

By the Committee on Criminal Justice; and Senator Wise

591-2186A-05

1 A bill to be entitled
2 An act relating to juvenile justice;
3 reorganizing ch. 985, F.S.; providing new
4 section numbers and part titles; amending s.
5 985.01, F.S., relating to purposes and intent
6 for the chapter; amending s. 985.02, F.S.,
7 relating to the legislative intent for the
8 juvenile justice system; revising a reference
9 and cross-references to conform; amending s.
10 985.03, F.S., relating to definitions for the
11 chapter; amending, renumbering, and revising
12 references and cross-references to conform;
13 creating s. 985.0301, F.S., relating to the
14 jurisdiction of the juvenile court; amending
15 and renumbering s. 985.201, F.S.; amending and
16 renumbering a provision of s. 985.219, F.S.,
17 that relates to such jurisdiction; amending and
18 redesignating a provision of s. 985.231, F.S.,
19 that relates to such jurisdiction; amending and
20 redesignating a provision of s. 985.31, F.S.,
21 that relates to such jurisdiction; amending and
22 redesignating a provision of s. 985.313, F.S.,
23 that relates to such jurisdiction; revising
24 references and cross-references to conform;
25 creating s. 985.032, F.S., relating to legal
26 representation for delinquency cases;
27 renumbering s. 985.202, F.S.; creating s.
28 985.033, F.S., relating to the right to
29 counsel; amending and renumbering s. 985.203,
30 F.S.; revising references to conform; creating
31 s. 985.035, F.S., relating to open hearings;

1 renumbering s. 985.205, F.S.; creating s.
2 985.036, F.S., relating to the rights of
3 victims in juvenile proceedings; amending and
4 renumbering s. 985.206, F.S.; providing for the
5 release of certain information to victims;
6 creating s. 985.037, F.S., relating to
7 punishment for contempt of court and
8 alternative sanctions; amending and renumbering
9 s. 985.216, F.S.; revising provisions relating
10 to contempt of court; creating s. 985.039,
11 F.S., relating to the cost of supervision and
12 care; renumbering s. 985.2311, F.S.; amending
13 and renumbering s. 985.04, F.S.; clarifying a
14 provision relating to the release of certain
15 information; revising references and
16 cross-references to conform; creating s.
17 985.045, F.S., relating to court records;
18 amending and renumbering s. 985.05, F.S.;
19 revising references and cross-references to
20 conform; creating s. 985.046, F.S., relating to
21 the statewide information-sharing system and
22 interagency workgroup; renumbering s. 985.06,
23 F.S.; creating s. 985.047, F.S., relating to
24 information systems; renumbering s. 985.08,
25 F.S.; creating s. 985.101, F.S., relating to
26 taking a child into custody; amending and
27 renumbering s. 985.207, F.S.; creating s.
28 985.105, F.S., relating to intake and case
29 management; renumbering s. 985.2075, F.S.;
30 renumbering a provision of s. 985.215, F.S.,
31 relating to transporting a child who has been

1 taken into custody; revising a reference and
2 cross-references to conform; creating s.
3 985.105, F.S., relating to youth custody
4 officers; renumbering s. 985.2075, F.S.;
5 creating s. 985.11, F.S., relating to
6 fingerprinting and photographing; amending and
7 renumbering s. 985.212, F.S.; revising a
8 cross-reference to conform; creating s.
9 985.115, F.S., relating to release or delivery
10 from custody; amending and renumbering
11 provisions of s. 985.211, F.S., that relate to
12 such release or delivery; revising
13 cross-references to conform; creating s.
14 985.12, F.S., relating to civil citations;
15 amending and renumbering s. 985.301, F.S.;
16 revising a cross-reference to conform; creating
17 s. 985.125, F.S., relating to prearrest or
18 postarrest diversion programs; renumbering s.
19 985.3065, F.S.; creating s. 985.13, F.S.,
20 relating to probable cause affidavits; amending
21 and renumbering provisions of s. 985.211, F.S.,
22 that relate to probable cause affidavits and
23 certain requirements upon the taking of a child
24 into custody; revising cross-references to
25 conform; creating s. 985.135, F.S., relating to
26 juvenile assessment centers; renumbering s.
27 985.209, F.S.; creating s. 985.14, F.S.,
28 relating to the intake and case management
29 system; amending, renumbering, and
30 redesignating provisions of s. 985.21, F.S.,
31 that relate to intake and case management;

1 revising cross-references to conform; creating
2 s. 985.145, F.S., relating to the
3 responsibilities of the juvenile probation
4 officer during intake and to screenings and
5 assessments; amending and redesignating
6 provisions of s. 985.21, F.S., that relate to
7 such responsibilities, screenings, and
8 assessments; revising cross-references to
9 conform; creating s. 985.15, F.S., relating to
10 filing decisions in juvenile cases; amending
11 and redesignating provisions of s. 985.21,
12 F.S., that relate to such decisions; revising
13 cross-references to conform; creating s.
14 985.155, F.S., relating to neighborhood
15 restorative justice; renumbering s. 985.303,
16 F.S.; creating s. 985.16, F.S., relating to
17 community arbitration; amending and renumbering
18 s. 985.304; F.S.; revising a reference to
19 conform; creating s. 985.18, F.S., relating to
20 medical, psychiatric, psychological, substance
21 abuse, and educational examination and
22 treatment; renumbering s. 985.224, F.S.;
23 redesignating a provision of s. 985.215, F.S.,
24 that relates to comprehensive evaluations of
25 certain youth; creating s. 985.185, F.S.,
26 relating to evaluations for dispositions;
27 amending and renumbering provisions of s.
28 985.229, F.S., that relate to such evaluations;
29 creating s. 985.19, F.S., relating to
30 incompetency in juvenile delinquency cases;
31 renumbering s. 985.223, F.S.; creating s.

1 985.195, F.S., relating to transfer to other
2 treatment services; renumbering s. 985.418,
3 F.S.; creating s. 985.24, F.S., relating to the
4 use of detention and to prohibitions on the use
5 of detention; renumbering provisions of s.
6 985.213, F.S., that relate to the use of
7 detention; renumbering s. 985.214, F.S.;
8 creating s. 985.245, F.S., relating to the risk
9 assessment instrument; amending and renumbering
10 a provision of s. 985.213, F.S., that relates
11 to such instrument; revising cross-references
12 to conform; creating s. 985.25, F.S., relating
13 to detention intake; amending, renumbering, and
14 redesignating provisions of s. 985.215, F.S.,
15 that relate to detention intake; revising
16 cross-references to conform; creating s.
17 985.255, F.S., relating to detention criteria
18 and detention hearings; amending and
19 renumbering a provision of s. 985.215, F.S.,
20 that relates to such criteria and hearings;
21 revising cross-references to conform; amending
22 and redesignating a provision of s. 985.213,
23 F.S., that relates to such criteria and
24 hearings in circumstances involving domestic
25 violence; revising a cross-reference to
26 conform; creating s. 985.26, F.S., relating to
27 length of detention; amending, renumbering, and
28 redesignating provisions of s. 985.215, F.S.,
29 that relate to length of detention; revising
30 cross-references to conform; creating s.
31 985.265, F.S., relating to detention transfer

1 and release, education of juvenile offenders
2 while in detention or on detention status, and
3 holding of juvenile offenders in adult jails;
4 amending and renumbering provisions of s.
5 985.215, F.S., that relate to transfer,
6 release, and holding juvenile offenders in
7 adult jails; renumbering a provision of s.
8 985.213, F.S., that relates to education of
9 juvenile offenders while in detention or on
10 detention status; revising references and
11 cross-references to conform; creating s.
12 985.27, F.S., relating to postcommitment
13 detention of juvenile offenders while such
14 offenders are awaiting residential placement;
15 amending and redesignating provisions of s.
16 985.215, F.S., that relate to such detention;
17 limiting the use of such detention; revising
18 references to "detention" to clarify that such
19 term means "secure detention" in certain
20 circumstances; creating s. 985.275, F.S.,
21 relating to the detention of an escapee;
22 amending and renumbering s. 985.208, F.S.;
23 revising a cross-reference to conform; creating
24 s. 985.318, F.S., relating to petitions;
25 renumbering s. 985.218, F.S.; creating s.
26 985.319, F.S., relating to process and service;
27 renumbering provisions of s. 985.219, F.S.,
28 that relate to process and service; creating s.
29 985.325, relating to prohibitions against
30 threatening or dismissing employees; amending
31 and renumbering s. 985.22, F.S.; revising

1 cross-references to conform; creating s.
2 985.331, F.S., relating to court and witness
3 fees; renumbering s. 985.221, F.S.; creating s.
4 985.335, F.S., relating to answering a
5 petition; renumbering s. 985.222, F.S.;
6 creating s. 985.345, F.S., relating to
7 delinquency pretrial intervention programs;
8 renumbering s. 985.306, F.S.; creating s.
9 985.35, F.S., relating to adjudicatory
10 hearings, withholding of adjudication, and
11 orders of adjudication; amending and
12 renumbering s. 985.228, F.S.; repealing a
13 provision prohibiting a person from possessing
14 a firearm in certain circumstances; revising a
15 reference and cross-references to conform;
16 creating s. 985.43, F.S., relating to
17 predisposition reports and other evaluations;
18 amending and renumbering provisions of s.
19 985.229, F.S., that relate to such reports and
20 evaluations; revising cross-references to
21 conform; creating s. 985.433, F.S., relating to
22 disposition hearings in delinquency cases;
23 amending and renumbering s. 985.23, F.S.;
24 clarifying who is considered a party to a
25 juvenile case; specifying who must be given an
26 opportunity to comment on the issue of
27 disposition; revising cross-references to
28 conform; amending a provision of s. 985.231,
29 F.S., relating to requirement of written
30 disposition orders; creating s. 985.435, F.S.,
31 relating to probation, postcommitment

1 probation, and community service; amending and
2 redesignating a provision of s. 985.231, F.S.,
3 relating to probation, postcommitment
4 probation, and community control; creating s.
5 985.437, F.S., relating to restitution;
6 amending and redesignating provisions of s.
7 985.231, F.S., that relate to restitution;
8 revising a reference and cross-reference to
9 conform; creating s. 985.439, F.S., relating to
10 violations of probation or postcommitment
11 probation; amending and redesignating
12 provisions of s. 985.231, F.S., that relate to
13 such violations; revising cross-references to
14 conform; creating s. 985.441, F.S., relating to
15 commitment; amending and redesignating
16 provisions of s. 985.231, F.S., that relate to
17 commitment; providing a requirement for
18 commitment of a child as a juvenile sexual
19 offender; revising cross-references to conform;
20 renumbering a provision of s. 985.404, F.S.,
21 that relates to transfers of the child to
22 administer commitment; creating s. 985.442,
23 F.S., relating to the form of commitment;
24 renumbering s. 985.232, F.S.; creating s.
25 985.445, F.S., relating to disposition of
26 delinquency cases involving grand theft of a
27 motor vehicle; amending and redesignating a
28 provision of s. 985.231, F.S., that relates to
29 disposition in such cases; creating s. 985.45,
30 F.S., relating to liability and remuneration
31 for work; amending and redesignating a

1 provision of s. 985.231, F.S., that relates to
2 liability and remuneration; creating s.
3 985.455, F.S., relating to other dispositional
4 issues; amending and redesignating provisions
5 of s. 985.231, F.S., that relate to
6 determination of sanctions, rehabilitation
7 programs, and certain contact with the victim
8 subsequent to disposition; redesignating
9 provisions of s. 985.231, F.S., that specify
10 the duration of commitment and suspension of
11 disposition; revising a cross-reference to
12 conform; creating s. 985.46, F.S., relating to
13 conditional release; amending and renumbering
14 s. 985.316, F.S.; revising a cross-reference to
15 conform; creating s. 985.465, F.S., relating to
16 juvenile correctional facilities and juvenile
17 prisons; amending and renumbering s. 985.313,
18 F.S.; creating s. 985.47, F.S., relating to
19 serious and habitual juvenile offenders;
20 amending and renumbering a provision of s.
21 985.03, F.S., that relates to such offenders;
22 amending and renumbering s. 985.31, F.S.;
23 revising a reference and cross-references to
24 conform; creating s. 985.475, F.S., relating to
25 juvenile sexual offenders; amending and
26 renumbering a provision of s. 985.03, F.S.,
27 that relates to such offenders; revising a
28 cross-reference to conform; amending and
29 renumbering a provision of s. 985.231, F.S.,
30 that relates to such offenders; revising
31 cross-references to conform; creating s.

1 985.48, F.S., relating to juvenile sexual
2 offender commitment programs and sexual abuse
3 intervention networks; renumbering s. 985.308,
4 F.S.; creating s. 985.483, F.S., relating to
5 intensive residential treatment programs for
6 juvenile offenders less than 13 years of age;
7 amending and renumbering a provision of s.
8 985.03, F.S., that relates to such offenders;
9 amending and renumbering s. 985.311, F.S.;
10 revising cross-references to conform; creating
11 s. 985.486, F.S., relating to the prerequisites
12 for commitment of juvenile offenders less than
13 13 years of age to intensive residential
14 treatment programs; amending and renumbering s.
15 985.312, F.S.; revising cross-references to
16 conform; creating s. 985.489, F.S., relating to
17 boot camp for children; amending and
18 renumbering s. 985.309, F.S.; revising
19 cross-references to conform; creating s.
20 985.494, F.S., relating to commitment programs
21 for juvenile felony offenders; amending and
22 renumbering s. 985.314, F.S.; revising
23 cross-references to conform; creating s.
24 985.511, F.S., relating to the child's right to
25 counsel and the cost of representation;
26 amending and renumbering a provision of s.
27 985.41, F.S., that relates to such rights and
28 costs; amending and renumbering a provision of
29 s. 985.2155, F.S., as amended by ch. 2003-402,
30 Laws of Florida, that relates to such rights
31 and costs; creating s. 985.512, F.S., relating

1 to the powers of the court with respect to
2 certain children; renumbering s. 985.204, F.S.;
3 creating s. 985.513, F.S., relating to the
4 powers of the court over parents or guardians
5 at disposition of the child's case; amending
6 and redesignating provisions of s. 985.231,
7 F.S., that relate to such powers; revising
8 cross-references to conform; creating s.
9 985.514, F.S., relating to the responsibilities
10 of the parents or guardians of a child for
11 certain fees related to the cost of care;
12 amending and redesignating a provision of s.
13 985.215, F.S., that relates to such
14 responsibilities; revising a cross-reference to
15 conform; amending and redesignating a provision
16 of s. 985.231, F.S., that relates to such
17 responsibilities; revising a cross-reference to
18 conform; amending and redesignating a provision
19 of s. 985.233, F.S., that relates to such
20 responsibilities; revising a cross-reference to
21 conform; creating s. 985.534, F.S., relating to
22 appeals in juvenile cases; renumbering s.
23 985.234, F.S.; creating s. 985.535, F.S.,
24 relating to time for taking appeal by the
25 state; renumbering s. 985.235, F.S.; creating
26 s. 985.536, F.S., relating to orders or
27 decisions when the state appeals; renumbering
28 s. 985.236, F.S.; creating s. 985.556, F.S.,
29 relating to voluntary and involuntary waivers
30 of juvenile court jurisdiction and hearings for
31 such waivers; amending and renumbering s.

