

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

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

30 3. Order disposition pursuant to ss. 985.7231,
31 985.72311, 985.72312, 985.72313, 985.72314, 985.72315, and

1 985.72316 ~~s. 985.231~~ as an alternative to youthful offender or
2 adult sentencing if the court determines not to impose
3 youthful offender or adult sanctions.

4 (c) Imposition of adult sanctions upon failure of
5 juvenile sanctions.--If a child proves not to be suitable to a
6 commitment program, in a juvenile probation program, or
7 treatment program under the provisions of paragraph (b), the
8 department shall provide the sentencing court with a written
9 report outlining the basis for its objections to the juvenile
10 sanction and shall simultaneously provide a copy of the report
11 to the state attorney and the defense counsel. The department
12 shall schedule a hearing within 30 days. Upon hearing, the
13 court may revoke the previous adjudication, impose an
14 adjudication of guilt, and impose any sentence which it may
15 lawfully impose, giving credit for all time spent by the child
16 in the department. The court may also classify the child as a
17 youthful offender pursuant to s. 958.04, if appropriate. For
18 purposes of this paragraph, a child may be found not suitable
19 to a commitment program, community control program, or
20 treatment program under the provisions of paragraph (b) if the
21 child commits a new violation of law while under juvenile
22 sanctions, if the child commits any other violation of the
23 conditions of juvenile sanctions, or if the child's actions
24 are otherwise determined by the court to demonstrate a failure
25 of juvenile sanctions.

26 ~~(d) Recoupment of cost of care or supervision in~~
27 ~~juvenile justice programs or facilities. When the court~~
28 ~~orders any child to be supervised by or committed to the~~
29 ~~Department of Juvenile Justice for treatment in any of the~~
30 ~~department's programs for children, the court shall order the~~

31

1 ~~parents of such child to pay fees as provided under s.~~
2 ~~985.2311.~~

3 ~~(d)(e)~~ Further proceedings heard in adult court.--When
4 a child is sentenced to juvenile sanctions, further
5 proceedings involving those sanctions shall continue to be
6 heard in the adult court.

7 ~~(e)(f)~~ School attendance.--If the child is attending
8 or is eligible to attend public school and the court finds
9 that the victim or a sibling of the victim in the case is
10 attending or may attend the same school as the child, the
11 court placement order shall include a finding pursuant to the
12 proceeding described in s. 985.72316(2) regardless of whether
13 adjudication is withheld ~~s. 985.23(1)(d)~~.

14
15 It is the intent of the Legislature that the criteria and
16 guidelines in this subsection are mandatory and that a
17 determination of disposition under this subsection is subject
18 to the right of the child to appellate review under s.
19 985.90234 ~~s. 985.234~~.

20 Section 74. Section 985.9133, Florida Statutes, is
21 created to read:

22 985.9133 Recoupment of cost of care in juvenile
23 justice facilities.--

24 (1) When the court orders commitment of a child to the
25 Department of Juvenile Justice for treatment in any of the
26 department's programs for children, the court shall order the
27 parents of such child to pay fees in the amount of \$5 per day
28 that the child is under the care or supervision of the
29 department in order to partially offset the cost of the care,
30 support, maintenance, and other usual and ordinary obligations
31 of parents to provide for the needs of their children, unless

1 the court makes a finding on the record that the parent or
2 legal guardian of the child is indigent.

3 (2) Prior to commitment, the department shall provide
4 the court with information concerning the actual cost of care
5 in the recommended residential commitment level and concerning
6 the ability of the parent or guardian of the child to pay
7 specified fees. If the court makes a finding of indigence, the
8 parent or guardian shall pay to the department a nominal
9 subsistence fee of \$2 per day that the child is committed
10 outside the home or \$1 per day if the child is otherwise
11 supervised in lieu of other fees related to the parent's
12 obligation for the child's cost of care. The nominal
13 subsistence fee may only be waived or reduced if the court
14 makes a finding that such payment would constitute a
15 significant financial hardship. Such finding shall be in
16 writing and shall contain a detailed description of the facts
17 that led the court to make both the finding of indigence and
18 the finding of significant financial hardship.

19 (3) In addition, the court may reduce the fees or
20 waive the fees as to each parent or guardian if the court
21 makes a finding on the record that the parent or guardian was
22 the victim of the delinquent act or violation of law for which
23 the child is subject to commitment under this section and that
24 the parent or guardian has cooperated in the investigation and
25 prosecution of the offense. When the order affects the
26 guardianship estate, a certified copy of the order shall be
27 delivered to the judge having jurisdiction of the guardianship
28 estate.

29 (4) All orders committing a child to a residential
30 commitment program must include specific findings as to what
31 fees are ordered, reduced, or waived. If the court fails to

1 enter an order as required by this section, it shall be
2 presumed that the court intended the parent or guardian to pay
3 fees to the department in an amount of \$5 per day related to
4 the care, support, and maintenance of the child. With regard
5 to a child who reaches the age of 18 prior to the disposition
6 hearing, the court may elect to direct an order required by
7 this section to such child, rather than the parent or
8 guardian. With regard to a child who reaches the age of 18
9 while in the custody of the department, the court may, upon
10 proper motion of any party, hold a hearing as to whether any
11 party should be further obligated respecting the payment of
12 fees.

13 (5) The clerk of the circuit court shall act as a
14 depository for these fees. Upon each payment received, the
15 clerk of the circuit court shall receive a fee from the total
16 payment of 3 percent of any payment made except that no fee
17 shall be less than \$1 nor more than \$5 per payment made. This
18 fee shall serve as a service charge for the administration,
19 management, and maintenance of each payment. At the end of
20 each month, the clerk of the circuit court shall send all
21 money collected under this section to the state Grants and
22 Donations Trust Fund.

23 (6) The parent or guardian shall provide to the
24 department the parent or guardian's name, address, social
25 security number, date of birth, and driver's license number or
26 identification card number and sufficient financial
27 information for the department to be able to determine the
28 parent or guardian's ability to pay. If the parent or guardian
29 refuses to provide the department with any identifying
30 information or financial information, the court shall order
31

1 the parent to comply and may pursue contempt of court
2 sanctions for failure to comply.

3 (7) The department may employ a collection agency for
4 the purpose of receiving, collecting, and managing the payment
5 of unpaid and delinquent fees. The collection agency must be
6 registered and in good standing under chapter 559. The
7 department may pay to the collection agency a fee from the
8 amount collected under the claim or may authorize the agency
9 to deduct the fee from the amount collected. The department
10 may also pay for collection services from available authorized
11 funds. The Department of Juvenile Justice shall provide to the
12 payor documentation of any amounts paid by the payor to the
13 Department of Juvenile Justice on behalf of the child. All
14 payments received by the department pursuant to this
15 subsection shall be deposited in the state Grants and
16 Donations Trust Fund.

17 (8) The court or the department may not extend the
18 child's length of stay in commitment care solely for the
19 purpose of collecting fees.

20
21 It is the intent of the Legislature that the criteria and
22 guidelines in this section are mandatory and that a
23 determination of disposition under this subsection is subject
24 to the right of the child to appellate review under s.
25 985.90234.

26 Section 75. Section 985.417, Florida Statutes, is
27 transferred and renumbered as section 985.913417, Florida
28 Statutes.

29 Section 76. Section 985.404, Florida Statutes, is
30 transferred, renumbered as section 985.94, Florida Statutes,
31 and amended to read:

1 985.94 ~~985.404~~ Administering the juvenile justice
2 continuum.--

3 (1) The Department of Juvenile Justice shall plan,
4 develop, and coordinate comprehensive services and programs
5 statewide for the prevention, early intervention, control, and
6 rehabilitative treatment of delinquent behavior.

7 (2) The department shall develop and implement an
8 appropriate continuum of care that provides individualized,
9 multidisciplinary assessments, objective evaluations of
10 relative risks, and the matching of needs with placements for
11 all children under its care, and that uses a system of case
12 management to facilitate each child being appropriately
13 assessed, provided with services, and placed in a program that
14 meets the child's needs.

15 (3)(a) The department shall develop or contract for
16 diversified and innovative programs to provide rehabilitative
17 treatment, including early intervention and prevention,
18 diversion, comprehensive intake, case management, diagnostic
19 and classification assessments, individual and family
20 counseling, shelter care, diversified detention care
21 emphasizing alternatives to secure detention, diversified
22 probation, halfway houses, foster homes, community-based
23 substance abuse treatment services, community-based mental
24 health treatment services, community-based residential and
25 nonresidential programs, environmental programs, and programs
26 for serious or habitual juvenile offenders. Each program shall
27 place particular emphasis on reintegration and conditional
28 release for all children in the program.

29 (b) The Legislature intends that, whenever possible
30 and reasonable, the department make every effort to consider
31 qualified faith-based organizations on an equal basis with

1 other private organizations when selecting contract providers
2 of services to juveniles.

3 (c) The department may contract with faith-based
4 organizations on the same basis as any other nongovernmental
5 providers, without impairing the religious character of such
6 organizations. Any faith-based organization may act as a
7 contractor in the delivery of services under any program, on
8 the same basis as any other nongovernmental provider, without
9 impairing the religious character of such organization. A
10 faith-based organization, which has entered into a contract
11 with the department, shall retain its independence from state
12 and local governments with regard to control over the
13 definition, development, practice, and expression of its
14 religious beliefs. The department shall not require a
15 faith-based organization to alter its form of internal
16 government or remove religious art, icons, scripture, or other
17 symbols in order to be eligible to contract as a provider.

18 (d) The department may include in any services
19 contract a requirement that providers prepare plans describing
20 their implementation of paragraphs (a) and (c). A failure to
21 deliver such plans, if required, may be considered by the
22 department as a breach of the contract that may result in
23 cancellation of the contract.

24 ~~(4) The department may transfer a child, when~~
25 ~~necessary to appropriately administer the child's commitment,~~
26 ~~from one facility or program to another facility or program~~
27 ~~operated, contracted, subcontracted, or designated by the~~
28 ~~department, including a postcommitment nonresidential~~
29 ~~conditional release program. The department shall notify the~~
30 ~~court that committed the child to the department and any~~
31 ~~attorney of record, in writing, of its intent to transfer the~~

1 ~~child from a commitment facility or program to another~~
2 ~~facility or program of a higher or lower restrictiveness~~
3 ~~level. The court that committed the child may agree to the~~
4 ~~transfer or may set a hearing to review the transfer. If the~~
5 ~~court does not respond within 10 days after receipt of the~~
6 ~~notice, the transfer of the child shall be deemed granted.~~

7 ~~(4)(5)~~ The department shall maintain continuing
8 cooperation with the Department of Education, the Department
9 of Children and Family Services, ~~the Department of Labor and~~
10 ~~Employment Security~~, and the Department of Corrections for the
11 purpose of participating in agreements with respect to dropout
12 prevention and the reduction of suspensions, expulsions, and
13 truancy; increased access to and participation in GED,
14 vocational, and alternative education programs; and employment
15 training and placement assistance. The cooperative agreements
16 between the departments shall include an interdepartmental
17 plan to cooperate in accomplishing the reduction of
18 inappropriate transfers of children into the adult criminal
19 justice and correctional systems.

20 ~~(5)(6)~~ The department may provide consulting services
21 and technical assistance to courts, law enforcement agencies,
22 and other state agencies, local governments, and public and
23 private organizations, and may develop or assist in developing
24 community interest and action programs relating to
25 intervention against, diversion from, and prevention and
26 treatment of, delinquent behavior.

27 ~~(6)(7)~~ In view of the importance of the basic values
28 of work, responsibility, and self-reliance to a child's return
29 to his or her community, the department may pay a child a
30 reasonable sum of money for work performed while employed in
31 any of the department's work programs. The work programs shall

1 | be designed so that the work benefits the department or the
2 | state, their properties, or the child's community. Funds for
3 | payments shall be provided specifically for salaries pursuant
4 | to this subsection, and payments shall be made pursuant to a
5 | plan approved or rules adopted by the department.

6 | ~~(7)~~(8) The department shall administer programs and
7 | services for children in need of services and families in need
8 | of services and shall coordinate its efforts with those of the
9 | Federal Government, state agencies, county and municipal
10 | governments, private agencies, and child advocacy groups. The
11 | department shall establish standards for, providing technical
12 | assistance to, and exercising the requisite supervision of,
13 | services and programs for children in all state-supported
14 | facilities and programs.

15 | ~~(8)~~(9) The department shall ensure that personnel
16 | responsible for the care, supervision, and individualized
17 | treatment of children are appropriately apprised of the
18 | requirements of this part and trained in the specialized areas
19 | required to comply with standards established by rule.

20 | ~~(9)~~(10)(a) The department shall operate a statewide,
21 | regionally administered system of detention services for
22 | children, in accordance with a comprehensive plan for the
23 | regional administration of all detention services in the
24 | state. The plan must provide for the maintenance of adequate
25 | availability of detention services for all counties. The plan
26 | must cover all the department's operating circuits, with each
27 | operating circuit having a secure facility and nonsecure and
28 | home detention programs, and the plan may be altered or
29 | modified by the Department of Juvenile Justice as necessary.

30 | (b) The department shall adopt rules prescribing
31 | standards and requirements with reference to:

1 1. The construction, equipping, maintenance, staffing,
2 programming, and operation of detention facilities;

3 2. The treatment, training, and education of children
4 confined in detention facilities;

5 3. The cleanliness and sanitation of detention
6 facilities;

7 4. The number of children who may be housed in
8 detention facilities per specified unit of floor space;

9 5. The quality, quantity, and supply of bedding
10 furnished to children housed in detention facilities;

11 6. The quality, quantity, and diversity of food served
12 in detention facilities and the manner in which it is served;

13 7. The furnishing of medical attention and health and
14 comfort items in detention facilities; and

15 8. The disciplinary treatment administered in
16 detention facilities.

17 (c) The rules must provide that the time spent by a
18 child in a detention facility must be devoted to educational
19 training and other types of self-motivation and development.
20 The use of televisions, radios, and audio players shall be
21 restricted to educational programming. However, the manager of
22 a detention facility may allow noneducational programs to be
23 used as a reward for good behavior. Exercise must be
24 structured and calisthenic and aerobic in nature and may
25 include weight lifting.

26 (d) Each programmatic, residential, and service
27 contract or agreement entered into by the department must
28 include a cooperation clause for purposes of complying with
29 the department's quality assurance requirements,
30 cost-accounting requirements, and the program outcome
31 evaluation requirements.

1 ~~(10)~~(11) The department shall implement procedures to
2 ensure that educational support activities are provided
3 throughout the juvenile justice continuum. Such activities may
4 include, but are not limited to, mentoring, tutoring, group
5 discussions, homework assistance, library support, designated
6 reading times, independent living, personal finance, and other
7 appropriate educational activities.

8 ~~(11)~~(12) A classification and placement workgroup is
9 established, with minimum membership to be composed of two
10 juvenile court judges, two state attorneys or their designated
11 assistants, two public defenders or their designated
12 assistants, representatives of two law enforcement agencies,
13 and representatives of two providers of juvenile justice
14 services. Other interested parties may also participate. The
15 workgroup shall make recommendations concerning the
16 development of a system for classifying and placing juvenile
17 offenders who are committed to residential programs. At a
18 minimum, the recommended system of classification and
19 placement shall consider the age and gender of the child, the
20 seriousness of the delinquent act for which the child is being
21 committed, whether the child has a history of committing
22 delinquent acts, the child's physical health, the child's
23 mental health, whether the child has a history of substance
24 use or abuse, and the child's academic or vocational needs.
25 The workgroup shall also consider whether other factors are
26 appropriate for inclusion in the recommended classification
27 and placement system, including the appropriateness of
28 graduated sanctions for repeat offenders. The workgroup shall
29 recommend a process for testing and validating the
30 effectiveness of the recommended classification and placement
31 system. The workgroup shall provide a report of these

1 | recommendations to the Governor, the Speaker of the House of
2 | Representatives, and the President of the Senate no later than
3 | September 30, 2001.

4 | Section 77. Section 985.3045, Florida Statutes, is
5 | transferred, renumbered as section 985.9405, Florida Statutes,
6 | and amended to read:

7 | 985.9405 ~~985.3045~~ Prevention service program;
8 | monitoring; report; uniform performance measures.--

9 | (1) The department's prevention service program shall
10 | monitor all state-funded programs, grants, appropriations, or
11 | activities that are designed to prevent juvenile crime,
12 | delinquency, gang membership, or status offense behaviors and
13 | all state-funded programs, grants, appropriations, or
14 | activities that are designed to prevent a child from becoming
15 | a "child in need of services," as defined in chapter 984, in
16 | order to inform the Governor and the Legislature concerning
17 | efforts designed to further the policy of the state concerning
18 | juvenile justice and delinquency prevention, consistent with
19 | ss. 984.02 and 985.002 ~~985.02~~.