1 985.226, F.S.; revising cross-references to
2 conform; creating s. 985.557, F.S., relating to
3 discretionary and mandatory criteria for the
4 direct filing of an information against a
5 juvenile offender in the criminal division of
6 the circuit court; amending and renumbering s.
7 985.227, F.S.; revising cross-references to
8 conform; creating s. 985.56, F.S., relating to
9 indictment of juvenile offenders; amending and
10 renumbering s. 985.225, F.S.; revising a
11 reference and cross-references to conform;
12 creating s. 985.565, F.S., relating to powers,
13 procedures, and alternatives available to the
14 court when sentencing juvenile offenders
15 prosecuted as adults; amending, renumbering,
16 and redesignating provisions of s. 985.233,
17 F.S., that relate to such powers, procedures,
18 and alternatives; revising cross-references to
19 conform; creating s. 985.57, F.S., relating to
20 the transfer of children from the Department of
21 Corrections to the Department of Juvenile
22 Justice; renumbering s. 985.417; creating s.
23 985.601, F.S., relating to administering the
24 juvenile justice continuum; renumbering
25 provisions of s. 985.404, F.S., that relate to
26 such administration; creating s. 985.605, F.S.,
27 relating to requirements for prevention service
28 programs; amending and renumbering s. 985.3045,
29 F.S.; revising cross-references to conform;
30 creating s. 985.606, F.S., relating to
31 requirements for agencies and entities

1 providing prevention services; amending and
2 renumbering s. 985.3046, F.S.; revising a
3 cross-reference to conform; creating s. 985.61,
4 F.S., relating to criteria for early
5 delinquency intervention programs; renumbering
6 s. 985.305, F.S.; creating s. 985.614, F.S.,
7 relating to interagency cooperation for
8 children who are locked out of their homes;
9 renumbering s. 985.2066, F.S.; creating s.
10 985.618, F.S., relating to educational and
11 career-related programs; amending and
12 renumbering s. 985.315, F.S.; revising a
13 cross-reference to conform; creating s.
14 985.622, F.S., relating to a multiagency plan
15 for vocational education; renumbering s.
16 985.3155, F.S.; creating s. 985.625, F.S.,
17 relating to literacy programs for juvenile
18 offenders; amending and renumbering s. 985.317,
19 F.S.; revising a cross-reference to conform;
20 creating s. 985.629, F.S., relating to
21 contracts for the transfer of Florida children
22 in federal custody; renumbering s. 985.419,
23 F.S.; creating s. 985.632, F.S., relating to
24 quality assurance and cost-effectiveness;
25 renumbering s. 985.412, F.S.; creating s.
26 985.636, F.S., relating to the Office of the
27 Inspector General within the Department of
28 Juvenile Justice; renumbering s. 985.42, F.S.;
29 creating s. 985.64, F.S., relating to the
30 authority of the Department of Juvenile Justice
31 to adopt rules; renumbering s. 985.405, F.S.;

1 creating s. 985.644, F.S., relating to the
2 contracting powers and the personnel standards
3 and screening requirements of the Department of
4 Juvenile Justice; renumbering a provision of s.
5 985.01, F.S., that relates to such powers;
6 renumbering s. 985.407, F.S.; creating s.
7 985.648, F.S., relating to consultants;
8 renumbering s. 985.408, F.S.; creating s.
9 985.652, F.S., relating to participation of
10 certain juvenile programs in the State Risk
11 Management Trust Fund; renumbering s. 985.409,
12 F.S.; creating s. 985.66, F.S., relating to
13 juvenile justice training academies, the
14 Juvenile Justice Standards and Training
15 Commission, and the Juvenile Justice Trust
16 Fund; amending and renumbering s. 985.406,
17 F.S.; revising a cross-reference to conform;
18 creating s. 985.664, F.S., relating to juvenile
19 justice circuit boards and juvenile justice
20 county councils; amending and renumbering s.
21 985.4135, F.S.; revising a cross-reference to
22 conform; creating s. 985.668, F.S., relating to
23 innovation zones; renumbering s. 985.416, F.S.;
24 creating s. 985.672, F.S., relating to
25 direct-support organizations; renumbering s.
26 985.4145, F.S.; creating s. 985.9475, F.S.,
27 relating to community juvenile justice
28 partnership grants; amending and renumbering s.
29 985.415, F.S.; revising cross-references to
30 conform; creating s. 985.68, F.S., relating to
31 the Task Force on Juvenile Sexual Offenders and

1 their Victims; renumbering s. 985.403, F.S.;

2 creating s. 985.682, F.S., relating to studies

3 and criteria for siting juvenile facilities;

4 amending and renumbering s. 985.41, F.S.;

5 creating s. 985.686, F.S., relating to shared

6 county and state responsibility for juvenile

7 detention; renumbering s. 985.2155, F.S.;

8 creating s. 985.688, F.S., relating to

9 administering county and municipal delinquency

10 programs and facilities; amending and

11 renumbering s. 985.411, F.S.; revising a

12 cross-reference to conform; creating s. 985.69,

13 F.S., relating to one-time startup funding for

14 juvenile justice purposes; renumbering s.

15 985.4075, F.S.; creating s. 985.692, F.S.,

16 relating to the Juvenile Welfare Trust Fund;

17 renumbering s. 985.4041, F.S.; creating s.

18 985.694, F.S., relating to the Juvenile Care

19 and Maintenance Trust Fund; renumbering s.

20 985.4042, F.S.; creating s. 985.701, F.S.,

21 relating to prohibiting sexual misconduct,

22 reporting requirements, and penalties;

23 renumbering s. 985.4045, F.S.; creating s.

24 985.711, F.S., relating to penalties for the

25 introduction, removal, or possession of certain

26 articles; renumbering s. 985.4046, F.S.;

27 creating s. 985.721, F.S., relating to escapes

28 from secure detention or residential commitment

29 facilities; amending and renumbering s.

30 985.3141, F.S.; revising a cross-reference to

31 conform; creating s. 985.731, F.S., relating to

1 sheltering or aiding unmarried minors;
2 renumbering s. 985.2065, F.S.; creating s.
3 985.801, F.S., relating to legislative
4 findings, policy, and implementation of the
5 Interstate Compact on Juveniles; renumbering s.
6 985.501, F.S.; creating s. 985.802, F.S.,
7 relating to execution of the interstate
8 compact; renumbering s. 985.502, F.S.; creating
9 s. 985.803, F.S., relating to the administrator
10 of the juvenile compact; renumbering s.
11 985.503, F.S.; creating s. 985.804, F.S.,
12 relating to supplementary agreements to the
13 compact; renumbering s. 985.504, F.S.; creating
14 s. 985.805, F.S., relating to financial
15 arrangements related to the compact;
16 renumbering s. 985.505, F.S.; creating s.
17 985.806, F.S., relating to the responsibilities
18 of state departments, agencies, and officers;
19 renumbering s. 985.506, F.S.; creating s.
20 985.807, F.S., relating to procedures in
21 addition to those provided under the compact;
22 renumbering s. 985.507, F.S.; repealing ss.
23 985.215(6), 985.231(1)(b), (c), (f), and (i),
24 and (2) and 985.233(4)(d), F.S.; amending ss.
25 29.004, 29.008, 253.025, 318.21, 397.334,
26 400.953, 419.001, 435.04, 784.075, 790.115,
27 790.22, 921.0022, 938.10, 943.053, 943.0582,
28 943.0585, 943.059, 948.51, 958.046, 960.001,
29 984.03, 984.05, 984.09, 984.226, 1003.52,
30 1006.08, 1006.13, and 1012.797, F.S.;

1 conforming cross-references; providing an
2 effective date.

3
4 WHEREAS, the Legislature recognizes that chapter 985,
5 Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON
6 JUVENILES," which sets forth the policies and procedures
7 applicable to Florida's juvenile justice system, has become
8 disjointed and unorganized due to numerous amendments since
9 its original enactment and that, as a result, it is difficult
10 for judges, attorneys, affected parties, and the public to use
11 the chapter in practice, and

12 WHEREAS, the Legislature recognizes that chapter 985,
13 Florida Statutes, would be better organized and easier to use
14 if it provided a chronological presentation of delinquency
15 proceedings from the introduction of the child into the
16 juvenile justice system to the child's case outcome and if
17 each section of the chapter was topically organized to contain
18 all related policies and procedures, and

19 WHEREAS, the Legislature intends for the following
20 legislation to strictly effect a technical reorganization of
21 chapter 985, Florida Statutes, without any substantive change
22 to its contents, for the purpose of simplifying the chapter's
23 presentation and providing greater clarity for its users, NOW,
24 THEREFORE,

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. The provisions of chapter 985, Florida
29 Statutes, are substantially reorganized and renumbered or
30 redesignated as follows:
31

- 1 (1) Chapter 985, Florida Statutes, is retitled
2 "JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES."
- 3 (2) Part I of chapter 985, Florida Statutes,
4 consisting of sections 985.01, 985.02, 985.03, 985.0301,
5 985.032, 985.033, 985.035, 985.036, 985.037, and 985.039,
6 Florida Statutes, is to be titled "GENERAL PROVISIONS."
- 7 (3) Part II of chapter 985, Florida Statutes,
8 consisting of sections 985.04, 985.045, 985.046, and 985.047,
9 Florida Statutes, is retitled "RECORDS AND INFORMATION."
- 10 (4) Part III of chapter 985, Florida Statutes,
11 consisting of sections 985.101, 985.105, 985.11, 985.115,
12 985.12, 985.125, 985.13, 985.135, 985.14, 985.145, 985.15,
13 985.155, and 985.16, Florida Statutes, is retitled "CUSTODY
14 AND INTAKE; INTERVENTION AND DIVERSION."
- 15 (5) Part IV of chapter 985, Florida Statutes,
16 consisting of sections 985.18, 985.185, 985.19, and 985.195,
17 Florida Statutes, is retitled "EXAMINATIONS AND EVALUATIONS."
- 18 (6) Part V of chapter 985, Florida Statutes,
19 consisting of sections 985.24, 985.245, 985.25, 985.255,
20 985.26, 985.265, 985.27, and 985.275, Florida Statutes, is
21 retitled "DETENTION."
- 22 (7) Part VI of chapter 985, Florida Statutes,
23 consisting of sections 985.318, 985.319, 985.325, 985.331,
24 985.335, 985.345, and 985.35, Florida Statutes, is created and
25 entitled "PETITION, ARRAIGNMENT, AND ADJUDICATION."
- 26 (8) Part VII of chapter 985, Florida Statutes,
27 consisting of sections 985.43, 985.433, 985.435, 985.437,
28 985.439, 985.441, 985.442, 985.445, 985.45, 985.455, 985.46,
29 985.465, 985.47, 985.475, 985.48, 985.483, 985.486, 985.489,
30 and 985.494, Florida Statutes, is created and entitled
31 "DISPOSITION; POSTDISPOSITION."

1 (9) Part VIII of chapter 985, Florida Statutes,
2 consisting of sections 985.511, 985.512, 985.513, and 985.514,
3 Florida Statutes, is created and entitled "AUTHORITY OF THE
4 COURT OVER PARENTS OR GUARDIANS."

5 (10) Part IX of chapter 985, Florida Statutes,
6 consisting of sections 985.534, 985.535, and 985.536, Florida
7 Statutes, is created and entitled "APPEAL."

8 (11) Part X of chapter 985, Florida Statutes,
9 consisting of sections 985.556, 985.557, 985.56, 985.565, and
10 985.57, Florida Statutes, is created and entitled "TRANSFER TO
11 ADULT COURT."

12 (12) Part XI of chapter 985, Florida Statutes,
13 consisting of sections 985.601, 985.605, 985.606, 985.61,
14 985.614, 985.618, 985.622, 985.625, 985.629, 985.632, 985.636,
15 985.64, 985.644, 985.648, 985.652, 985.66, 985.664, 985.668,
16 985.672, 985.9475, 985.68, 985.682, 985.686, 985.688, 985.69,
17 985.692, and 985.694, Florida Statutes, is created and
18 entitled "DEPARTMENT OF JUVENILE JUSTICE."

19 (13) Part XII of chapter 985, Florida Statutes,
20 consisting of sections 985.701, 985.711, 985.721, and 985.731,
21 Florida Statutes, is created and entitled "MISCELLANEOUS
22 OFFENSES."

23 (14) Part XIII of chapter 985, Florida Statutes,
24 consisting of sections 985.801, 985.802, 985.803, 985.804,
25 985.805, 985.806, and 985.807, Florida Statutes, is created
26 and entitled "INTERSTATE COMPACT ON JUVENILES."

27 Section 2. Paragraph (f) of subsection (1) and
28 subsection (3) of section 985.01, Florida Statutes, are
29 amended to read:

30 985.01 Purposes and intent; ~~personnel standards and~~
31 ~~screening.~~--

1 (1) The purposes of this chapter are:

2 (f) To provide children committed to the department ~~of~~
3 ~~Juvenile Justice~~ with training in life skills, including
4 career education.

5 (2)~~(3)~~ It is the intent of the Legislature that this
6 chapter be liberally interpreted and construed in conformity
7 with its declared purposes.

8 Section 3. Paragraph (a) of subsection (4) of section
9 985.02, Florida Statutes, is amended to read:

10 985.02 Legislative intent for the juvenile justice
11 system.--

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 Section 4. Subsections (1) through (6), (8) through
29 (30), (32) through (47), and (49) through (59) of section
30 985.03, Florida Statutes, are renumbered, respectively, as
31 subsections (1) through (6), (7) through (29), (30) through

1 (45), and (46) through (56) and subsections (2), (9), (15),
2 (20), (21), (45), and (59) of that section are amended, to
3 read:

4 985.03 Definitions.--When used in this chapter, the
5 term:

6 (2) "Adjudicatory hearing" means a hearing for the
7 court to determine whether or not the facts support the
8 allegations stated in the petition, as is provided for under
9 s. 985.35 ~~985.228~~ in delinquency cases.

10 ~~(8)(9)~~ "Child who has been found to have committed a
11 delinquent act" means a child who, under ~~pursuant to the~~
12 ~~provisions of~~ this chapter, is found by a court to have
13 committed a violation of law or to be in direct or indirect
14 contempt of court, except that this definition shall not
15 include an act constituting contempt of court arising out of a
16 dependency proceeding or a proceeding concerning a child or
17 family in need of services ~~pursuant to part III of this~~
18 ~~chapter.~~

19 ~~(14)(15)~~(a) "Delinquency program" means any intake,
20 probation, or similar program; regional detention center or
21 facility; or community-based program, whether owned and
22 operated by or contracted by the department ~~of Juvenile~~
23 ~~Justice~~, or institution owned and operated by or contracted by
24 the department ~~of Juvenile Justice~~, that which provides
25 intake, supervision, or custody and care of children who are
26 alleged to be or who have been found to be delinquent under
27 this chapter ~~pursuant to part II.~~

28 (b) "Delinquency program staff" means supervisory and
29 direct care staff of a delinquency program as well as support
30 staff who have direct contact with children in a delinquency
31 program.

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

8 ~~(19)(20)~~ "Detention hearing" means a hearing for the
9 court to determine if a child should be placed in temporary
10 custody, as provided for under part V ~~ss. 985.213 and 985.215~~
11 in delinquency cases.

12 ~~(20)(21)~~ "Disposition hearing" means a hearing in
13 which the court determines the most appropriate dispositional
14 services in the least restrictive available setting provided
15 for under part VII ~~s. 985.231~~, in delinquency cases.

16 ~~(43)(45)~~ "Residential commitment level" means the
17 level of security provided by programs that service the
18 supervision, custody, care, and treatment needs of committed
19 children. Sections 985.721 ~~985.3141~~ and 985.601(10)
20 ~~985.404(11)~~ apply to children placed in programs at any
21 residential commitment level. The levels of residential
22 commitment are as follows:

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

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

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

16 (c) High-risk residential.--Programs or program models
17 at this commitment level are residential and shall not allow
18 youth to have access to the community. Facilities are
19 hardware-secure with perimeter fencing and locking doors.
20 Facilities shall provide 24-hour awake supervision, custody,
21 care, and treatment of residents. Youth assessed and
22 classified for this level of placement require close
23 supervision in a structured residential setting. Placement in
24 programs at this level is prompted by a concern for public
25 safety that outweighs placement in programs at lower
26 commitment levels. The staff at a facility at this commitment
27 level may seclude a child who is a physical threat to himself
28 or herself or others. Mechanical restraint may also be used
29 when necessary. The facility may provide for single cell
30 occupancy.

31

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

18 ~~(56)(59)~~ "Waiver hearing" means a hearing provided for
19 under s. 985.556(4) ~~985.226(3)~~.

20 Section 5. Section 985.201, Florida Statutes, is
21 amended and renumbered as section 985.0301, Florida Statutes,
22 and subsection (8) of section 985.219, Florida Statutes, is
23 amended and renumbered as subsection (2) of section 985.0301,
24 Florida Statutes, to read:

25 985.0301 ~~985.201~~ Jurisdiction.--

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

29 ~~(2)(8)~~ The jurisdiction of the court shall attach to
30 the child and the case when the summons is served upon the
31 child and a parent or legal or actual custodian or guardian of

1 | the child, or when the child is taken into custody with or
2 | without service of summons and before or after the filing of a
3 | petition, whichever first occurs, and thereafter the court may
4 | control the child and the case in accordance with this chapter
5 | ~~part~~.

6 | ~~(3)(2)~~ During the prosecution of any violation of law
7 | against any person who has been presumed to be an adult, if it
8 | is shown that the person was a child at the time the offense
9 | was committed and that the person does not meet the criteria
10 | for prosecution and sentencing as an adult, the court shall
11 | immediately transfer the case, together with the physical
12 | custody of the person and all physical evidence, papers,
13 | documents, and testimony, original and duplicate, connected
14 | therewith, to the appropriate court for proceedings under this
15 | chapter. The circuit court is exclusively authorized to assume
16 | jurisdiction over any juvenile offender who is arrested and
17 | charged with violating a federal law or a law of the District
18 | of Columbia, who is found or is living or domiciled in a
19 | county in which the circuit court is established, and who is
20 | surrendered to the circuit court as provided in 18 U.S.C. s.
21 | 5001.

22 | ~~(4)(3)(a)~~ Petitions alleging delinquency ~~filed under~~
23 | ~~this part~~ shall be filed in the county where the delinquent
24 | act or violation of law occurred, but the circuit court for
25 | that county may transfer the case to the circuit court of the
26 | circuit in which the child resides or will reside at the time
27 | of detention or placement for dispositional purposes. A child
28 | who has been detained shall be transferred to the appropriate
29 | detention center or facility or other placement directed by
30 | the receiving court.

31 |

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

13 ~~(5)(4)~~(a) Notwithstanding ss. 743.07, 985.43 ~~985.229,~~
14 985.433 ~~985.23,~~ 985.435, 985.439, and 985.441 ~~985.231,~~ and
15 except as provided in ss. 985.465 and 985.47 ~~985.31~~ and
16 paragraph (f) ~~985.313,~~ when the jurisdiction of any child who
17 is alleged to have committed a delinquent act or violation of
18 law is obtained, the court shall retain jurisdiction, unless
19 relinquished by its order, until the child reaches 19 years of
20 age, with the same power over the child that the court had
21 prior to the child becoming an adult.

22 (b) Notwithstanding ss. 743.07 and 985.455(3), and
23 except as provided in s. 985.47, the term of any order placing
24 a child in a probation program must be until the child's 19th
25 birthday unless he or she is released by the court on the
26 motion of an interested party or on his or her own motion.

27 (c) Notwithstanding ss. 743.07 and 985.455(3), and
28 except as provided in s. 985.47, the term of the commitment
29 must be until the child is discharged by the department or
30 until he or she reaches the age of 21 years. Notwithstanding
31 ss. 743.07, 985.435, 985.437, 985.439, 985.441, 985.445,

1 985.455, and 985.513 and except as provided in this section
2 and s. 985.47, a child may not be held under a commitment from
3 a court under s. 985.439, s. 985.441(1)(a) or (b), s. 985.445,
4 or s. 985.455 after becoming 21 years of age.

5 (d)(b)1- The court may retain jurisdiction over a
6 child committed to the department for placement in a juvenile
7 prison or in a high-risk or maximum-risk residential
8 commitment program to allow the child to participate in a
9 juvenile conditional release program pursuant to s. 985.46
10 ~~985.316~~. In no case shall the jurisdiction of the court be
11 retained beyond the child's 22nd birthday. However, if the
12 child is not successful in the conditional release program,
13 the department may use the transfer procedure under s.
14 985.441(3) ~~985.404~~.

15 (e)2- The court may retain jurisdiction over a child
16 committed to the department for placement in an intensive
17 residential treatment program for 10-year-old to 13-year-old
18 offenders, in the residential commitment program in a juvenile
19 prison, in a residential sex offender program, or in a program
20 for serious or habitual juvenile offenders as provided in s.
21 985.47 ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches
22 the age of 21. If the court exercises this jurisdiction
23 retention, it shall do so solely for the purpose of the child
24 completing the intensive residential treatment program for
25 10-year-old to 13-year-old offenders, in the residential
26 commitment program in a juvenile prison, in a residential sex
27 offender program, or the program for serious or habitual
28 juvenile offenders. Such jurisdiction retention does not apply
29 for other programs, other purposes, or new offenses.

30 (f) The court may retain jurisdiction over a child
31 committed to a juvenile correctional facility or a juvenile

1 prison until the child reaches the age of 21 years,
2 specifically for the purpose of allowing the child to complete
3 such program.

4 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a
5 serious or habitual juvenile offender shall not be held under
6 commitment from a court under s. 985.47, s. 985.441(1)(c), or
7 s. 985.565 after becoming 21 years of age. This subparagraph
8 shall apply only for the purpose of completing the serious or
9 habitual juvenile offender program under this chapter and
10 shall be used solely for the purpose of treatment.

11 2. The court may retain jurisdiction over a child who
12 has been placed in a program or facility for serious or
13 habitual juvenile offenders until the child reaches the age of
14 21, specifically for the purpose of the child completing the
15 program.

16 (h) The court may retain jurisdiction over a juvenile
17 sexual offender who has been placed in a program or facility
18 for juvenile sexual offenders until the juvenile sexual
19 offender reaches the age of 21, specifically for the purpose
20 of completing the program.

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

30 (j)(d) This subsection does not prevent the exercise
31 of jurisdiction by any court having jurisdiction of the child

1 if the child, after becoming an adult, commits a violation of
2 law.

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

5 Section 6. Section 985.202, Florida Statutes, is
6 renumbered as section 985.032, Florida Statutes.

7 Section 7. Section 985.203, Florida Statutes, is
8 renumbered as section 985.033, Florida Statutes, subsections
9 (2) through (4) are redesignated subsections (3) through (5),
10 subsection (1) of that section is amended, and a new
11 subsection (2) is added to read:

12 985.033 ~~985.203~~ Right to counsel.--

13 (1) A child is entitled to representation by legal
14 counsel at all stages of any delinquency court proceedings
15 under this chapter ~~part~~. If the child and the parents or other
16 legal guardian are indigent and unable to employ counsel for
17 the child, the court shall appoint counsel under ~~pursuant to~~
18 s. 27.52. Determination of indigence and costs of
19 representation shall be as provided by ss. 27.52 and 938.29.
20 Legal counsel representing a child who exercises the right to
21 counsel shall be allowed to provide advice and counsel to the
22 child at any time subsequent to the child's arrest, including
23 prior to a detention hearing while in secure detention care. A
24 child shall be represented by legal counsel at all stages of
25 all court proceedings unless the right to counsel is freely,
26 knowingly, and intelligently waived by the child. If the child
27 appears without counsel, the court shall advise the child of
28 his or her rights with respect to representation of
29 court-appointed counsel.
30
31

1 (2) This section does not apply to transfer
2 proceedings under s. 985.441(3), unless the court sets a
3 hearing to review the transfer.

4 Section 8. Section 985.205, Florida Statutes, is
5 renumbered as section 985.035, Florida Statutes.

6 Section 9. Section 985.206, Florida Statutes, is
7 renumbered as section 985.036, Florida Statutes, and amended
8 to read:

9 985.036 ~~985.206~~ Rights of victims; juvenile
10 proceedings.--

11 (1) Nothing in this chapter prohibits:

12 ~~(a)(1)~~ The victim of the offense;

13 ~~(b)(2)~~ The victim's parent or guardian if the victim
14 is a minor;

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

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

19
20 from the right to be informed of, to be present during, and to
21 be heard when relevant at, all crucial stages of the
22 proceedings involving the juvenile offender, to the extent
23 that such rights do not interfere with the constitutional
24 rights of the juvenile offender. A person enumerated in this
25 section may not reveal to any outside party any confidential
26 information obtained under ~~pursuant to~~ this paragraph
27 regarding a case involving a juvenile offense, except as is
28 reasonably necessary to pursue legal remedies.

29 (2) A law enforcement agency may release a copy of the
30 juvenile offense report to the victim of the offense. However,
31 information gained by the victim under this chapter, including

1 the next of kin of a homicide victim, regarding any case
2 handled in juvenile court must not be revealed to any outside
3 party except as is reasonably necessary in pursuit of legal
4 remedies.

5 Section 10. Section 985.216, Florida Statutes, is
6 renumbered as section 985.037, Florida Statutes, and
7 subsection (2) and paragraphs (b) and (d) of subsection (4) of
8 that section are amended to read:

9 985.037 ~~985.216~~ Punishment for contempt of court;
10 alternative sanctions.--

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

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

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

1 ~~secure facility as provided under s. 984.226 if conditions of~~
2 ~~eligibility are met.~~

3 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
4 PROCESS.--

5 (b) If a child is charged with indirect contempt of
6 court, the court must hold a hearing within 24 hours to
7 determine whether the child committed indirect contempt of a
8 valid court order. At the hearing, the following due process
9 rights must be provided to the child:

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

12 2. Right to an explanation of the nature and the
13 consequences of the proceedings.

14 3. Right to legal counsel and the right to have legal
15 counsel appointed by the court if the juvenile is indigent,
16 under ~~pursuant to s. 985.033 985.203.~~

17 4. Right to confront witnesses.

18 5. Right to present witnesses.

19 6. Right to have a transcript or record of the
20 proceeding.

21 7. Right to appeal to an appropriate court.

22
23 The child's parent or guardian may address the court regarding
24 the due process rights of the child. The court shall review
25 the placement of the child every 72 hours to determine whether
26 it is appropriate for the child to remain in the facility.

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 Section 11. Section 985.2311, Florida Statutes, is
22 renumbered as section 985.039, Florida Statutes.

23 Section 12. Section 985.04, Florida Statutes, is
24 amended to read:

25 985.04 Oaths; records; confidential information.--

26 ~~(1)(3)(a)~~ Except as provided in subsections (2), ~~(3)~~
27 ~~(4), (5), and (6), and (7)~~ and s. 943.053, all information
28 obtained under this chapter part in the discharge of official
29 duty by any judge, any employee of the court, any authorized
30 agent of the department ~~of Juvenile Justice~~, the Parole
31 Commission, the Department of Corrections, the juvenile

1 justice circuit boards, any law enforcement agent, or any
2 licensed professional or licensed community agency
3 representative participating in the assessment or treatment of
4 a juvenile is confidential and may be disclosed only to the
5 authorized personnel of the court, the department of ~~Juvenile~~
6 ~~Justice~~ and its designees, the Department of Corrections, the
7 Parole Commission, law enforcement agents, school
8 superintendents and their designees, any licensed professional
9 or licensed community agency representative participating in
10 the assessment or treatment of a juvenile, and others entitled
11 under this chapter to receive that information, or upon order
12 of the court. Within each county, the sheriff, the chiefs of
13 police, the district school superintendent, and the department
14 shall enter into an interagency agreement for the purpose of
15 sharing information about juvenile offenders among all
16 parties. The agreement must specify the conditions under which
17 summary criminal history information is to be made available
18 to appropriate school personnel, and the conditions under
19 which school records are to be made available to appropriate
20 department personnel. Such agreement shall require
21 notification to any classroom teacher of assignment to the
22 teacher's classroom of a juvenile who has been placed in a
23 probation or commitment program for a felony offense. The
24 agencies entering into such agreement must comply with s.
25 943.0525, and must maintain the confidentiality of information
26 that is otherwise exempt from s. 119.07(1), as provided by
27 law.