20 | (2) No later than January 31, 2001, the prevention
21 | service program shall submit a report to the Governor, the
22 | Speaker of the House, and the President of the Senate
23 | concerning the implementation of a statewide multiagency plan
24 | to coordinate the efforts of all state-funded programs,
25 | grants, appropriations, or activities that are designed to
26 | prevent juvenile crime, delinquency, gang membership, or
27 | status offense behaviors and all state-funded programs,
28 | grants, appropriations, or activities that are designed to
29 | prevent a child from becoming a "child in need of services,"
30 | as defined in chapter 984. The report shall include a
31 | proposal for a statewide coordinated multiagency juvenile

1 delinquency prevention policy. In preparing the report, the
2 department shall coordinate with and receive input from each
3 state agency or entity that receives or uses state
4 appropriations to fund programs, grants, appropriations, or
5 activities that are designed to prevent juvenile crime,
6 delinquency, gang membership, status offense, or that are
7 designed to prevent a child from becoming a "child in need of
8 services," as defined in chapter 984. The report shall
9 identify whether legislation will be needed to effect a
10 statewide plan to coordinate the efforts of all state-funded
11 programs, grants, appropriations, or activities that are
12 designed to prevent juvenile crime, delinquency, gang
13 membership, or status offense behaviors and all state-funded
14 programs, grants, appropriations, or activities that are
15 designed to prevent a child from becoming a "child in need of
16 services," as defined in chapter 984. The report shall
17 consider the potential impact of requiring such state-funded
18 efforts to target at least one of the following strategies
19 designed to prevent youth from entering or reentering the
20 juvenile justice system and track the associated outcome data:
21 (a) Encouraging youth to attend school, which may
22 include special assistance and tutoring to address
23 deficiencies in academic performance; outcome data to reveal
24 the number of days youth attended school while participating
25 in the program.
26 (b) Engaging youth in productive and wholesome
27 activities during nonschool hours that build positive
28 character or instill positive values, or that enhance
29 educational experiences; outcome data to reveal the number of
30 youth who are arrested during nonschool hours while
31 participating in the program.

1 (c) Encouraging youth to avoid the use of violence;
2 outcome data to reveal the number of youth who are arrested
3 for crimes involving violence while participating in the
4 program.

5 (d) Assisting youth to acquire skills needed to find
6 meaningful employment, which may include assistance in finding
7 a suitable employer for the youth; outcome data to reveal the
8 number of youth who obtain and maintain employment for at
9 least 180 days.

10
11 The department is encouraged to identify additional strategies
12 which may be relevant to preventing youth from becoming
13 children in need of services and to preventing juvenile crime,
14 delinquency, gang membership and status offense behaviors.
15 The report shall consider the feasibility of developing
16 uniform performance measures and methodology for collecting
17 such outcome data to be utilized by all state-funded programs,
18 grants, appropriations, or activities that are designed to
19 prevent juvenile crime, delinquency, gang membership, or
20 status offense behaviors and all state-funded programs,
21 grants, appropriations, or activities that are designed to
22 prevent a child from becoming a "child in need of services,"
23 as defined in chapter 984. The prevention service program is
24 encouraged to identify other issues that may be of critical
25 importance to preventing a child from becoming a child in need
26 of services, as defined in chapter 984, or to preventing
27 juvenile crime, delinquency, gang membership, or status
28 offense behaviors.

29 (3) The department shall expend funds related to the
30 prevention of juvenile delinquency in a manner consistent with
31 the policies expressed in ss. 984.02 and 985.002 ~~985.02~~. The

1 department shall expend said funds in a manner that maximizes
2 public accountability and ensures the documentation of
3 outcomes.

4 (a) All entities that receive or use state moneys to
5 fund juvenile delinquency prevention services through
6 contracts or grants with the department shall design the
7 programs providing such services to further one or more of the
8 strategies specified in paragraphs (2)(a)-(d).

9 (b) The department shall develop an outcome measure
10 for each program strategy specified in paragraphs (2)(a)-(d)
11 that logically relates to the risk factor addressed by the
12 strategy.

13 (c) All entities that receive or use state moneys to
14 fund the juvenile delinquency prevention services through
15 contracts or grants with the department shall, as a condition
16 of receipt of state funds, provide the department with
17 personal demographic information concerning all participants
18 in the service sufficient to allow the department to verify
19 criminal or delinquent history information, school attendance
20 or academic information, employment information, or other
21 requested performance information.

22 Section 78. Section 985.3046, Florida Statutes, is
23 transferred, renumbered as section 985.9406, Florida Statutes,
24 and amended to read:

25 985.9406 ~~985.3046~~ Agencies and entities providing
26 prevention services; collection of performance data; reporting
27 requirements.--Each state agency or entity that receives or
28 uses state appropriations to fund programs, grants,
29 appropriations, or activities that are designed to prevent
30 juvenile crime, delinquency, gang membership, status offense,
31 or that are designed to prevent a child from becoming a "child

1 | in need of services," as defined in chapter 984, shall collect
2 | data relative to the performance of such activities and shall
3 | provide said data to the Governor, the President of the
4 | Senate, and the Speaker of the House no later than January
5 | 31st of each year for the preceding fiscal year, beginning in
6 | 2002. Further, each state agency or entity that receives or
7 | uses state appropriations to fund programs, grants,
8 | appropriations, or activities that are designed to prevent
9 | juvenile crime, delinquency, gang membership, status offense,
10 | or that are designed to prevent a child from becoming a "child
11 | in need of services," as defined in chapter 984, shall
12 | cooperate with the Department of Juvenile Justice with regard
13 | to the report described in s. 985.9405(2) ~~s. 985.3045(2)~~.

14 | Section 79. Sections 985.305 and 985.2066, Florida
15 | Statutes, are transferred and renumbered, respectively, as
16 | sections 985.9415 and 985.9416, Florida Statutes.

17 | Section 80. Section 985.315, Florida Statutes, is
18 | transferred, renumbered as section 985.94315, Florida
19 | Statutes, and amended to read:

20 | 985.94315 ~~985.315~~ Educational and career-related
21 | programs.--

22 | (1)(a) It is the finding of the Legislature that the
23 | educational and career-related programs of the Department of
24 | Juvenile Justice are uniquely different from other programs
25 | operated or conducted by other departments in that it is
26 | essential to the state that these programs provide juveniles
27 | with useful information and activities that can lead to
28 | meaningful employment after release in order to assist in
29 | reducing the return of juveniles to the system.

30 |
31 |

1 (b) It is further the finding of the Legislature that
2 the mission of a juvenile educational and career-related
3 program is, in order of priority:

4 1. To provide a joint effort between the department,
5 the juvenile work programs, and educational and career
6 training programs to reinforce relevant education, training,
7 and postrelease job placement, and help reduce recommitment.

8 2. To serve the security goals of the state through
9 the reduction of idleness of juveniles and the provision of an
10 incentive for good behavior in residential commitment
11 facilities.

12 3. To teach youth in juvenile justice programs
13 relevant job skills and the fundamentals of a trade in order
14 to prepare them for placement in the workforce.

15 (c) It is further the finding of the Legislature that
16 a program which duplicates as closely as possible free-work
17 production and service operations in order to aid juveniles in
18 adjustment after release and to prepare juveniles for gainful
19 employment is in the best interest of the state, juveniles,
20 and the general public.

21 (2)(a) The department is strongly encouraged to
22 require juveniles placed in a high-risk residential, a
23 maximum-risk residential, or a serious/habitual offender
24 program to participate in an educational or career-related
25 program 5 hours per day, 5 days per week. All policies
26 developed by the department relating to this requirement must
27 be consistent with applicable federal, state, and local labor
28 laws and standards, including all laws relating to child
29 labor.

30 (b) Nothing in this subsection is intended to restore,
31 in whole or in part, the civil rights of any juvenile. No

1 juvenile compensated under this subsection shall be considered
2 as an employee of the state or the department, nor shall such
3 juvenile come within any other provision of the Workers'
4 Compensation Law.