28 ~~(2)(5)~~ Notwithstanding any other provisions of this
29 chapter part, the name, photograph, address, and crime or
30 arrest report of a child:
31

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

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

7 (c) Transferred to the adult system under ~~pursuant to~~
8 s. 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56
9 ~~985.225~~, or waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;

10 (d) Taken into custody by a law enforcement officer
11 for a violation of law subject to ~~the provisions of~~ s. 985.557
12 ~~985.227~~(2)(b) or (d); or

13 (e) Transferred to the adult system but sentenced to
14 the juvenile system under ~~pursuant to~~ s. 985.565 ~~985.233~~

15
16 shall not be considered confidential and exempt from ~~the~~
17 ~~provisions of~~ s. 119.07(1) solely because of the child's age.

18 ~~(3)(6)~~ A law enforcement agency may release a copy
19 ~~This part does not prohibit the release~~ of the juvenile
20 offense report ~~by a law enforcement agency~~ to the victim of
21 the offense. However, information gained by the victim under
22 ~~pursuant to~~ this chapter, including the next of kin of a
23 homicide victim, regarding any case handled in juvenile court,
24 must not be revealed to any outside party, except as is
25 reasonably necessary in pursuit of legal remedies.

26 ~~(4)(7)~~(a) Notwithstanding any other provision of this
27 section, when a child of any age is taken into custody by a
28 law enforcement officer for an offense that would have been a
29 felony if committed by an adult, or a crime of violence, the
30 law enforcement agency must notify the superintendent of
31

1 | schools that the child is alleged to have committed the
2 | delinquent act.

3 | (b) Notwithstanding paragraph (a) or any other
4 | provision of this section, when a child of any age is formally
5 | charged by a state attorney with a felony or a delinquent act
6 | that would be a felony if committed by an adult, the state
7 | attorney shall notify the superintendent of the child's school
8 | that the child has been charged with such felony or delinquent
9 | act. The information obtained by the superintendent of schools
10 | under ~~pursuant to~~ this section must be released within 48
11 | hours after receipt to appropriate school personnel, including
12 | the principal of the school of the child. The principal must
13 | immediately notify the child's immediate classroom teachers.
14 | Upon notification, the principal is authorized to begin
15 | disciplinary actions under ~~pursuant to~~ s. 1006.09(1)-(4).

16 | ~~(c)(b)~~ The department shall disclose to the school
17 | superintendent the presence of any child in the care and
18 | custody or under the jurisdiction or supervision of the
19 | department who has a known history of criminal sexual behavior
20 | with other juveniles; is an alleged juvenile sexual ~~sex~~
21 | offender, as defined in s. 39.01; or has pled guilty or nolo
22 | contendere to, or has been found to have committed, a
23 | violation of chapter 794, chapter 796, chapter 800, s.
24 | 827.071, or s. 847.0133, regardless of adjudication. Any
25 | employee of a district school board who knowingly and
26 | willfully discloses such information to an unauthorized person
27 | commits a misdemeanor of the second degree, punishable as
28 | provided in s. 775.082 or s. 775.083.

29 | ~~(5)(1)~~ Authorized agents of the Department of Juvenile
30 | Justice may administer oaths and affirmations.

31 |

1 ~~(6)(2)~~ Records maintained by the department ~~of~~
2 ~~Juvenile Justice~~, including copies of records maintained by
3 the court, which pertain to a child found to have committed a
4 delinquent act which, if committed by an adult, would be a
5 crime specified in ss. 435.03 and 435.04 may not be destroyed
6 under ~~pursuant to~~ this section for a period of 25 years after
7 the youth's final referral to the department, except in cases
8 of the death of the child. Such records, however, shall be
9 sealed by the court for use only in meeting the screening
10 requirements for personnel in s. 402.3055 and the other
11 sections cited above, or under ~~pursuant to~~ departmental rule;
12 however, current criminal history information must be obtained
13 from the Department of Law Enforcement in accordance with s.
14 943.053. The information shall be released to those persons
15 specified in the above cited sections for the purposes of
16 complying with those sections. The court may punish by
17 contempt any person who releases or uses the records for any
18 unauthorized purpose.

19 ~~(7)(4)~~(a) Records in the custody of the department ~~of~~
20 ~~Juvenile Justice~~ regarding children are not open to inspection
21 by the public. Such records may be inspected only upon order
22 of the Secretary of Juvenile Justice or his or her authorized
23 agent by persons who have sufficient reason and upon such
24 conditions for their use and disposition as the secretary or
25 his or her authorized agent deems proper. The information in
26 such records may be disclosed only to other employees of the
27 department ~~of Juvenile Justice~~ who have a need therefor in
28 order to perform their official duties ~~duty~~; to other persons
29 as authorized by rule of the department ~~of Juvenile Justice~~;
30 and, upon request, to the Department of Corrections. The
31 secretary or his or her authorized agent may permit properly

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

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

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

18 Section 13. Section 985.05, Florida Statutes, is
19 renumbered as section 985.045, Florida Statutes, and amended
20 to read:

21 985.045 ~~985.05~~ Court records.--

22 (1) The clerk of the court shall make and keep records
23 of all cases brought before it under ~~pursuant to~~ this chapter
24 ~~part~~. The court shall preserve the records pertaining to a
25 child charged with committing a delinquent act or violation of
26 law until the child reaches 24 years of age or reaches 26
27 years of age if he or she is a serious or habitual delinquent
28 child, until 5 years after the last entry was made, or until 3
29 years after the death of the child, whichever is earlier, and
30 may then destroy them, except that records made of traffic
31 offenses in which there is no allegation of delinquency may be

1 destroyed as soon as this can be reasonably accomplished. The
2 court shall make official records of all petitions and orders
3 filed in a case arising under ~~pursuant to~~ this chapter part
4 and of any other pleadings, certificates, proofs of
5 publication, summonses, warrants, and writs that are filed
6 pursuant to the case.

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

28 (3) All orders of the court entered under ~~pursuant to~~
29 this chapter part must be in writing and signed by the judge,
30 except that the clerk or deputy clerk may sign a summons or
31 notice to appear.

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

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

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

13 (c) Records of proceedings under this chapter ~~part~~
14 forming a part of the record on appeal must be used in the
15 appellate court in the manner provided in s. 985.534 ~~985.234~~.

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

20 (e) Records of proceedings under this chapter ~~part~~ may
21 be used to prove disqualification under ~~pursuant to~~ ss.
22 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313,
23 409.175, 409.176, and 985.644 ~~985.407~~.

24 Section 14. Sections 985.06 and 985.08, Florida
25 Statutes, are renumbered as sections 985.046 and 985.047,
26 Florida Statutes, respectively.

27 Section 15. Section 985.207, Florida Statutes, is
28 amended and renumbered as section 985.101, Florida Statutes,
29 and subsection (3) of section 985.215, Florida Statutes, is
30 renumbered as subsection (2) of section 985.101, Florida
31 Statutes, and amended to read:

1 985.101 ~~985.207~~ Taking a child into custody.--

2 (1) A child may be taken into custody under the
3 following circumstances:

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

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

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

29 (d) By a law enforcement officer who has probable
30 cause to believe that the child is in violation of the
31 conditions of the child's probation, home detention,

1 postcommitment probation, or conditional release supervision
2 or has escaped from commitment.

3
4 Nothing in this subsection shall be construed to allow the
5 detention of a child who does not meet the detention criteria
6 in part V s. 985.215.

7 ~~(2)(3)~~ Except in emergency situations, a child may not
8 be placed into or transported in any police car or similar
9 vehicle that at the same time contains an adult under arrest,
10 unless the adult is alleged or believed to be involved in the
11 same offense or transaction as the child.

12 ~~(3)(2)~~ When a child is taken into custody as provided
13 in this section, the person taking the child into custody
14 shall attempt to notify the parent, guardian, or legal
15 custodian of the child. The person taking the child into
16 custody shall continue such attempt until the parent,
17 guardian, or legal custodian of the child is notified or the
18 child is delivered to a juvenile probation officer under ss.
19 985.14 and 985.145 ~~pursuant to s. 985.21~~, whichever occurs
20 first. If the child is delivered to a juvenile probation
21 officer before the parent, guardian, or legal custodian is
22 notified, the juvenile probation officer shall continue the
23 attempt to notify until the parent, guardian, or legal
24 custodian of the child is notified. Following notification,
25 the parent or guardian must provide identifying information,
26 including name, address, date of birth, social security
27 number, and driver's license number or identification card
28 number of the parent or guardian to the person taking the
29 child into custody or the juvenile probation officer.

30 ~~(4)(3)~~ Taking a child into custody is not an arrest
31 except for the purpose of determining whether the taking into

1 custody or the obtaining of any evidence in conjunction
2 therewith is lawful.

3 Section 16. Section 985.2075, Florida Statutes, is
4 renumbered as section 985.105, Florida Statutes.

5 Section 17. Section 985.212, Florida Statutes, is
6 renumbered as section 985.11, Florida Statutes, and paragraph
7 (b) of subsection (1) of that section is amended to read:

8 985.11 ~~985.212~~ Fingerprinting and photographing.--

9 (1)

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

14 1. Assault, as defined in s. 784.011.

15 2. Battery, as defined in s. 784.03.

16 3. Carrying a concealed weapon, as defined in s.
17 790.01(1).

18 4. Unlawful use of destructive devices or bombs, as
19 defined in s. 790.1615(1).

20 5. Negligent treatment of children, as defined in
21 former s. 827.05.

22 6. Assault on a law enforcement officer, a
23 firefighter, or other specified officers, as defined in s.
24 784.07(2)(a).

25 7. Open carrying of a weapon, as defined in s.
26 790.053.

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

28 9. Unlawful possession of a firearm, as defined in s.
29 790.22(5).

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

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

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

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

6
7 A law enforcement agency may fingerprint and photograph a
8 child taken into custody upon probable cause that such child
9 has committed any other violation of law, as the agency deems
10 appropriate. Such fingerprint records and photographs shall be
11 retained by the law enforcement agency in a separate file, and
12 these records and all copies thereof must be marked "Juvenile
13 Confidential." These records are not available for public
14 disclosure and inspection under s. 119.07(1) except as
15 provided in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be
16 available to other law enforcement agencies, criminal justice
17 agencies, state attorneys, the courts, the child, the parents
18 or legal custodians of the child, their attorneys, and any
19 other person authorized by the court to have access to such
20 records. In addition, such records may be submitted to the
21 Department of Law Enforcement for inclusion in the state
22 criminal history records and used by criminal justice agencies
23 for criminal justice purposes. These records may, in the
24 discretion of the court, be open to inspection by anyone upon
25 a showing of cause. The fingerprint and photograph records
26 shall be produced in the court whenever directed by the court.
27 Any photograph taken pursuant to this section may be shown by
28 a law enforcement officer to any victim or witness of a crime
29 for the purpose of identifying the person who committed such
30 crime.

1 Section 18. Subsections (2) and (5) of section
2 985.211, Florida Statutes, are renumbered, respectively, as
3 subsections (2) and (3) of section 985.115, Florida Statutes,
4 and subsections (1) and (7) of section 985.211, Florida
5 Statutes, are renumbered, respectively, as subsections (1) and
6 (4) of section 985.115, Florida Statutes, and amended to read:

7 985.115 ~~985.211~~ Release or delivery from custody.--

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

10 (2) Unless otherwise ordered by the court under s.
11 985.255 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there
12 is a need to hold the child, a person taking a child into
13 custody shall attempt to release the child as follows:

14 (a) To the child's parent, guardian, or legal
15 custodian or, if the child's parent, guardian, or legal
16 custodian is unavailable, unwilling, or unable to provide
17 supervision for the child, to any responsible adult. Prior to
18 releasing the child to a responsible adult, other than the
19 parent, guardian, or legal custodian, the person taking the
20 child into custody may conduct a criminal history background
21 check of the person to whom the child is to be released. If
22 the person has a prior felony conviction, or a conviction for
23 child abuse, drug trafficking, or prostitution, that person is
24 not a responsible adult for the purposes of this section. The
25 person to whom the child is released shall agree to inform the
26 department or the person releasing the child of the child's
27 subsequent change of address and to produce the child in court
28 at such time as the court may direct, and the child shall join
29 in the agreement.

30
31

1 (b) Contingent upon specific appropriation, to a
2 shelter approved by the department or to an authorized agent
3 under ~~pursuant to~~ s. 39.401(2)(b).

4 (c) If the child is believed to be suffering from a
5 serious physical condition which requires either prompt
6 diagnosis or prompt treatment, to a law enforcement officer
7 who shall deliver the child to a hospital for necessary
8 evaluation and treatment.

9 (d) If the child is believed to be mentally ill as
10 defined in s. 394.463(1), to a law enforcement officer who
11 shall take the child to a designated public receiving facility
12 as defined in s. 394.455 for examination under ~~pursuant to the~~
13 ~~provisions of~~ s. 394.463.

14 (e) If the child appears to be intoxicated and has
15 threatened, attempted, or inflicted physical harm on himself
16 or herself or another, or is incapacitated by substance abuse,
17 to a law enforcement officer who shall deliver the child to a
18 hospital, addictions receiving facility, or treatment
19 resource.

20 (f) If available, to a juvenile assessment center
21 equipped and staffed to assume custody of the child for the
22 purpose of assessing the needs of the child in custody. The
23 center may then release or deliver the child under ~~pursuant to~~
24 this section with a copy of the assessment.

25 ~~(3)(5)~~ Upon taking a child into custody, a law
26 enforcement officer may deliver the child, for temporary
27 custody not to exceed 6 hours, to a secure booking area of a
28 jail or other facility intended or used for the detention of
29 adults, for the purpose of fingerprinting or photographing the
30 child or awaiting appropriate transport to the department or
31 as provided in s. 985.13(2) ~~subsection (4)~~, provided no

1 regular sight and sound contact between the child and adult
2 inmates or trustees is permitted and the receiving facility
3 has adequate staff to supervise and monitor the child's
4 activities at all times.

5 ~~(4)(7)~~ Nothing in this section or s. 985.13 shall
6 prohibit the proper use of law enforcement diversion programs.
7 Law enforcement agencies may initiate and conduct diversion
8 programs designed to divert a child from the need for
9 department custody or judicial handling. Such programs may be
10 cooperative projects with local community service agencies.

11 Section 19. Section 985.301, Florida Statutes, is
12 renumbered as section 985.12, Florida Statutes, and subsection
13 (4) of that section is amended to read:

14 985.12 ~~985.301~~ Civil citation.--

15 (4) If the juvenile fails to report timely for a work
16 assignment, complete a work assignment, or comply with
17 assigned intervention services within the prescribed time, or
18 if the juvenile commits a third or subsequent misdemeanor, the
19 law enforcement officer shall issue a report alleging the
20 child has committed a delinquent act, at which point a
21 juvenile probation officer shall perform a preliminary
22 determination as provided under s. 985.145 ~~985.21(4)~~.

23 Section 20. Section 985.3065, Florida Statutes, is
24 renumbered as section 985.125, Florida Statutes.

25 Section 21. Subsections (3), (4), and (6) of section
26 985.211, Florida Statutes, are renumbered as section 985.13,
27 Florida Statutes, and amended to read:

28 985.13 Probable cause affidavits.--

29 ~~(1)(3)~~ If the child is released, the person taking the
30 child into custody shall make a written report or probable
31 cause affidavit to the appropriate juvenile probation officer

1 within 24 hours after such release, stating the facts and the
2 reason for taking the child into custody. Such written report
3 or probable cause affidavit shall:

4 (a) Identify the child, the parents, guardian, or
5 legal custodian, and the person to whom the child was
6 released.

7 (b) Contain sufficient information to establish the
8 jurisdiction of the court and to make a prima facie showing
9 that the child has committed a violation of law or a
10 delinquent act.

11 ~~(2)(4)~~ A person taking a child into custody who
12 determines, under part V ~~pursuant to s. 985.215~~, that the
13 child should be detained or released to a shelter designated
14 by the department, shall make a reasonable effort to
15 immediately notify the parent, guardian, or legal custodian of
16 the child and shall, without unreasonable delay, deliver the
17 child to the appropriate juvenile probation officer or, if the
18 court has so ordered under ~~pursuant to s. 985.255 or s. 985.26~~
19 ~~985.215~~, to a detention center or facility. Upon delivery of
20 the child, the person taking the child into custody shall make
21 a written report or probable cause affidavit to the
22 appropriate juvenile probation officer. Such written report or
23 probable cause affidavit must:

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

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

30 ~~(3)(6)~~(a) A copy of the probable cause affidavit or
31 written report made by the person taking the child into

1 custody shall be filed, by the law enforcement agency which
2 employs the person making such affidavit or written report,
3 with the clerk of the circuit court for the county in which
4 the child is taken into custody or in which the affidavit or
5 report is made within 24 hours after the affidavit or report
6 is made, excluding Saturdays, Sundays, and legal holidays.
7 Such affidavit or report is a case for the purpose of
8 assigning a uniform case number under ~~pursuant to~~ this
9 subsection.

10 (b) Upon the filing of a copy of a probable cause
11 affidavit or written report by a law enforcement agency with
12 the clerk of the circuit court, the clerk shall immediately
13 assign a uniform case number to the affidavit or report,
14 forward a copy to the state attorney, and forward a copy to
15 the intake office of the department which serves the county in
16 which the case arose.

17 (c) Each letter of recommendation, written notice,
18 report, or other paper required by law pertaining to the case
19 shall bear the uniform case number of the case, and a copy
20 shall be filed with the clerk of the circuit court by the
21 issuing agency. The issuing agency shall furnish copies to the
22 juvenile probation officer and the state attorney.

23 (d) Upon the filing of a petition based on the
24 allegations of a previously filed probable cause affidavit or
25 written report, the agency filing the petition shall include
26 the appropriate uniform case number on the petition.

27 Section 22. Section 985.209, Florida Statutes, is
28 renumbered as section 985.135, Florida Statutes.

29 Section 23. Subsections (1) and (2) of section 985.21,
30 Florida Statutes, are renumbered as section 985.14, Florida
31 Statutes, and amended to read:

1 985.14 ~~985.21~~ Intake and case management system.--
2 (1)(a) ~~During the intake process, the juvenile~~
3 ~~probation officer shall screen each child or shall cause each~~
4 ~~child to be screened in order to determine:~~
5 1. ~~Appropriateness for release, referral to a~~
6 ~~diversionary program including, but not limited to, a~~
7 ~~teen court program, referral for community arbitration, or~~
8 ~~referral to some other program or agency for the purpose of~~
9 ~~nonofficial or nonjudicial handling.~~
10 2. ~~The presence of medical, psychiatric,~~
11 ~~psychological, substance abuse, educational, or vocational~~
12 ~~problems, or other conditions that may have caused the child~~
13 ~~to come to the attention of law enforcement or the Department~~
14 ~~of Juvenile Justice. The child shall also be screened to~~
15 ~~determine whether the child poses a danger to himself or~~
16 ~~herself or others in the community. The results of this~~
17 ~~screening shall be made available to the court and to court~~
18 ~~officers. In cases where such conditions are identified, and a~~
19 ~~nonjudicial handling of the case is chosen, the juvenile~~
20 ~~probation officer shall attempt to refer the child to a~~
21 ~~program or agency, together with all available and relevant~~
22 ~~assessment information concerning the child's precipitating~~
23 ~~condition.~~
24 3. The department ~~of Juvenile Justice~~ shall develop an
25 intake and a case management system whereby a child brought
26 into intake is assigned a juvenile probation officer if the
27 child was not released, referred to a diversionary program,
28 referred for community arbitration, or referred to some other
29 program or agency for the purpose of nonofficial or
30 nonjudicial handling, and shall make every reasonable effort
31 to provide case management services for the child; provided,

1 however, that case management for children committed to
2 residential programs may be transferred as provided in s.
3 985.46 ~~985.316~~.

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

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

24 ~~a. Ensuring that a risk assessment instrument~~
25 ~~establishing the child's eligibility for detention has been~~
26 ~~accurately completed and that the appropriate recommendation~~
27 ~~was made to the court.~~

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

30 ~~c. Performing the preliminary screening and making~~
31 ~~referrals for comprehensive assessment regarding the child's~~

1 ~~need for substance abuse treatment services, mental health~~
2 ~~services, retardation services, literacy services, or other~~
3 ~~educational or treatment services.~~

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

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

26
27 ~~The Department of Juvenile Justice shall annually advise the~~
28 ~~Legislature and the Executive Office of the Governor of the~~
29 ~~resources needed in order for the intake and case management~~
30 ~~system to maintain a staff to client ratio that is consistent~~
31 ~~with accepted standards and allows the necessary supervision~~

1 ~~and services for each child. The intake process and case~~
2 ~~management system shall provide a comprehensive approach to~~
3 ~~assessing the child's needs, relative risks, and most~~
4 ~~appropriate handling, and shall be based on an individualized~~
5 ~~treatment plan.~~

6 ~~(3)(b)~~ The intake and case management system shall
7 facilitate consistency in the recommended placement of each
8 child, and in the assessment, classification, and placement
9 process, with the following purposes:

10 ~~(a)1-~~ An individualized, multidisciplinary assessment
11 process that identifies the priority needs of each individual
12 child for rehabilitation and treatment and identifies any
13 needs of the child's parents or guardians for services that
14 would enhance their ability to provide adequate support,
15 guidance, and supervision for the child. This process shall
16 begin with the detention risk assessment instrument and
17 decision, shall include the intake preliminary screening and
18 comprehensive assessment for substance abuse treatment
19 services, mental health services, retardation services,
20 literacy services, and other educational and treatment
21 services as components, additional assessment of the child's
22 treatment needs, and classification regarding the child's
23 risks to the community and, for a serious or habitual
24 delinquent child, shall include the assessment for placement
25 in a serious or habitual delinquent children program under
26 ~~pursuant to s. 985.47 985.31.~~ The completed multidisciplinary
27 assessment process shall result in the predisposition report.

28 ~~(b)2-~~ A classification system that assigns a relative
29 risk to the child and the community based upon assessments
30 including the detention risk assessment results when available
31

1 to classify the child's risk as it relates to placement and
2 supervision alternatives.

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

7 (4) The department shall annually advise the
8 Legislature and the Executive Office of the Governor of the
9 resources needed in order for the intake and case management
10 system to maintain a staff-to-client ratio that is consistent
11 with accepted standards and allows the necessary supervision
12 and services for each child. The intake process and case
13 management system shall provide a comprehensive approach to
14 assessing the child's needs, relative risks, and most
15 appropriate handling, and shall be based on an individualized
16 treatment plan.

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

1 ~~disposition hearing, a preliminary screening of the child and~~
2 ~~family for substance abuse and mental health services.~~

3 Section 24. Subsections (3), (4), and (5) of section
4 985.21, Florida Statutes, are renumbered as section 985.145,
5 Florida Statutes, and amended to read:

6 985.145 Responsibilities of juvenile probation officer
7 during intake; screenings and assessments.--

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

18 ~~(a)(3)~~ Reviewing probable cause affidavit.--The
19 juvenile probation officer shall make a preliminary
20 determination as to whether the report, affidavit, or
21 complaint is complete, consulting with the state attorney as
22 may be necessary. A report, affidavit, or complaint alleging
23 that a child has committed a delinquent act or violation of
24 law shall be made to the intake office operating in the county
25 in which the child is found or in which the delinquent act or
26 violation of law occurred. Any person or agency having
27 knowledge of the facts may make such a written report,
28 affidavit, or complaint and shall furnish to the intake office
29 facts sufficient to establish the jurisdiction of the court
30 and to support a finding by the court that the child has
31 committed a delinquent act or violation of law.

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

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

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

26 2. The presence of medical, psychiatric,
27 psychological, substance abuse, educational, or vocational
28 problems, or other conditions that may have caused the child
29 to come to the attention of law enforcement or the department.
30 The child shall also be screened to determine whether the
31 child poses a danger to himself or herself or others in the

1 community. The results of this screening shall be made
2 available to the court and to court officers. In cases where
3 such conditions are identified and a nonjudicial handling of
4 the case is chosen, the juvenile probation officer shall
5 attempt to refer the child to a program or agency, together
6 with all available and relevant assessment information
7 concerning the child's precipitating condition.

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

13 (e) Rights.--The juvenile probation officer shall
14 inquire as to whether the child understands his or her rights
15 to counsel and against self-incrimination.

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

29 (g) Comprehensive assessment.--The juvenile probation
30 officer, pursuant to uniform procedures established by the
31

1 department and upon determining that the report, affidavit, or
2 complaint is complete, shall:

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

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

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

19 (h) Referrals for services.--The juvenile probation
20 officer shall make recommendations for services and facilitate
21 the delivery of those services to the child, including any
22 mental health services, educational services, family
23 counseling services, family assistance services, and substance
24 abuse services.

25 (i) Recommendation concerning a petition.--Upon
26 determining that the report, affidavit, or complaint complies
27 with the standards of a probable cause affidavit and that the
28 interest of the child and the public will be best served, the
29 juvenile probation officer may recommend that a delinquency
30 petition not be filed. If such a recommendation is made, the
31 juvenile probation officer shall advise in writing the person

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

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

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

4 ~~1. When indicated by the preliminary screening,~~
5 ~~provide for a comprehensive assessment of the child and family~~
6 ~~for substance abuse problems, using community based licensed~~
7 ~~programs with clinical expertise and experience in the~~
8 ~~assessment of substance abuse problems.~~

9 ~~2. When indicated by the preliminary screening,~~
10 ~~provide for a comprehensive assessment of the child and family~~
11 ~~for mental health problems, using community based~~
12 ~~psychologists, psychiatrists, or other licensed mental health~~
13 ~~professionals with clinical expertise and experience in the~~
14 ~~assessment of mental health problems.~~

15
16 ~~When indicated by the comprehensive assessment, the department~~
17 ~~is authorized to contract within appropriated funds for~~
18 ~~services with a local nonprofit community mental health or~~
19 ~~substance abuse agency licensed or authorized under chapter~~
20 ~~394, or chapter 397, or other authorized nonprofit social~~
21 ~~service agency providing related services. The determination~~
22 ~~of mental health or substance abuse services shall be~~
23 ~~conducted in coordination with existing programs providing~~
24 ~~mental health or substance abuse services in conjunction with~~
25 ~~the intake office. Client information resulting from the~~
26 ~~screening and evaluation shall be documented pursuant to rules~~
27 ~~established by the department and shall serve to assist the~~
28 ~~juvenile probation officer in providing the most appropriate~~
29 ~~services and recommendations in the least intrusive manner.~~
30 ~~Such client information shall be used in the multidisciplinary~~
31 ~~assessment and classification of the child, but such~~

1 ~~information, and any information obtained directly or~~
2 ~~indirectly through the assessment process, is inadmissible in~~
3 ~~court prior to the disposition hearing, unless the child's~~
4 ~~written consent is obtained. At the disposition hearing,~~
5 ~~documented client information shall serve to assist the court~~
6 ~~in making the most appropriate custody, adjudicatory, and~~
7 ~~dispositional decision. If the screening and assessment~~
8 ~~indicate that the interest of the child and the public will be~~
9 ~~best served thereby, the juvenile probation officer, with the~~
10 ~~approval of the state attorney, may refer the child for care,~~
11 ~~diagnostic and evaluation services, substance abuse treatment~~
12 ~~services, mental health services, retardation services, a~~
13 ~~diversionary or arbitration or mediation program, community~~
14 ~~service work, or other programs or treatment services~~
15 ~~voluntarily accepted by the child and the child's parents or~~
16 ~~legal guardians. The victim, if any, and the law enforcement~~
17 ~~agency which investigated the offense shall be notified~~
18 ~~immediately by the state attorney of the action taken under~~
19 ~~this paragraph. Whenever a child volunteers to participate in~~
20 ~~any work program under this chapter or volunteers to work in a~~
21 ~~specified state, county, municipal, or community service~~
22 ~~organization supervised work program or to work for the~~
23 ~~victim, the child shall be considered an employee of the state~~
24 ~~for the purposes of liability. In determining the child's~~
25 ~~average weekly wage, unless otherwise determined by a specific~~
26 ~~funding program, all remuneration received from the employer~~
27 ~~is considered a gratuity, and the child is not entitled to any~~
28 ~~benefits otherwise payable under s. 440.15, regardless of~~
29 ~~whether the child may be receiving wages and remuneration from~~
30 ~~other employment with another employer and regardless of the~~
31 ~~child's future wage earning capacity.~~