5 (3) In adopting or modifying master plans for juvenile
6 work programs and educational and career training programs,
7 and in the administration of the Department of Juvenile
8 Justice, it shall be the objective of the department to
9 develop:

10 (a) Attitudes favorable to work, the work situation,
11 and a law-abiding life in each juvenile employed in the
12 juvenile work program.

13 (b) Education and training opportunities that are
14 reasonably broad, but which develop specific work skills.

15 (c) Programs that motivate juveniles to use their
16 abilities.

17 (d) Education and training programs that will be of
18 mutual benefit to all governmental jurisdictions of the state
19 by reducing the costs of government to the taxpayers and which
20 integrate all instructional programs into a unified curriculum
21 suitable for all juveniles, but taking account of the
22 different abilities of each juvenile.

23 (e) A logical sequence of educational or career
24 training, employment by the juvenile work programs, and
25 postrelease job placement for juveniles participating in
26 juvenile work programs.

27 (4)(a) The Department of Juvenile Justice shall
28 establish guidelines for the operation of juvenile educational
29 and career-related programs, which shall include the following
30 procedures:
31

1 1. Participation in the educational and career-related
2 programs shall be on a 5-day-per-week, 5-hour-per-day basis.

3 2. The education, training, work experience, emotional
4 and mental abilities, and physical capabilities of the
5 juvenile and the duration of the term of placement imposed on
6 the juvenile are to be analyzed before assignment of the
7 juvenile into the various processes best suited for
8 educational or career training.

9 3. When feasible, the department shall attempt to
10 obtain education or training credit for a juvenile seeking
11 apprenticeship status or a high school diploma or its
12 equivalent.

13 4. The juvenile may begin in a general education and
14 work skills program and progress to a specific work skills
15 training program, depending upon the ability, desire, and
16 education and work record of the juvenile.

17 5. Modernization and upgrading of equipment and
18 facilities should include greater automation and improved
19 production techniques to expose juveniles to the latest
20 technological procedures to facilitate their adjustment to
21 real work situations.

22 (b) Evaluations of juvenile educational and
23 career-related programs shall be conducted according to the
24 following guidelines:

25 1. Systematic evaluations and quality assurance
26 monitoring shall be implemented, in accordance with s.
27 985.94412(1), (2), and (5) ~~s. 985.412(1), (2), and (5)~~, to
28 determine whether the programs are related to successful
29 postrelease adjustments.

30
31

1 2. Operations and policies of the programs shall be
2 reevaluated to determine if they are consistent with their
3 primary objectives.

4 (c) The department shall seek the advice of private
5 labor and management to:

6 1. Assist its work programs in the development of
7 statewide policies aimed at innovation and organizational
8 change.

9 2. Obtain technical and practical assistance,
10 information, and guidance.

11 3. Encourage the cooperation and involvement of the
12 private sector.

13 4. Assist in the placement of youth into meaningful
14 jobs upon release from the residential program.

15 (d) The department and providers are strongly
16 encouraged to work in partnership with local businesses and
17 trade groups in the development and operation of educational
18 and career programs.

19 (5)(a) The Department of Juvenile Justice may adopt
20 and put into effect an agricultural and industrial production
21 and marketing program to provide training facilities for
22 persons placed in serious/habitual offender, high-risk
23 residential, and maximum-risk residential programs and
24 facilities under the control and supervision of the
25 department. The emphasis of this program shall be to provide
26 juveniles with useful work experience and appropriate job
27 skills that will facilitate their reentry into society and
28 provide an economic benefit to the public and the department
29 through effective utilization of juveniles.

30 (b) The department is authorized to contract with the
31 private sector for substantial involvement in a juvenile

1 industry program which includes the operation of a direct
2 private sector business within a juvenile facility and the
3 hiring of juvenile workers. The purposes and objectives of
4 this program shall be to:

5 1. Increase benefits to the general public by
6 reimbursement to the state for a portion of the costs of
7 juvenile residential care.

8 2. Provide purposeful work for juveniles as a means of
9 reducing tensions caused by confinement.

10 3. Increase job skills.

11 4. Provide additional opportunities for rehabilitation
12 of juveniles who are otherwise ineligible to work outside the
13 facilities, such as maximum security juveniles.

14 5. Develop and establish new models for juvenile
15 facility-based businesses which create jobs approximating
16 conditions of private sector employment.

17 6. Draw upon the economic base of operations for
18 disposition to the Crimes Compensation Trust Fund.

19 7. Substantially involve the private sector with its
20 capital, management skills, and expertise in the design,
21 development, and operation of businesses.

22 (c) Notwithstanding any other law to the contrary,
23 including s. 440.15(8), private sector employers shall provide
24 juveniles participating in juvenile work programs under
25 paragraph (b) with workers' compensation coverage, and
26 juveniles shall be entitled to the benefits of such coverage.
27 Nothing in this subsection shall be construed to allow
28 juveniles to participate in unemployment compensation
29 benefits.

30 (6) The department, working with providers, shall
31 inventory juvenile vocational and work training programs in

1 use in commitment programs across the state. The inventory
2 shall list the commitment program, the type of vocational or
3 work program offered, the relevant job skills provided, and
4 which programs work with the trades industry to place youth in
5 jobs upon release.

6 Section 81. Section 985.3155, Florida Statutes, is
7 transferred and renumbered as section 985.943155, Florida
8 Statutes.

9 Section 82. Section 985.317, Florida Statutes, is
10 transferred, renumbered as section 985.94317, Florida
11 Statutes, and amended to read:

12 985.94317 ~~985.317~~ Literacy programs for juvenile
13 offenders.--

14 (1) INTENT.--It is the intent of the Legislature that
15 mandatory literacy programs for juvenile offenders committed
16 by the court and placed in residential commitment programs be
17 established. Juvenile offenders shall have the opportunity to
18 achieve reading and writing skills as a means to further their
19 educational and vocational needs and to assist them in
20 discontinuing a life of crime. The literacy programs shall be
21 of high quality, targeted to the juvenile offender's assessed
22 ability and needs, and use appropriate instructional
23 technology and qualified educational instructors. The programs
24 shall be offered in each residential commitment program
25 operated by or under contract with the department and shall
26 consist of standardized outcomes so that an offender who is
27 transferred to another facility may be able to continue his or
28 her literacy education with minimal disruption.

29 (2) JUVENILE OFFENDER LITERACY PROGRAMS.--The
30 Department of Education, in consultation with the Department
31 of Juvenile Justice, shall identify and, contingent upon

1 specific appropriations, implement and administer juvenile
2 offender literacy programs for each residential commitment
3 program operated by or under contract with the department.
4 These programs shall promote the reading and writing skills of
5 juvenile offenders.

6 (a)1. An offender 16 years of age or younger who meets
7 the criteria of this section shall be required to participate
8 in a literacy program.

9 2. An offender 17 years of age or older who is
10 admitted to a residential commitment program on or after July
11 1, 1998, shall be required to participate in a literacy
12 program. An offender 17 years of age or older who was
13 committed to a residential commitment program before July 1,
14 1998, may voluntarily participate in a program if the offender
15 otherwise meets the requirements for eligibility.

16 (b) An offender is eligible to participate in a
17 program if the offender is unable to read and write at a
18 sixth-grade level and is not exempt under subsection (4).

19 (c) In addition to any other requirements determined
20 by the department, a literacy program shall:

21 1. Provide for the participation of an offender who
22 may not attain a sixth-grade or higher reading and writing
23 level due to a medical, developmental, or learning disability
24 but who can reasonably be expected to benefit from a literacy
25 program.

26 2. Require an eligible offender to participate in a
27 minimum of 240 hours of education per year unless the offender
28 attains a sixth-grade or higher reading and writing level or
29 is released from the commitment facility.

30 3. Require counseling for an offender who has not
31 achieved a sixth-grade or higher reading and writing level

1 after participation in a program. The counseling shall address
2 the benefits of continuing in the program.

3 4. Include a system of incentives to encourage and
4 reward the performance of an offender in a program.

5 5. Include a system of disincentives that may include
6 disciplinary action if an offender refuses or intentionally
7 fails to participate in good faith in a program.

8 6. Provide for reports to be maintained in the
9 offender's records and forwarded to the appropriate
10 educational facility upon the offender's release from the
11 commitment facility.

12 (3) INITIAL ASSESSMENT.--When an offender is admitted
13 to a residential commitment facility, the department or a
14 provider under contract with the department shall immediately
15 assess whether the offender has achieved a sixth-grade or
16 higher reading and writing level. An assessment may be
17 conducted at a juvenile assessment center as provided in s.
18 985.33209 ~~s. 985.209~~ as a part of the intake process. If the
19 department or a provider determines that an offender has not
20 achieved a sixth-grade or higher reading and writing level,
21 the offender shall participate in a program if the offender
22 meets the criteria for participation.