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

20 ~~(c) Subject to the interagency agreement authorized~~
21 ~~under this paragraph, the juvenile probation officer for each~~
22 ~~case in which a child is alleged to have committed a violation~~
23 ~~of law or delinquent act and is not detained shall submit a~~
24 ~~written report to the state attorney, including the original~~
25 ~~report, complaint, or affidavit, or a copy thereof, including~~
26 ~~a copy of the child's prior juvenile record, within 20 days~~
27 ~~after the date the child is taken into custody. In cases in~~
28 ~~which the child is in detention, the intake office report must~~
29 ~~be submitted within 24 hours after the child is placed into~~
30 ~~detention. The intake office report may include a~~
31 ~~recommendation that a petition or information be filed or that~~

1 ~~no petition or information be filed, and may set forth reasons~~
2 ~~for the recommendation. The State Attorney and the Department~~
3 ~~of Juvenile Justice may, on a district by district basis,~~
4 ~~enter into interagency agreements denoting the cases that will~~
5 ~~require a recommendation and those for which a recommendation~~
6 ~~is unnecessary.~~

7 ~~(d) The state attorney may in all cases take action~~
8 ~~independent of the action or lack of action of the juvenile~~
9 ~~probation officer, and shall determine the action which is in~~
10 ~~the best interest of the public and the child. If the child~~
11 ~~meets the criteria requiring prosecution as an adult pursuant~~
12 ~~to s. 985.226, the state attorney shall request the court to~~
13 ~~transfer and certify the child for prosecution as an adult or~~
14 ~~shall provide written reasons to the court for not making such~~
15 ~~request. In all other cases, the state attorney may:~~

- 16 ~~1. File a petition for dependency;~~
- 17 ~~2. File a petition pursuant to chapter 984;~~
- 18 ~~3. File a petition for delinquency;~~
- 19 ~~4. File a petition for delinquency with a motion to~~
20 ~~transfer and certify the child for prosecution as an adult;~~
- 21 ~~5. File an information pursuant to s. 985.227;~~
- 22 ~~6. Refer the case to a grand jury;~~
- 23 ~~7. Refer the child to a diversionary, pretrial~~
24 ~~intervention, arbitration, or mediation program, or to some~~
25 ~~other treatment or care program if such program commitment is~~
26 ~~voluntarily accepted by the child or the child's parents or~~
27 ~~legal guardians; or~~
- 28 ~~8. Decline to file.~~

29 ~~(e) In cases in which a delinquency report, affidavit,~~
30 ~~or complaint is filed by a law enforcement agency and the~~
31 ~~state attorney determines not to file a petition, the state~~

1 ~~attorney shall advise the clerk of the circuit court in~~
2 ~~writing that no petition will be filed thereon.~~

3 ~~(2)(5)~~ Prior to requesting that a delinquency petition
4 be filed or prior to filing a dependency petition, the
5 juvenile probation officer may request the parent or legal
6 guardian of the child to attend a course of instruction in
7 parenting skills, training in conflict resolution, and the
8 practice of nonviolence; to accept counseling; or to receive
9 other assistance from any agency in the community which
10 notifies the clerk of the court of the availability of its
11 services. Where appropriate, the juvenile probation officer
12 shall request both parents or guardians to receive such
13 parental assistance. The juvenile probation officer may, in
14 determining whether to request that a delinquency petition be
15 filed, take into consideration the willingness of the parent
16 or legal guardian to comply with such request. The parent or
17 guardian must provide the juvenile probation officer with
18 identifying information, including the parent's or guardian's
19 name, address, date of birth, social security number, and
20 driver's license number or identification card number in order
21 to comply with s. 985.039 ~~985.2311~~.

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

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

14 (5) If the screening and assessment indicate that the
15 interest of the child and the public will be best served
16 thereby, the juvenile probation officer, with the approval of
17 the state attorney, may refer the child for care, diagnostic,
18 and evaluation services; substance abuse treatment services;
19 mental health services; retardation services; a diversionary,
20 arbitration, or mediation program; community service work; or
21 other programs or treatment services voluntarily accepted by
22 the child and the child's parents or legal guardian. Whenever
23 a child volunteers to participate in any work program under
24 this chapter or volunteers to work in a specified state,
25 county, municipal, or community service organization
26 supervised work program or to work for the victim, the child
27 shall be considered an employee of the state for the purposes
28 of liability. In determining the child's average weekly wage,
29 unless otherwise determined by a specific funding program, all
30 remuneration received from the employer is considered a
31 gratuity, and the child is not entitled to any benefits

1 otherwise payable under s. 440.15, regardless of whether the
2 child may be receiving wages and remuneration from other
3 employment with another employer and regardless of the child's
4 future wage-earning capacity.

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

8 Section 25. Section 985.15, Florida Statutes, is
9 created to read:

10 985.15 Filing decisions.--

11 (1) The state attorney may in all cases take action
12 independent of the action or lack of action of the juvenile
13 probation officer and shall determine the action that is in
14 the best interest of the public and the child. If the child
15 meets the criteria requiring prosecution as an adult under s.
16 985.556, the state attorney shall request the court to
17 transfer and certify the child for prosecution as an adult or
18 shall provide written reasons to the court for not making such
19 a request. In all other cases, the state attorney may:

20 (a) File a petition for dependency;

21 (b) File a petition under chapter 984;

22 (c) File a petition for delinquency;

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

25 (e) File an information under s. 985.557;

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

27 (g) Refer the child to a diversionary, pretrial
28 intervention, arbitration, or mediation program, or to some
29 other treatment or care program if such program commitment is
30 voluntarily accepted by the child or the child's parents or
31 legal guardian; or

1 (h) Decline to file.

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

7 Section 26. Section 985.303, Florida Statutes, is
8 renumbered as section 985.155, Florida Statutes.

9 Section 27. Section 985.304, Florida Statutes, is
10 renumbered as section 985.16, Florida Statutes, and subsection
11 (3) of that section is amended to read:

12 985.16 ~~985.304~~ Community arbitration.--

13 (3) COMMUNITY ARBITRATORS.--The chief judge of each
14 judicial circuit shall maintain a list of qualified persons
15 who have agreed to serve as community arbitrators for the
16 purpose of carrying out the provisions of this ~~chapter part~~.
17 Community arbitrators shall meet the qualification and
18 training requirements adopted in rule by the Supreme Court.
19 Whenever possible, qualified volunteers shall be used as
20 community arbitrators.

21 (a) Each community arbitrator or member of a community
22 arbitration panel shall be selected by the chief judge of the
23 circuit, the senior circuit court judge assigned to juvenile
24 cases in the circuit, and the state attorney. A community
25 arbitrator or, in the case of a panel, the chief arbitrator
26 shall have such powers as are necessary to conduct the
27 proceedings in a fair and expeditious manner.

28 (b) A community arbitrator or member of a community
29 arbitration panel shall be trained or experienced in juvenile
30 causes and shall be:

31

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

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

7 Section 28. Subsections (1) through (4) and (5)
8 through (8) of section 985.224, Florida Statutes, are
9 renumbered, respectively, as subsections (1) through (4) and
10 (6) through (9) of section 985.18, Florida Statutes, and
11 paragraph (e) of subsection (10) of section 985.215, Florida
12 Statutes, is renumbered as subsection (5) of section 985.18,
13 Florida Statutes.

14 Section 29. Subsections (1) and (2) of section
15 985.229, Florida Statutes, are renumbered as section 985.185,
16 Florida Statutes, and amended to read:

17 985.185 Evaluations for disposition.--

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

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

18 (2) ~~The court shall consider the child's entire~~
19 ~~assessment and predisposition report and shall review the~~
20 ~~records of earlier judicial proceedings~~ Prior to making a
21 final disposition of the case, the court may, by order,
22 require additional evaluations and studies to be performed by
23 the department, by the county school system, or by any social,
24 psychological, or psychiatric agencies of the state. The court
25 shall order the educational needs assessment completed under
26 s. 985.18(2) ~~pursuant to s. 985.224(2)~~ to be included in the
27 assessment and predisposition report.

28 Section 30. Sections 985.223 and 985.418, Florida
29 Statutes, are renumbered, respectively, as sections 985.19 and
30 985.195, Florida Statutes.

31

1 Section 31. Subsections (1) and (4) of section
2 985.213, Florida Statutes, are renumbered as subsections (1)
3 and (4) of section 985.24, Florida Statutes, and subsections
4 (1) and (2) of section 985.214, Florida Statutes, are
5 renumbered as subsections (2) and (3) of section 985.24,
6 Florida Statutes, and amended to read:

7 985.24 ~~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 ~~985.214 Prohibited uses of detention.~~

26 ~~(2)(1)~~ A child alleged to have committed a delinquent
27 act or violation of law may not be placed into secure,
28 nonsecure, or home detention care for any of the following
29 reasons:

30 (a) To allow a parent to avoid his or her legal
31 responsibility.

1 (b) To permit more convenient administrative access to
2 the child.

3 (c) To facilitate further interrogation or
4 investigation.

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

6 ~~(3)(2)~~ A child alleged to be dependent under ~~part II~~
7 ~~of~~ chapter 39 may not, under any circumstances, be placed into
8 secure detention care.

9 (4) The department ~~of Juvenile Justice~~ shall continue
10 to identify alternatives to secure detention care and shall
11 develop such alternatives and annually submit them to the
12 Legislature for authorization and appropriation.

13 Section 32. Subsection (2) of section 985.213, Florida
14 Statutes, is renumbered as section 985.245, Florida Statutes,
15 and amended to read:

16 985.245 Risk assessment instrument.--

17 ~~(1)(2)(a)~~ All determinations and court orders
18 regarding placement of a child into detention care shall
19 comply with all requirements and criteria provided in this
20 part and shall be based on a risk assessment of the child,
21 unless the child is placed into detention care as provided in
22 s. 985.255(2) ~~subparagraph (b)3~~.

23 ~~(2)(a)(b)1~~. The risk assessment instrument for
24 detention care placement determinations and orders shall be
25 developed by the department ~~of Juvenile Justice~~ in agreement
26 with representatives appointed by the following associations:
27 the Conference of Circuit Judges of Florida, the Prosecuting
28 Attorneys Association, the Public Defenders Association, the
29 Florida Sheriffs Association, and the Florida Association of
30 Chiefs of Police. Each association shall appoint two
31 individuals, one representing an urban area and one

1 representing a rural area. The parties involved shall evaluate
2 and revise the risk assessment instrument as is considered
3 necessary using the method for revision as agreed by the
4 parties.

5 **(b)** The risk assessment instrument shall take into
6 consideration, but need not be limited to, prior history of
7 failure to appear, prior offenses, offenses committed pending
8 adjudication, any unlawful possession of a firearm, theft of a
9 motor vehicle or possession of a stolen motor vehicle, and
10 probation status at the time the child is taken into custody.
11 The risk assessment instrument shall also take into
12 consideration appropriate aggravating and mitigating
13 circumstances, and shall be designed to target a narrower
14 population of children than s. 985.255 ~~985.215(2)~~. The risk
15 assessment instrument shall also include any information
16 concerning the child's history of abuse and neglect. The risk
17 assessment shall indicate whether detention care is warranted,
18 and, if detention care is warranted, whether the child should
19 be placed into secure, nonsecure, or home detention care.

20 ~~(3)2-~~ If, at the detention hearing, the court finds a
21 material error in the scoring of the risk assessment
22 instrument, the court may amend the score to reflect factual
23 accuracy.

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

- 28 ~~a. Respite care for the child is not available; and~~
29 ~~b. It is necessary to place the child in secure~~
30 ~~detention in order to protect the victim from injury.~~

31

1 ~~The child may not be held in secure detention under this~~
2 ~~subparagraph for more than 48 hours unless ordered by the~~
3 ~~court. After 48 hours, the court shall hold a hearing if the~~
4 ~~state attorney or victim requests that secure detention be~~
5 ~~continued. The child may continue to be held in detention care~~
6 ~~if the court makes a specific, written finding that detention~~
7 ~~care is necessary to protect the victim from injury. However,~~
8 ~~the child may not be held in detention care beyond the time~~
9 ~~limits set forth in s. 985.215.~~

10 ~~(4)4.~~ For a child who is under the supervision of the
11 department through probation, home detention, nonsecure
12 detention, conditional release, postcommitment probation, or
13 commitment and who is charged with committing a new offense,
14 the risk assessment instrument may be completed and scored
15 based on the underlying charge for which the child was placed
16 under the supervision of the department and the new offense.

17 Section 33. Subsection (1) and paragraph (b) of
18 subsection (5) of section 985.215, Florida Statutes, are
19 renumbered as section 985.25, Florida Statutes, and amended to
20 read:

21 985.25 ~~985.215~~ Detention intake.--

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

28 (a) During the period of time from the taking of the
29 child into custody to the date of the detention hearing, the
30 initial decision as to the child's placement into secure
31 detention care, nonsecure detention care, or home detention

1 care shall be made by the juvenile probation officer under ss.
2 985.24 and 985.245(1) ~~pursuant to ss. 985.213 and 985.214.~~

3 (b) The juvenile probation officer shall base the
4 decision whether or not to place the child into secure
5 detention care, home detention care, or nonsecure detention
6 care on an assessment of risk in accordance with the risk
7 assessment instrument and procedures developed by the
8 department ~~of Juvenile Justice~~ under s. 985.245 ~~985.213~~.
9 However, a child charged with possessing or discharging a
10 firearm on school property in violation of s. 790.115 shall be
11 placed in secure detention care.

12 (c) If the juvenile probation officer determines that
13 a child who is eligible for detention based upon the results
14 of the risk assessment instrument should be released, the
15 juvenile probation officer shall contact the state attorney,
16 who may authorize release. If detention is not authorized, the
17 child may be released by the juvenile probation officer in
18 accordance with ss. 985.115 and 985.13 ~~s. 985.211~~.

19
20 Under no circumstances shall the juvenile probation officer or
21 the state attorney or law enforcement officer authorize the
22 detention of any child in a jail or other facility intended or
23 used for the detention of adults, without an order of the
24 court.

25 ~~(2)(5)~~

26 ~~(b)~~ The arresting law enforcement agency shall
27 complete and present its investigation of an offense ~~under~~
28 ~~this subsection~~ to the appropriate state attorney's office
29 within 8 days after placement of the child in secure
30 detention. The investigation shall include, but is not limited
31 to, police reports and supplemental police reports, witness

1 statements, and evidence collection documents. The failure of
2 a law enforcement agency to complete and present its
3 investigation within 8 days shall not entitle a juvenile to be
4 released from secure detention or to a dismissal of any
5 charges.

6 Section 34. Subsection (2) of section 985.215, Florida
7 Statutes, is renumbered as section 985.255, Florida Statutes,
8 and amended to read:

9 985.255 Detention criteria; detention hearing.--

10 ~~(1)(2)~~ Subject to s. 985.25(1) ~~the provisions of~~
11 ~~subsection (1)~~, a child taken into custody and placed into
12 nonsecure or home detention care or detained in secure
13 detention care prior to a detention hearing may continue to be
14 detained by the court if:

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

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

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

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

29 (e) The child is charged with possession or
30 discharging a firearm on school property in violation of s.
31 790.115.

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.
25 985.439 ~~985.231(1)(a)1.c~~. If a consequence unit is not
26 available, the child shall be placed on home detention with
27 electronic 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 (2) A child who is charged with committing an offense
22 of domestic violence as defined in s. 741.28 and who does not
23 meet detention criteria may be held in secure detention if the
24 court makes specific written findings that:

25 (a) Respite care for the child is not available.

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

28
29 The child may not be held in secure detention under this
30 subsection for more than 48 hours unless ordered by the court.
31 After 48 hours, the court shall hold a hearing if the state

1 attorney or victim requests that secure detention be
2 continued. The child may continue to be held in detention care
3 if the court makes a specific, written finding that detention
4 care is necessary to protect the victim from injury. However,
5 the child may not be held in detention care beyond the time
6 limits set forth in this section or s. 985.26.

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

22 (b) If the court orders a placement more restrictive
23 than indicated by the results of the risk assessment
24 instrument, the court shall state, in writing, clear and
25 convincing reasons for such placement.

26 (c) Except as provided in s. 790.22(8) or in s. 985.27
27 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),~~
28 ~~or paragraph (10)(d)~~, when a child is placed into secure or
29 nonsecure detention care, or into a respite home or other
30 placement pursuant to a court order following a hearing, the
31 court order must include specific instructions that direct the

1 release of the child from such placement no later than 5 p.m.
2 on the last day of the detention period specified in s. 985.26
3 or s. 985.27 ~~paragraph (5)(b) or paragraph (5)(c), or~~
4 ~~subparagraph (10)(a)1-~~, whichever is applicable, unless the
5 requirements of such applicable provision have been met or an
6 order of continuance has been granted under s. 985.26(4)
7 ~~pursuant to paragraph (5)(f)~~.

8 Section 35. Paragraphs (c) and (g) of subsection (5)
9 of section 985.215, Florida Statutes, are renumbered as
10 subsection (2) of section 985.26, Florida Statutes, paragraphs
11 (a), (d), (e), and (f) of subsection (5) of section 985.215,
12 Florida Statutes, are renumbered, respectively, as subsections
13 (1), (3), (5), and (4) of section 985.26, Florida Statutes,
14 and subsection (7) of section 985.215, Florida Statutes, is
15 renumbered as subsection (6) of section 985.26, Florida
16 Statutes, and amended to read:

17 985.26 Length of detention.--

18 ~~(1)(5)(a)~~ A child may not be placed into or held in
19 secure, nonsecure, or home detention care for longer than 24
20 hours unless the court orders such detention care, and the
21 order includes specific instructions that direct the release
22 of the child from such detention care, in accordance with
23 985.255 ~~subsection (2)~~. The order shall be a final order,
24 reviewable by appeal under ~~pursuant to~~ s. 985.534 ~~985.234~~ and
25 the Florida Rules of Appellate Procedure. Appeals of such
26 orders shall take precedence over other appeals and other
27 pending matters.

28 ~~(2)(c) Except as provided in paragraph (g),~~ A child
29 may not be held in secure, nonsecure, or home detention care
30 under a special detention order for more than 21 days unless
31 an adjudicatory hearing for the case has been commenced in

1 good faith by the court. However, upon good cause being shown
2 that the nature of the charge requires additional time for the
3 prosecution or defense of the case, the court may extend the
4 length of detention for an additional 9 days if the child is
5 charged with an offense that would be, if committed by an
6 adult, a capital felony, a life felony, a felony of the first
7 degree, or a felony of the second degree involving violence
8 against any individual.

9 (3)(d) Except as provided in subsection (2) paragraph
10 ~~(g)~~, a child may not be held in secure, nonsecure, or home
11 detention care for more than 15 days following the entry of an
12 order of adjudication.

13 (4)(f) The time limits in subsections (2) and (3)
14 ~~paragraphs (c) and (d)~~ do not include periods of delay
15 resulting from a continuance granted by the court for cause on
16 motion of the child or his or her counsel or of the state.
17 Upon the issuance of an order granting a continuance for cause
18 on a motion by either the child, the child's counsel, or the
19 state, the court shall conduct a hearing at the end of each
20 72-hour period, excluding Saturdays, Sundays, and legal
21 holidays, to determine the need for continued detention of the
22 child and the need for further continuance of proceedings for
23 the child or the state.

24 (5)(e) A child who was not in secure detention at the
25 time of the adjudicatory hearing, but for whom residential
26 commitment is anticipated or recommended, may be placed under
27 a special detention order for a period not to exceed 72 hours,
28 excluding weekends and legal holidays, for the purpose of
29 conducting a comprehensive evaluation as provided in s.
30 985.185 ~~985.229(1)~~. Motions for the issuance of such special
31 detention order may be made subsequent to a finding of

1 delinquency. Upon said motion, the court shall conduct a
2 hearing to determine the appropriateness of such special
3 detention order and shall order the least restrictive level of
4 detention necessary to complete the comprehensive evaluation
5 process that is consistent with public safety. Such special
6 detention order may be extended for an additional 72 hours
7 upon further order of the court.

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

16 ~~(6)(7)~~ If a child is detained and a petition for
17 delinquency is filed, the child shall be arraigned in
18 accordance with the Florida Rules of Juvenile Procedure within
19 48 hours after the filing of the petition for delinquency.

20 Section 36. Subsections (4), (8), (9), and (11) of
21 section 985.215, Florida Statutes, are renumbered,
22 respectively, as subsections (5), (1), (2), and (3) of section
23 985.265, Florida Statutes, and subsection (3) of section
24 985.213, Florida Statutes, is renumbered as subsection (4) of
25 section 985.265, Florida Statutes, and amended to read:

26 985.265 Detention transfer and release; education;
27 adult jails.--

28 ~~(1)(8)~~ If a child is detained under ~~pursuant to~~ this
29 part section, the department of ~~Juvenile Justice~~ may transfer
30 the child from nonsecure or home detention care to secure
31

1 detention care only if significantly changed circumstances
2 warrant such transfer.

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

10 ~~(3)(11)~~(a) When a juvenile sexual offender is placed
11 in 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, under ~~pursuant to~~
15 this subsection, is released from detention or transferred to
16 home detention or nonsecure detention, detention staff shall
17 immediately notify the appropriate law enforcement agency and
18 school personnel.

19 ~~(4)(3)~~(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)(4)~~ The court shall order the delivery of a child
27 to a jail or other facility intended or used for the detention
28 of adults:

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

1 | alleged to have committed a misdemeanor who is being
2 | transferred for criminal prosecution pursuant to either s.
3 | 985.556 ~~985.226~~ or s. 985.557 ~~985.227~~ to be detained or held
4 | in a jail or other facility intended or used for the detention
5 | of adults; however, such child may be held temporarily in a
6 | detention facility; or

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

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

24 | Section 37. Paragraphs (a) through (d) and paragraph
25 | (f) of subsection (10) of section 985.215, Florida Statutes,
26 | are renumbered as section 985.27, Florida Statutes, and
27 | amended to read:

28 | 985.27 Postcommitment detention while awaiting
29 | placement.--

30 | ~~(1)(10)(a)1. When a child is committed to the~~
31 | ~~Department of Juvenile Justice awaiting dispositional~~

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

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

18 (a) A child who is awaiting placement in a low-risk
19 residential program must be removed from detention within 5
20 days, excluding Saturdays, Sundays, and legal holidays. Any
21 child held in secure detention during the 5 days must meet
22 detention admission criteria under this part.

23 ~~(b)~~ A child who is placed in home detention care,
24 nonsecure detention care, or home or nonsecure detention care
25 with electronic monitoring, while awaiting placement in a
26 low-risk ~~or moderate risk~~ program, may be held in secure
27 detention care for 5 days, if the child violates the
28 conditions of the home detention care, the nonsecure detention
29 care, or the electronic monitoring agreement. For any
30 subsequent violation, the court may impose an additional 5
31 days in secure detention care.

1 (b) A child who is awaiting placement in a
2 moderate-risk residential program must be removed from
3 detention within 5 days, excluding Saturdays, Sundays, and
4 legal holidays. Any child held in secure detention during the
5 5 days must meet detention admission criteria under this part.
6 The department may seek an order from the court authorizing
7 continued detention for a specific period of time necessary
8 for the appropriate residential placement of the child.
9 However, such continued detention in secure detention care may
10 not exceed 15 days after entry of the commitment order,
11 excluding Saturdays, Sundays, and legal holidays, and except
12 as otherwise provided in this section. A child who is placed
13 in home detention care, nonsecure detention care, or home or
14 nonsecure detention care with electronic monitoring, while
15 awaiting placement in a moderate-risk program, may be held in
16 secure detention care for 5 days, if the child violates the
17 conditions of the home detention care, the nonsecure detention
18 care, or the electronic monitoring agreement. For any
19 subsequent violation, the court may impose an additional 5
20 days in secure detention care.

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

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

27 ~~(2)(f)~~ Regardless of detention status, a child being
28 transported by the department to a commitment facility of the
29 department may be placed in secure detention overnight, not to
30 exceed a 24-hour period, for the specific purpose of ensuring
31

1 | the safe delivery of the child to his or her commitment
2 | program, court, appointment, transfer, or release.

3 | Section 38. Section 985.208, Florida Statutes, is
4 | renumbered as section 985.275, Florida Statutes, and amended
5 | to read:

6 | 985.275 ~~985.208~~ Detention of escapee on authority of
7 | the department.--

8 | (1) If an authorized agent of the department has
9 | reasonable grounds to believe that any delinquent child
10 | committed to the department has escaped from a facility of the
11 | department or from being lawfully transported thereto or
12 | therefrom, the agent may take the child into active custody
13 | and may deliver the child to the facility or, if it is closer,
14 | to a detention center for return to the facility. However, a
15 | child may not be held in detention longer than 24 hours,
16 | excluding Saturdays, Sundays, and legal holidays, unless a
17 | special order so directing is made by the judge after a
18 | detention hearing resulting in a finding that detention is
19 | required based on the criteria in s. 985.255 ~~985.215(2)~~. The
20 | order shall state the reasons for such finding. The reasons
21 | shall be reviewable by appeal or in habeas corpus proceedings
22 | in the district court of appeal.

23 | (2) Any sheriff or other law enforcement officer, upon
24 | the request of the secretary of the department or duly
25 | authorized agent, shall take a child who has escaped or
26 | absconded from a department facility for committed delinquent
27 | children, or from being lawfully transported thereto or
28 | therefrom, into custody and deliver the child to the
29 | appropriate juvenile probation officer of the department.

30 | Section 39. Section 985.218, Florida Statutes, is
31 | renumbered as section 985.318, Florida Statutes.

1 Section 40. Subsections (1) through (7) and (9)
2 through (12) of section 985.219, Florida Statutes, are
3 renumbered as subsections (1) through (11) of section 985.319,
4 Florida Statutes, and subsection (6) of that section is
5 amended to read:

6 985.319 ~~985.219~~ Process and service.--

7 (6) If the petition alleges that the child has
8 committed a delinquent act or violation of law and the judge
9 deems it advisable to do so, under ~~pursuant to~~ the criteria of
10 s. 985.255 ~~s. 985.215~~, the judge may, by endorsement upon the
11 summons and after the entry of an order in which valid reasons
12 are specified, order the child to be taken into custody
13 immediately, and in such case the person serving the summons
14 shall immediately take the child into custody.

15 Section 41. Section 985.22, Florida Statutes, is
16 renumbered as section 985.325, Florida Statutes, and amended
17 to read:

18 985.325 ~~985.22~~ Threatening or dismissing an employee
19 prohibited.--

20 (1) An employer, or the employer's agent, may not
21 dismiss from employment an employee who is summoned to appear
22 before the court under s. 985.319 ~~985.219~~ solely because of
23 the nature of the summons or because the employee complies
24 with the summons.

25 (2) If an employer, or the employer's agent, threatens
26 an employee with dismissal, or dismisses an employee, who is
27 summoned to appear under s. 985.319 ~~985.219~~, the court may
28 hold the employer in contempt.

29 Section 42. Sections 985.221, 985.222, and 985.306,
30 Florida Statutes, are renumbered, respectively, as sections
31 985.331, 985.335, and 985.345, Florida Statutes.

1 Section 43. Section 985.228, Florida Statutes, is
2 renumbered as section 985.35, Florida Statutes, and amended to
3 read:

4 985.35 ~~985.228~~ Adjudicatory hearings; withheld
5 adjudications; orders of adjudication.--

6 (1) The adjudicatory hearing must be held as soon as
7 practicable after the petition alleging that a child has
8 committed a delinquent act or violation of law is filed and in
9 accordance with the Florida Rules of Juvenile Procedure; but
10 reasonable delay for the purpose of investigation, discovery,
11 or procuring counsel or witnesses shall be granted. If the
12 child is being detained, the time limitations ~~provided for~~ in
13 s. 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

14 (2) Adjudicatory hearings shall be conducted without a
15 jury by the court, applying in delinquency cases the rules of
16 evidence in use in criminal cases; adjourning the hearings
17 from time to time as necessary; and conducting a fundamentally
18 fair hearing in language understandable, to the fullest extent
19 practicable, to the child before the court.

20 (a) In a hearing on a petition alleging that a child
21 has committed a delinquent act or violation of law, the
22 evidence must establish the findings beyond a reasonable
23 doubt.

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

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

31

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

5 (4) If the court finds that the child named in the
6 petition has committed a delinquent act or violation of law,
7 it may, in its discretion, enter an order stating the facts
8 upon which its finding is based but withholding adjudication
9 of delinquency.

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

22 (b) If the child is attending public school and the
23 court finds that the victim or a sibling of the victim in the
24 case was assigned to attend or is eligible to attend the same
25 school as the child, the court order shall include a finding
26 pursuant to the proceedings described in s. 985.455,
27 regardless of whether adjudication is withheld ~~985.23(1)(d).~~

28 (c) If the court later finds that the child has not
29 complied with the rules, restrictions, or conditions of the
30 community-based program, the court may, after a hearing to
31 establish the lack of compliance, but without further evidence

1 of the state of delinquency, enter an adjudication of
2 delinquency and shall thereafter have full authority under
3 this chapter to deal with the child as adjudicated.