23 (4) OFFENDERS EXEMPT FROM PARTICIPATION.--If an
24 offender is not reasonably expected to benefit from a program
25 as a result of a medical, developmental, or learning
26 disability, the offender may not be required to participate in
27 a program. The determination that an offender should be exempt
28 from a program must be made by an appropriate psychologist,
29 psychiatrist, or physician.

30 (5) EVALUATION AND REPORT.--The department, in
31 consultation with the Department of Education, shall develop

1 and implement an evaluation of the literacy program in order
2 to determine the impact of the programs on recidivism. The
3 department shall submit an annual report on the implementation
4 and progress of the programs to the President of the Senate
5 and the Speaker of the House of Representatives by January 1
6 of each year.

7 Section 83. Sections 985.419, 985.412, 985.42, and
8 985.405, Florida Statutes, are transferred and renumbered,
9 respectively, as sections 985.94319, 985.94412, 985.9442, and
10 985.9445, Florida Statutes.

11 Section 84. Section 985.407, Florida Statutes, is
12 transferred, renumbered as section 985.9447, Florida Statutes,
13 and amended to read:

14 985.9447 ~~985.407~~ Departmental contracting powers;
15 personnel standards and screening.--

16 (1) The Department of Juvenile Justice or the
17 Department of Children and Family Services, as appropriate,
18 may contract with the Federal Government, other state
19 departments and agencies, county and municipal governments and
20 agencies, public and private agencies, and private individuals
21 and corporations in carrying out the purposes of, and the
22 responsibilities established in, this chapter.

23 (a) When the Department of Juvenile Justice or the
24 Department of Children and Family Services contracts with a
25 provider for any program for children, all personnel,
26 including owners, operators, employees, and volunteers, in the
27 facility must be of good moral character. Each contract
28 entered into by either department for services delivered on an
29 appointment or intermittent basis by a provider that does not
30 have regular custodial responsibility for children and each
31 contract with a school for before or aftercare services must

1 ensure that the owners, operators, and all personnel who have
2 direct contact with children are of good moral character. A
3 volunteer who assists on an intermittent basis for less than
4 40 hours per month need not be screened if the volunteer is
5 under direct and constant supervision by persons who meet the
6 screening requirements.

7 (b) The Department of Juvenile Justice and the
8 Department of Children and Family Services shall require
9 employment screening pursuant to chapter 435, using the level
10 2 standards set forth in that chapter for personnel in
11 programs for children or youths.

12 (c) The Department of Juvenile Justice or the
13 Department of Children and Family Services may grant
14 exemptions from disqualification from working with children as
15 provided in s. 435.07.

16 ~~(2)~~(1) The department may contract with the Federal
17 Government, other state departments and agencies, county and
18 municipal governments and agencies, public and private
19 agencies, and private individuals and corporations in carrying
20 out the purposes and the responsibilities of the delinquency
21 services and programs of the department.

22 ~~(3)~~(2) The department shall adopt a rule pursuant to
23 chapter 120 establishing a procedure to provide notice of
24 policy changes that affect contracted delinquency services and
25 programs. A policy is defined as an operational requirement
26 that applies to only the specified contracted delinquency
27 service or program. The procedure shall include:

28 (a) Public notice of policy development.

29 (b) Opportunity for public comment on the proposed
30 policy.

31

1 (c) Assessment for fiscal impact upon the department
2 and providers.

3 (d) The department's response to comments received.

4 ~~(4)(3)~~ When the department contracts with a provider
5 for any delinquency service or program, all personnel,
6 including all owners, operators, employees, and volunteers in
7 the facility or providing the service or program shall be of
8 good moral character. A volunteer who assists on an
9 intermittent basis for less than 40 hours per month is not
10 required to be screened if the volunteer is under direct and
11 constant supervision by persons who meet the screening
12 requirements.

13 ~~(5)(4)~~ The department shall require employment
14 screening pursuant to chapter 435, using the level 1 standards
15 for screening set forth in that chapter, for personnel in
16 delinquency facilities, services, and programs.

17 ~~(6)(5)~~ The department may grant exemptions from
18 disqualification from working with children as provided in s.
19 435.07.

20 Section 85. Sections 985.408 and 985.409, Florida
21 Statutes, are transferred and renumbered, respectively, as
22 sections 985.9448 and 9449, Florida Statutes.

23 Section 86. Section 985.406, Florida Statutes, is
24 transferred, renumbered as section 985.946, Florida Statutes,
25 and amended to read:

26 985.946 ~~985.406~~ Juvenile justice training academies
27 established; Juvenile Justice Standards and Training
28 Commission created; Juvenile Justice Training Trust Fund
29 created.--

30 (1) LEGISLATIVE PURPOSE.--In order to enable the state
31 to provide a systematic approach to staff development and

1 training for judges, state attorneys, public defenders, law
2 enforcement officers, school district personnel, and juvenile
3 justice program staff that will meet the needs of such persons
4 in their discharge of duties while at the same time meeting
5 the requirements for the American Correction Association
6 accreditation by the Commission on Accreditation for
7 Corrections, it is the purpose of the Legislature to require
8 the department to establish, maintain, and oversee the
9 operation of juvenile justice training academies in the state.
10 The purpose of the Legislature in establishing staff
11 development and training programs is to foster better staff
12 morale and reduce mistreatment and aggressive and abusive
13 behavior in delinquency programs; to positively impact the
14 recidivism of children in the juvenile justice system; and to
15 afford greater protection of the public through an improved
16 level of services delivered by a professionally trained
17 juvenile justice program staff to children who are alleged to
18 be or who have been found to be delinquent.

19 (2) JUVENILE JUSTICE STANDARDS AND TRAINING
20 COMMISSION.--

21 (a) There is created under the Department of Juvenile
22 Justice the Juvenile Justice Standards and Training
23 Commission, hereinafter referred to as the commission. The
24 17-member commission shall consist of the Attorney General or
25 designee, the Commissioner of Education or designee, a member
26 of the juvenile court judiciary to be appointed by the Chief
27 Justice of the Supreme Court, and 14 members to be appointed
28 by the Secretary of Juvenile Justice as follows:

29 1. Seven members shall be juvenile justice
30 professionals: a superintendent or a direct care staff member
31 from an institution; a director from a contracted

1 community-based program; a superintendent and a direct care
2 staff member from a regional detention center or facility; a
3 juvenile probation officer supervisor and a juvenile probation
4 officer; and a director of a day treatment or conditional
5 release program. No fewer than three of these members shall be
6 contract providers.

7 2. Two members shall be representatives of local law
8 enforcement agencies.

9 3. One member shall be an educator from the state's
10 university and community college program of criminology,
11 criminal justice administration, social work, psychology,
12 sociology, or other field of study pertinent to the training
13 of juvenile justice program staff.

14 4. One member shall be a member of the public.

15 5. One member shall be a state attorney, or assistant
16 state attorney, who has juvenile court experience.

17 6. One member shall be a public defender, or assistant
18 public defender, who has juvenile court experience.

19 7. One member shall be a representative of the
20 business community.

21

22 All appointed members shall be appointed to serve terms of 2
23 years.

24 (b) The composition of the commission shall be broadly
25 reflective of the public and shall include minorities and
26 women. The term "minorities" as used in this paragraph means a
27 member of a socially or economically disadvantaged group that
28 includes blacks, Hispanics, and American Indians.

29 (c) The Department of Juvenile Justice shall provide
30 the commission with staff necessary to assist the commission
31 in the performance of its duties.

1 (d) The commission shall annually elect its
2 chairperson and other officers. The commission shall hold at
3 least four regular meetings each year at the call of the
4 chairperson or upon the written request of three members of
5 the commission. A majority of the members of the commission
6 constitutes a quorum. Members of the commission shall serve
7 without compensation but are entitled to be reimbursed for per
8 diem and travel expenses as provided by s. 112.061 and these
9 expenses shall be paid from the Juvenile Justice Training
10 Trust Fund.

11 (e) The powers, duties, and functions of the
12 commission shall be to:

13 1. Designate the location of the training academies;
14 develop, implement, maintain, and update the curriculum to be
15 used in the training of juvenile justice program staff;
16 establish timeframes for participation in and completion of
17 training by juvenile justice program staff; develop,
18 implement, maintain, and update job-related examinations;
19 develop, implement, and update the types and frequencies of
20 evaluations of the training academies; approve, modify, or
21 disapprove the budget for the training academies, and the
22 contractor to be selected to organize and operate the training
23 academies and to provide the training curriculum.

24 2. Establish uniform minimum job-related training
25 courses and examinations for juvenile justice program staff.

26 3. Consult and cooperate with the state or any
27 political subdivision; any private entity or contractor; and
28 with private and public universities, colleges, community
29 colleges, and other educational institutions concerning the
30 development of juvenile justice training and programs or
31

1 | courses of instruction, including, but not limited to,
2 | education and training in the areas of juvenile justice.

3 | 4. With the approval of the department, make and enter
4 | into such contracts and agreements with other agencies,
5 | organizations, associations, corporations, individuals, or
6 | federal agencies as the commission determines are necessary in
7 | the execution of its powers or the performance of its duties.

8 | 5. Make recommendations to the Department of Juvenile
9 | Justice concerning any matter within the purview of this
10 | section.

11 | (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
12 | shall establish a certifiable program for juvenile justice
13 | training pursuant to this section, and all Department of
14 | Juvenile Justice program staff and providers who deliver
15 | direct care services pursuant to contract with the department
16 | shall be required to participate in and successfully complete
17 | the commission-approved program of training pertinent to their
18 | areas of responsibility. Judges, state attorneys, and public
19 | defenders, law enforcement officers, and school district
20 | personnel may participate in such training program. For the
21 | juvenile justice program staff, the commission shall, based on
22 | a job-task analysis:

23 | (a) Design, implement, maintain, evaluate, and revise
24 | a basic training program, including a competency-based
25 | examination, for the purpose of providing minimum employment
26 | training qualifications for all juvenile justice personnel.
27 | All program staff of the Department of Juvenile Justice and
28 | providers who deliver direct-care services who are hired after
29 | October 1, 1999, must meet the following minimum requirements:

- 30 | 1. Be at least 19 years of age.

31 |

1 2. Be a high school graduate or its equivalent as
2 determined by the commission.

3 3. Not have been convicted of any felony or a
4 misdemeanor involving perjury or a false statement, or have
5 received a dishonorable discharge from any of the Armed Forces
6 of the United States. Any person who, after September 30,
7 1999, pleads guilty or nolo contendere to or is found guilty
8 of any felony or a misdemeanor involving perjury or false
9 statement is not eligible for employment, notwithstanding
10 suspension of sentence or withholding of adjudication.

11 Notwithstanding this subparagraph, any person who pleads nolo
12 contendere to a misdemeanor involving a false statement before
13 October 1, 1999, and who has had such record of that plea
14 sealed or expunged is not ineligible for employment for that
15 reason.

16 4. Abide by all the provisions of s. 985.9447(1) ~~s.~~
17 ~~985.01(2)~~ regarding fingerprinting and background
18 investigations and other screening requirements for personnel.

19 5. Execute and submit to the department an
20 affidavit-of-application form, adopted by the department,
21 attesting to his or her compliance with subparagraphs 1.-4.
22 The affidavit must be executed under oath and constitutes an
23 official statement under s. 837.06. The affidavit must include
24 conspicuous language that the intentional false execution of
25 the affidavit constitutes a misdemeanor of the second degree.
26 The employing agency shall retain the affidavit.

27 (b) Design, implement, maintain, evaluate, and revise
28 an advanced training program, including a competency-based
29 examination for each training course, which is intended to
30 enhance knowledge, skills, and abilities related to job
31 performance.

1 (c) Design, implement, maintain, evaluate, and revise
2 a career development training program, including a
3 competency-based examination for each training course. Career
4 development courses are intended to prepare personnel for
5 promotion.

6 (d) The commission is encouraged to design, implement,
7 maintain, evaluate, and revise juvenile justice training
8 courses, or to enter into contracts for such training courses,
9 that are intended to provide for the safety and well-being of
10 both citizens and juvenile offenders.

11 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

12 (a) There is created within the State Treasury a
13 Juvenile Justice Training Trust Fund to be used by the
14 Department of Juvenile Justice for the purpose of funding the
15 development and updating of a job-task analysis of juvenile
16 justice personnel; the development, implementation, and
17 updating of job-related training courses and examinations; the
18 cost of commission-approved juvenile justice training courses;
19 and reimbursement for expenses as provided in s. 112.061 for
20 members of the commission and staff.

21 (b) One dollar from every noncriminal traffic
22 infraction collected pursuant to ss. 318.14(10)(b) and 318.18
23 shall be deposited into the Juvenile Justice Training Trust
24 Fund.

25 (c) In addition to the funds generated by paragraph
26 (b), the trust fund may receive funds from any other public or
27 private source.

28 (d) Funds that are not expended by the end of the
29 budget cycle or through a supplemental budget approved by the
30 department shall revert to the trust fund.

31

1 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
2 ACADEMIES.--The number, location, and establishment of
3 juvenile justice training academies shall be determined by the
4 commission.

5 (6) SCHOLARSHIPS AND STIPENDS.--

6 (a) By rule, the commission shall establish criteria
7 to award scholarships or stipends to qualified juvenile
8 justice personnel who are residents of the state who want to
9 pursue a bachelor's or associate in arts degree in juvenile
10 justice or a related field. The department shall handle the
11 administration of the scholarship or stipend. The Department
12 of Education shall handle the notes issued for the payment of
13 the scholarships or stipends. All scholarship and stipend
14 awards shall be paid from the Juvenile Justice Training Trust
15 Fund upon vouchers approved by the Department of Education and
16 properly certified by the Chief Financial Officer. Prior to
17 the award of a scholarship or stipend, the juvenile justice
18 employee must agree in writing to practice her or his
19 profession in juvenile justice or a related field for 1 month
20 for each month of grant or to repay the full amount of the
21 scholarship or stipend together with interest at the rate of 5
22 percent per annum over a period not to exceed 10 years.
23 Repayment shall be made payable to the state for deposit into
24 the Juvenile Justice Training Trust Fund.

25 (b) The commission may establish the scholarship
26 program by rule and implement the program on or after July 1,
27 1996.

28 (7) ADOPTION OF RULES.--The commission shall adopt
29 rules as necessary to carry out the provisions of this
30 section.

31

1 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE
2 RISK MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the
3 Division of Risk Management of the Department of Financial
4 Services is authorized to insure a private agency, individual,
5 or corporation operating a state-owned training school under a
6 contract to carry out the purposes and responsibilities of any
7 program of the department. The coverage authorized herein
8 shall be under the same general terms and conditions as the
9 department is insured for its responsibilities under chapter
10 284.

11 (9) The Juvenile Justice Standards and Training
12 Commission is terminated on June 30, 2001, and such
13 termination shall be reviewed by the Legislature prior to that
14 date.

15 Section 87. Section 985.4135, Florida Statutes, is
16 transferred, renumbered as section 985.94635, Florida
17 Statutes, and amended to read:

18 985.94635 ~~985.4135~~ Juvenile justice circuit boards and
19 juvenile justice county councils.--

20 (1) There is authorized a juvenile justice circuit
21 board to be established in each of the 20 judicial circuits
22 and a juvenile justice county council to be established in
23 each of the 67 counties. The purpose of each juvenile justice
24 circuit board and each juvenile justice county council is to
25 provide advice and direction to the department in the
26 development and implementation of juvenile justice programs
27 and to work collaboratively with the department in seeking
28 program improvements and policy changes to address the
29 emerging and changing needs of Florida's youth who are at risk
30 of delinquency.
31

1 (2) Each juvenile justice county council shall develop
2 a juvenile justice prevention and early intervention plan for
3 the county and shall collaborate with the circuit board and
4 other county councils assigned to that circuit in the
5 development of a comprehensive plan for the circuit.

6 (3) Juvenile justice circuit boards and county
7 councils shall also participate in facilitating interagency
8 cooperation and information sharing.

9 (4) Juvenile justice circuit boards and county
10 councils may apply for and receive public or private grants to
11 be administered by one of the community partners that support
12 one or more components of the county or circuit plan.

13 (5) Juvenile justice circuit boards and county
14 councils shall advise and assist the department in the
15 evaluation and award of prevention and early intervention
16 grant programs, including the Community Juvenile Justice
17 Partnership Grant program established in s. 985.9475 ~~s.~~
18 ~~985.415~~ and proceeds from the Invest in Children license plate
19 annual use fees.

20 (6) Each juvenile justice circuit board shall provide
21 an annual report to the department describing the activities
22 of the circuit board and each of the county councils contained
23 within its circuit. The department may prescribe a format and
24 content requirements for submission of annual reports.

25 (7) Membership of the juvenile justice circuit board
26 may not exceed 18 members, except as provided in subsections
27 (8) and (9). Members must include the state attorney, the
28 public defender, and the chief judge of the circuit, or their
29 respective designees. The remaining 15 members of the board
30 must be appointed by the county councils within that circuit.
31 The board must include at least one representative from each

1 county council within the circuit. In appointing members to
2 the circuit board, the county councils must reflect:

3 (a) The circuit's geography and population
4 distribution.

5 (b) Juvenile justice partners, including, but not
6 limited to, representatives of law enforcement, the school
7 system, and the Department of Children and Family Services.

8 (c) Diversity in the judicial circuit.

9 (8) At any time after the adoption of initial bylaws
10 pursuant to subsection (12), a juvenile justice circuit board
11 may revise the bylaws to increase the number of members by not
12 more than three in order to adequately reflect the diversity
13 of the population and community organizations or agencies in
14 the circuit.

15 (9) If county councils are not formed within a
16 circuit, the circuit board may establish its membership in
17 accordance with subsection (10). For juvenile justice circuit
18 boards organized pursuant to this subsection, the state
19 attorney, public defender, and chief circuit judge, or their
20 respective designees, shall be members of the circuit board.

21 (10) Membership of the juvenile justice county
22 councils, or juvenile justice circuit boards established under
23 subsection (9), must include representatives from the
24 following entities:

25 (a) Representatives from the school district, which
26 may include elected school board officials, the school
27 superintendent, school or district administrators, teachers,
28 and counselors.

29 (b) Representatives of the board of county
30 commissioners.

31

1 (c) Representatives of the governing bodies of local
2 municipalities within the county.

3 (d) A representative of the corresponding circuit or
4 regional entity of the Department of Children and Family
5 Services.

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

8 (f) Representatives of the judicial system.

9 (g) Representatives of the business community.

10 (h) Representatives of other interested officials,
11 groups, or entities, including, but not limited to, a
12 children's services council, public or private providers of
13 juvenile justice programs and services, students, parents, and
14 advocates. Private providers of juvenile justice programs may
15 not exceed one-third of the voting membership.

16 (i) Representatives of the faith community.

17 (j) Representatives of victim-service programs and
18 victims of crimes.

19 (k) Representatives of the Department of Corrections.

20 (11) Each juvenile justice county council, or juvenile
21 justice circuit board established under subsection (9), must
22 provide for the establishment of an executive committee of not
23 more than 10 members. The duties and authority of the
24 executive committee must be addressed in the bylaws.

25 (12) Each juvenile justice circuit board and county
26 council shall develop bylaws that provide for officers and
27 committees as the board or council deems necessary and shall
28 specify the qualifications, method of selection, and term for
29 each office created. The bylaws shall address at least the
30 following issues: process for appointments to the board or
31 council; election or appointment of officers; filling of

1 vacant positions; duration of member terms; provisions for
2 voting; meeting attendance requirements; and the establishment
3 and duties of an executive committee, if required under
4 subsection (11).

5 (13) Members of juvenile justice circuit boards and
6 county councils are subject to the provisions of part III of
7 chapter 112.

8 Section 88. Sections 985.416 and 985.4145, Florida
9 Statutes, are transferred and renumbered, respectively, as
10 sections 985.94636 and 985.94745, Florida Statutes.

11 Section 89. Section 985.415, Florida Statutes, is
12 transferred, renumbered as section 985.9475, Florida Statutes,
13 and amended to read:

14 985.9475 ~~985.415~~ Community juvenile justice
15 partnership grants.--

16 (1) GRANTS; CRITERIA.--

17 (a) In order to encourage the development of county
18 and circuit juvenile justice plans and the development and
19 implementation of county and circuit interagency agreements
20 pursuant to s. 985.94635 ~~s. 985.4135~~, the community juvenile
21 justice partnership grant program is established, and shall be
22 administered by the Department of Juvenile Justice.

23 (b) In awarding these grants, the department shall
24 consider applications that at a minimum provide for the
25 following:

26 1. The participation of the agencies and programs
27 needed to implement the project or program for which the
28 applicant is applying;

29 2. The reduction of truancy and in-school and
30 out-of-school suspensions and expulsions, the enhancement of
31

1 school safety, and other delinquency early-intervention and
2 diversion services;

3 3. The number of youths from 10 through 17 years of
4 age within the geographic area to be served by the program,
5 giving those geographic areas having the highest number of
6 youths from 10 to 17 years of age priority for selection;

7 4. The extent to which the program targets
8 high-juvenile-crime neighborhoods and those public schools
9 serving juveniles from high-crime neighborhoods;

10 5. The validity and cost-effectiveness of the program;
11 and

12 6. The degree to which the program is located in and
13 managed by local leaders of the target neighborhoods and
14 public schools serving the target neighborhoods.

15 (c) In addition, the department may consider the
16 following criteria in awarding grants:

17 1. The circuit juvenile justice plan and any county
18 juvenile justice plans that are referred to or incorporated
19 into the circuit plan, including a list of individuals,
20 groups, and public and private entities that participated in
21 the development of the plan.

22 2. The diversity of community entities participating
23 in the development of the circuit juvenile justice plan.

24 3. The number of community partners who will be
25 actively involved in the operation of the grant program.

26 4. The number of students or youths to be served by
27 the grant and the criteria by which they will be selected.

28 5. The criteria by which the grant program will be
29 evaluated and, if deemed successful, the feasibility of
30 implementation in other communities.

31 (2) GRANT APPLICATION PROCEDURES.--

1 (a) Each entity wishing to apply for an annual
2 community juvenile justice partnership grant, which may be
3 renewed for a maximum of 2 additional years for the same
4 provision of services, shall submit a grant proposal for
5 funding or continued funding to the department. The
6 department shall establish the grant application procedures.
7 In order to be considered for funding, the grant proposal
8 shall include the following assurances and information:

9 1. A letter from the chair of the juvenile justice
10 circuit board confirming that the grant application has been
11 reviewed and found to support one or more purposes or goals of
12 the juvenile justice plan as developed by the board.

13 2. A rationale and description of the program and the
14 services to be provided, including goals and objectives.

15 3. A method for identification of the juveniles most
16 likely to be involved in the juvenile justice system who will
17 be the focus of the program.

18 4. Provisions for the participation of parents and
19 guardians in the program.

20 5. Coordination with other community-based and social
21 service prevention efforts, including, but not limited to,
22 drug and alcohol abuse prevention and dropout prevention
23 programs, that serve the target population or neighborhood.

24 6. An evaluation component to measure the
25 effectiveness of the program in accordance with the provisions
26 of s. 985.94412 ~~s. 985.412~~.

27 7. A program budget, including the amount and sources
28 of local cash and in-kind resources committed to the budget.
29 The proposal must establish to the satisfaction of the
30 department that the entity will make a cash or in-kind
31

1 contribution to the program of a value that is at least equal
2 to 20 percent of the amount of the grant.

3 8. The necessary program staff.

4 (b) The department shall consider the following in
5 awarding such grants:

6 1. The recommendations of the juvenile justice county
7 council as to the priority that should be given to proposals
8 submitted by entities within a county.

9 2. The recommendations of the juvenile justice circuit
10 board as to the priority that should be given to proposals
11 submitted by entities within a circuit.

12 (c) The department shall make available, to anyone
13 wishing to apply for such a grant, information on all of the
14 criteria to be used in the selection of the proposals for
15 funding pursuant to the provisions of this subsection.

16 (d) The department shall review all program proposals
17 submitted. Entities submitting proposals shall be notified of
18 approval not later than June 30 of each year.

19 (e) Each entity that is awarded a grant as provided
20 for in this section shall submit an annual evaluation report
21 to the department, the circuit juvenile justice manager, the
22 juvenile justice circuit board, and the juvenile justice
23 county council, by a date subsequent to the end of the
24 contract period established by the department, documenting the
25 extent to which the program objectives have been met, the
26 effect of the program on the juvenile arrest rate, and any
27 other information required by the department. The department
28 shall coordinate and incorporate all such annual evaluation
29 reports with the provisions of s. 985.94412 ~~s. 985.412~~. Each
30 entity is also subject to a financial audit and a performance
31 audit.

1 (f) The department may establish rules and policy
2 provisions necessary to implement this section.

3 (3) RESTRICTIONS.--This section does not prevent a
4 program initiated under a community juvenile justice
5 partnership grant established pursuant to this section from
6 continuing to operate beyond the 3-year maximum funding period
7 if it can find other funding sources. Likewise, this section
8 does not restrict the number of programs an entity may apply
9 for or operate.

10 Section 90. Sections 985.403 and 985.41, Florida
11 Statutes, are transferred and renumbered, respectively, as
12 sections 985.9483 and 985.94841, Florida Statutes.

13 Section 91. Section 985.2155, Florida Statutes, as
14 amended by chapter 2004-473, Laws of Florida, is transferred
15 and renumbered as section 985.948411, Florida Statutes.

16 Section 92. Section 985.411, Florida Statutes, is
17 transferred, renumbered as section 985.948412, Florida
18 Statutes, and amended to read:

19 985.948412 ~~985.411~~ Administering county and municipal
20 delinquency programs and facilities.--

21 (1) A county or municipal government may plan,
22 develop, and coordinate services and programs for the control
23 and rehabilitative treatment of delinquent behavior.

24 (2) A county or municipal government may develop or
25 contract for innovative programs that provide rehabilitative
26 treatment with particular emphasis on reintegration and
27 conditional release for all children in the program, including
28 halfway houses and community-based substance abuse treatment
29 services, mental health treatment services, residential and
30 nonresidential programs, environmental programs, and programs
31 for serious or habitual juvenile offenders.

1 (3) A county or municipal government developing or
2 contracting for a local program pursuant to this section is
3 responsible for all costs associated with the establishment,
4 operation, and maintenance of the program.

5 (4) In accordance with rules adopted by the
6 department, a county or municipal government may transfer a
7 child, when necessary to appropriately administer the child's
8 commitment, from one facility or program operated, contracted,
9 or subcontracted by the county or municipal government to
10 another such facility or program.

11 (5) In view of the importance of the basic value of
12 work, responsibility, and self-reliance to a child's
13 rehabilitation within his or her community, a county or
14 municipal government may provide work programs for delinquent
15 children and may pay a child a reasonable sum of money for
16 work performed while employed in any such work program. The
17 work involved in such work programs must be designed to
18 benefit the county or municipal government, the local
19 community, or the state.

20 (6) A county or municipal government developing or
21 contracting for a local program pursuant to this section is
22 responsible for following state law and department rules
23 relating to children's delinquency services and for the
24 coordination of its efforts with those of the Federal
25 Government, state agencies, private agencies, and child
26 advocacy groups providing such services.

27 (7) The department is required to conduct quarterly
28 inspections and evaluations of each county or municipal
29 government juvenile delinquency program to determine whether
30 the program complies with department rules for continued
31 operation of the program. The department shall charge, and

1 | the county or municipal government shall pay, a monitoring fee
2 | equal to 0.5 percent of the direct operating costs of the
3 | program. The operation of a program which fails to pass the
4 | department's quarterly inspection and evaluation, if the
5 | deficiency causing the failure is material, must be terminated
6 | if such deficiency is not corrected by the next quarterly
7 | inspection.

8 | (8) A county or municipal government providing a local
9 | program pursuant to this section shall ensure that personnel
10 | responsible for the care, supervision, and treatment of
11 | children in the program are apprised of the requirements of
12 | this section and appropriately trained to comply with
13 | department rules.

14 | (9) A county or municipal government may establish and
15 | operate a juvenile detention facility in compliance with this
16 | section, if such facility is certified by the department.

17 | (a) The department shall evaluate the county or
18 | municipal government detention facility to determine whether
19 | the facility complies with the department's rules prescribing
20 | the standards and requirements for the operation of a juvenile
21 | detention facility. The rules for certification of secure
22 | juvenile detention facilities operated by county or municipal
23 | governments must be consistent with the rules for
24 | certification of secure juvenile detention facilities operated
25 | by the department.

26 | (b) The department is required to conduct quarterly
27 | inspections and evaluations of each county or municipal
28 | government juvenile detention facility to determine whether
29 | the facility complies with the department's rules for
30 | continued operation. The department shall charge, and the
31 | county or municipal government shall pay, a monitoring fee

1 equal to 0.5 percent of the direct operating costs of the
2 program. The operation of a facility which fails to pass the
3 department's quarterly inspection and evaluation, if the
4 deficiency causing the failure is material, must be terminated
5 if such deficiency is not corrected by the next quarterly
6 inspection.

7 (c) A county or municipal government operating a local
8 juvenile detention facility pursuant to this section is
9 responsible for all costs associated with the establishment,
10 operation, and maintenance of the facility.

11 (d) Only children who reside within the jurisdictional
12 boundaries of the county or municipal government operating the
13 juvenile detention facility and children who are detained for
14 committing an offense within the jurisdictional boundaries of
15 the county or municipal government operating the facility may
16 be held in the facility.

17 (e) A child may be placed in a county or municipal
18 government juvenile detention facility only when:

- 19 1. The department's regional juvenile detention
20 facility is filled to capacity;
21 2. The safety of the child dictates; or
22 3. Otherwise ordered by a court.

23 (f) A child who is placed in a county or municipal
24 government juvenile detention facility must meet the detention
25 criteria as established in this chapter.

26 (10)(a) The department may institute injunctive
27 proceedings in a court of competent jurisdiction against a
28 county or municipality to:

- 29 1. Enforce the provisions of this chapter or a minimum
30 standard, rule, regulation, or order issued or entered
31 pursuant thereto; or

1 2. Terminate the operation of a facility operated
2 pursuant to this section.

3 (b) The department may institute proceedings against a
4 county or municipality to terminate the operation of a
5 facility when any of the following conditions exist:

6 1. The facility fails to take preventive or corrective
7 measures in accordance with any order of the department.

8 2. The facility fails to abide by any final order of
9 the department once it has become effective and binding.

10 3. The facility commits any violation of this section
11 constituting an emergency requiring immediate action as
12 provided in this chapter.

13 4. The facility has willfully and knowingly refused to
14 comply with the screening requirement for personnel pursuant
15 to s. 985.9447(1) ~~s. 985.01~~ or has refused to dismiss
16 personnel found to be in noncompliance with the requirements
17 for good moral character.

18 (c) Injunctive relief may include temporary and
19 permanent injunctions.

20 Section 93. Sections 985.4075, 985.4041, and 985.4042,
21 Florida Statutes, are transferred and renumbered,
22 respectively, as sections 985.948475, 985.948541, and
23 985.948542, Florida Statutes.

24 Section 94. Sections 985.4045 and 985.4046, Florida
25 Statutes, are transferred and renumbered, respectively, as
26 sections 985.95045 and 985.95046, Florida Statutes.

27 Section 95. Section 985.3141, Florida Statutes, is
28 transferred, renumbered as section 985.953141, Florida
29 Statutes, and amended to read:

30 985.953141 ~~985.3141~~ Escapes from secure detention or
31 residential commitment facility.--An escape from:

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

4 (2) Any residential commitment facility described in
5 s. 985.003(42) ~~s. 985.03(45)~~, maintained for the custody,
6 treatment, punishment, or rehabilitation of children found to
7 have committed delinquent acts or violations of law; or

8 (3) Lawful transportation to or from any such secure
9 detention facility or residential commitment facility,

10
11 constitutes escape within the intent and meaning of s. 944.40
12 and is a felony of the third degree, punishable as provided in
13 s. 775.082, s. 775.083, or s. 775.084.

14 Section 96. Sections 985.2065, 985.501, 985.502,
15 985.503, 985.504, 985.505, 985.506, and 985.507, Florida
16 Statutes, are transferred and renumbered, respectively, as
17 sections 985.95365, 985.9601, 985.9602, 985.9603, 985.9604,
18 985.9605, 985.9606, and 985.9607, Florida Statutes.

19 Section 97. This act shall take effect October 1,
20 2005.

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23 SENATE SUMMARY

24 Reorganizes ch. 985, F.S., relating to juvenile justice.
25 Divides the chapter into 13 parts, transfers and
26 renumbers existing sections, and subdivides existing
27 sections into new sections.
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