4 (5) If the court finds that the child named in a
5 petition has committed a delinquent act or violation of law,
6 but elects not to proceed under subsection (4), it shall
7 incorporate that finding in an order of adjudication of
8 delinquency entered in the case, briefly stating the facts
9 upon which the finding is made, and the court shall thereafter
10 have full authority under this chapter to deal with the child
11 as adjudicated.

12 (6) Except as the term "conviction" is used in chapter
13 322, and except for use in a subsequent proceeding under this
14 chapter, an adjudication of delinquency by a court with
15 respect to any child who has committed a delinquent act or
16 violation of law shall not be deemed a conviction; nor shall
17 the child be deemed to have been found guilty or to be a
18 criminal by reason of that adjudication; nor shall that
19 adjudication operate to impose upon the child any of the civil
20 disabilities ordinarily imposed by or resulting from
21 conviction or to disqualify or prejudice the child in any
22 civil service application or appointment, with the exception
23 of the use of records of proceedings under this chapter part
24 as provided in s. 985.045(4) ~~s. 985.05(4)~~.

25 (7) Notwithstanding any other provision of law, an
26 adjudication of delinquency for an offense classified as a
27 felony shall disqualify a person from lawfully possessing a
28 firearm until such person reaches 24 years of age.

29 Section 44. Subsection (3) of section 985.229, Florida
30 Statutes, is renumbered as subsection (3) of section 985.43,
31

1 Florida Statutes, and section 985.43, Florida Statutes, is
2 created to read:

3 985.43 Predisposition reports; other evaluations.--

4 (1) Upon a finding that the child has committed a
5 delinquent act:

6 (a) The court may order the department to prepare a
7 predisposition report regarding the child's eligibility for
8 disposition other than by adjudication and commitment to the
9 department or for disposition of adjudication, commitment to
10 the department, and, if appropriate, assignment of a
11 residential commitment level. The predisposition report shall
12 be the result of the multidisciplinary assessment when such
13 assessment is needed, and of the classification and placement
14 process, and it shall indicate and report the child's priority
15 needs, recommendations as to a classification of risk for the
16 child in the context of his or her program and supervision
17 needs, and a plan for treatment that recommends the most
18 appropriate placement setting to meet the child's needs with
19 the minimum program security that reasonably ensures public
20 safety. A predisposition report shall be ordered for any child
21 for whom a residential commitment disposition is anticipated
22 or recommended by an officer of the court or by the
23 department.

24 (b) A comprehensive evaluation for physical health;
25 mental health; substance abuse; or academic, educational, or
26 vocational problems shall be ordered for any child for whom a
27 residential commitment disposition is anticipated or
28 recommended by an officer of the court or by the department.
29 If a comprehensive evaluation is ordered, the predisposition
30 report shall include a summary of the comprehensive
31 evaluation.

1 (c) A child who was not in secure detention at the
2 time of the adjudicatory hearing, but for whom residential
3 commitment is anticipated or recommended, may be placed under
4 a special detention order, as provided in s. 985.26(5), for
5 the purpose of conducting a comprehensive evaluation.

6 (2) The court shall consider the child's entire
7 assessment and predisposition report and shall review the
8 records of earlier judicial proceedings prior to making a
9 final disposition of the case. The court may, by order,
10 require additional evaluations and studies to be performed by
11 the department, by the county school system, or by any social,
12 psychological, or psychiatric agency of the state. The court
13 shall order the educational needs assessment completed under
14 s. 985.18(2) to be included in the assessment and
15 predisposition report.

16 (3) The predisposition report, together with all other
17 reports and evaluations used by the department in preparing
18 the predisposition report, shall be made available to the
19 child, the child's parents or legal guardian, the child's
20 legal counsel, and the state attorney upon completion of the
21 report and at a reasonable time prior to the disposition
22 hearing. The predisposition report shall be submitted to the
23 court upon completion of the report but no later than 48 hours
24 prior to the disposition hearing. The predisposition report
25 shall not be reviewed by the court without the consent of the
26 child and his or her legal counsel until the child has been
27 found to have committed a delinquent act.

28 Section 45. Section 985.23, Florida Statutes, is
29 renumbered as section 985.433, Florida Statutes, and amended
30 to read:
31

1 985.433 ~~985.23~~ Disposition hearings in delinquency
2 cases.--When a child has been found to have committed a
3 delinquent act, the following procedures shall be applicable
4 to the disposition of the case:

5 ~~(1)(7)~~ The court shall notify any victim of the
6 offense, if such person is known and within the jurisdiction
7 of the court, of the hearing.

8 (2) ~~The court and~~ shall notify and summon or subpoena,
9 if necessary, the parents, legal custodians, or guardians of
10 the child to attend the disposition hearing if they reside in
11 the state.

12
13 ~~It is the intent of the Legislature that the criteria set~~
14 ~~forth in subsection (2) are general guidelines to be followed~~
15 ~~at the discretion of the court and not mandatory requirements~~
16 ~~of procedure. It is not the intent of the Legislature to~~
17 ~~provide for the appeal of the disposition made pursuant to~~
18 ~~this section.~~

19 ~~(3)(6)~~ The court may receive and consider any other
20 relevant and material evidence, including other written or
21 oral reports or statements, in its effort to determine the
22 appropriate disposition to be made with regard to the child.
23 The court may rely upon such evidence to the extent of its
24 probative value, even though such evidence may not be
25 technically competent in an adjudicatory hearing.

26 ~~(4)(1)~~ Before the court determines and announces the
27 disposition to be imposed, it shall:

28 (a) State clearly, using common terminology, the
29 purpose of the hearing and the right of persons present as
30 parties to comment at the appropriate time on the issues
31 before the court.†

1 (b) Discuss with the child his or her compliance with
2 any home release plan or other plan imposed since the date of
3 the offense. ~~;~~

4 (c) Discuss with the child his or her feelings about
5 the offense committed, the harm caused to the victim or
6 others, and what penalty he or she should be required to pay
7 for such transgression. ~~;~~ ~~and~~

8 (d) Give all parties, as well as the victim, or a
9 representative of the victim, representatives of the school
10 system, and the law enforcement officers involved in the case
11 who are present at the hearing an opportunity to comment on
12 the issue of disposition and any proposed rehabilitative plan.
13 Parties to the case shall include the parents, legal
14 custodians, or guardians of the child; the child's counsel;
15 the state attorney; and representatives of the department; ~~the~~
16 ~~victim if any, or his or her representative; representatives~~
17 ~~of the school system; and the law enforcement officers~~
18 ~~involved in the case. If the child is attending or is eligible~~
19 ~~to attend public school and the court finds that the victim or~~
20 ~~a sibling of the victim in the case is attending or may attend~~
21 ~~the same school as the child, the court shall, on its own~~
22 ~~motion or upon the request of any party or any parent or legal~~
23 ~~guardian of the victim, determine whether it is appropriate to~~
24 ~~enter a no contact order in favor of the victim or a sibling~~
25 ~~of the victim. If appropriate and acceptable to the victim and~~
26 ~~the victim's parent or parents or legal guardian, the court~~
27 ~~may reflect in the written disposition order that the victim~~
28 ~~or the victim's parent stated in writing or in open court that~~
29 ~~he or she did not object to the offender being permitted to~~
30 ~~attend the same school or ride on the same school bus as the~~
31 ~~victim or a sibling of the victim.~~

1 (5) At the time of disposition, the court may make
2 recommendations to the department as to specific treatment
3 approaches to be employed.

4 ~~(6)(2)~~ The first determination to be made by the court
5 is a determination of the suitability or unsuitability for
6 adjudication and commitment of the child to the department.
7 This determination shall include consideration of the
8 recommendations of the department, which may include a
9 predisposition report. The predisposition report shall
10 include, whether as part of the child's multidisciplinary
11 assessment, classification, and placement process components
12 or separately, evaluation of the following criteria:

13 (a) The seriousness of the offense to the community.
14 If the court determines under chapter 874 that the child was a
15 member of a criminal street gang at the time of the commission
16 of the offense, ~~which determination shall be made pursuant to~~
17 ~~chapter 874~~, the seriousness of the offense to the community
18 shall be given great weight.

19 (b) Whether the protection of the community requires
20 adjudication and commitment to the department.

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

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

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

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

29 1. Previous contacts with the department, the former
30 Department of Health and Rehabilitative Services, the
31

1 Department of Children and Family Services, the Department of
2 Corrections, other law enforcement agencies, and courts.~~;~~

3 2. Prior periods of probation.~~;~~

4 3. Prior adjudications of delinquency.~~;~~~~and~~

5 4. Prior commitments to institutions.

6 (g) The prospects for adequate protection of the
7 public and the likelihood of reasonable rehabilitation of the
8 child if committed to a community services program or
9 facility.

10 (h) The child's educational status, including, but not
11 limited to, the child's strengths, abilities, and unmet and
12 special educational needs. The report shall identify
13 appropriate educational and vocational goals for the child.
14 Examples of appropriate goals include:

15 1. Attainment of a high school diploma or its
16 equivalent.

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

18 3. Successful completion of vocational course(s).

19 4. Successful attendance and completion of the child's
20 current grade if enrolled in school.

21 5. Enrollment in an apprenticeship or a similar
22 program.

23
24 It is the intent of the Legislature that the criteria set
25 forth in this subsection are general guidelines to be followed
26 at the discretion of the court and not mandatory requirements
27 of procedure. It is not the intent of the Legislature to
28 provide for the appeal of the disposition made under this
29 section.

30 ~~(7)(3)(a)~~ If the court determines that the child
31 should be adjudicated as having committed a delinquent act and

1 should be committed to the department, such determination
2 shall be in writing or on the record of the hearing. The
3 determination shall include a specific finding of the reasons
4 for the decision to adjudicate and to commit the child to the
5 department, including any determination that the child was a
6 member of a criminal street gang.

7 ~~(a)(b) If the court determines that commitment to the~~
8 ~~department is appropriate,~~ The juvenile probation officer
9 shall recommend to the court the most appropriate placement
10 and treatment plan, specifically identifying the
11 restrictiveness level most appropriate for the child. If the
12 court has determined that the child was a member of a criminal
13 street gang, that determination shall be given great weight in
14 identifying the most appropriate restrictiveness level for the
15 child. The court shall consider the department's
16 recommendation in making its commitment decision.

17 ~~(b)(c)~~ The court shall commit the child to the
18 department at the restrictiveness level identified or may
19 order placement at a different restrictiveness level. The
20 court shall state for the record the reasons that ~~which~~
21 establish by a preponderance of the evidence why the court is
22 disregarding the assessment of the child and the
23 restrictiveness level recommended by the department. Any party
24 may appeal the court's findings resulting in a modified level
25 of restrictiveness under ~~pursuant to~~ this paragraph.

26 ~~(c)(d)~~ The court may also require that the child be
27 placed in a probation program following the child's discharge
28 from commitment. Community-based sanctions under ~~pursuant to~~
29 subsection ~~(8)(4)~~ may be imposed by the court at the
30 disposition hearing or at any time prior to the child's
31 release from commitment.

1 ~~(c) The court shall be responsible for the~~
2 ~~fingerprinting of any child at the disposition hearing if the~~
3 ~~child has been adjudicated or had adjudication withheld for~~
4 ~~any felony in the case currently before the court.~~

5 ~~(8)(4)~~ If the court determines not to adjudicate and
6 commit to the department, then the court shall determine what
7 community-based sanctions it will impose in a probation
8 program for the child. Community-based sanctions may include,
9 but are not limited to, participation in substance abuse
10 treatment, a day-treatment probation program, restitution in
11 money or in kind, a curfew, revocation or suspension of the
12 driver's license of the child, community service, and
13 appropriate educational programs as determined by the district
14 school board.

15 ~~(9)(5)~~ After appropriate sanctions for the offense are
16 determined, the court shall develop, approve, and order a plan
17 of probation ~~that which~~ will contain rules, requirements,
18 conditions, and rehabilitative programs, including the option
19 of a day-treatment probation program, ~~that which~~ are designed
20 to encourage responsible and acceptable behavior and to
21 promote both the rehabilitation of the child and the
22 protection of the community.

23 (10) Any disposition order shall be in writing as
24 prepared by the clerk of court and may thereafter be modified
25 or set aside by the court.

26 Section 46. Paragraph (a) of subsection (1) of section
27 985.231, Florida Statutes, is renumbered as section 985.435,
28 Florida Statutes, and amended to read:

29 985.435 Probation and postcommitment probation;
30 community service.--

31

1 ~~(1)(a)~~ The court that has jurisdiction of an
2 adjudicated delinquent child may, by an order stating the
3 facts upon which a determination of a sanction and
4 rehabilitative program was made at the disposition hearing,⁺
5 ~~1-~~ place the child in a probation program or a
6 postcommitment probation program. Such placement must be under
7 the supervision of an authorized agent of the department ~~of~~
8 ~~Juvenile Justice~~ or of any other person or agency specifically
9 authorized and appointed by the court, whether in the child's
10 own home, in the home of a relative of the child, or in some
11 other suitable place under such reasonable conditions as the
12 court may direct.

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

15 (a) Restitution in money or in kind;⁷

16 (b) Community service;⁷

17 (c) A curfew;⁷

18 (d) Revocation or suspension of the driver's license
19 of the child;⁷ or

20 (e) Other nonresidential punishment appropriate to the
21 offense.

22 (2) A probation program ~~and~~ must also include a
23 rehabilitative program component such as a requirement of
24 participation in substance abuse treatment or in school or
25 other educational program. The nonconsent of the child to
26 treatment in a substance abuse treatment program in no way
27 precludes the court from ordering such treatment ~~If the child~~
28 ~~is attending or is eligible to attend public school and the~~
29 ~~court finds that the victim or a sibling of the victim in the~~
30 ~~case is attending or may attend the same school as the child,~~
31 ~~the court placement order shall include a finding pursuant to~~

1 ~~the proceedings described in s. 985.23(1)(d).~~ Upon the
2 recommendation of the department at the time of disposition,
3 or subsequent to disposition pursuant to the filing of a
4 petition alleging a violation of the child's conditions of
5 postcommitment probation, the court may order the child to
6 submit to random testing for the purpose of detecting and
7 monitoring the use of alcohol or controlled substances.

8 ~~(3)a-~~ A restrictiveness level classification scale for
9 levels of supervision shall be provided by the department,
10 taking into account the child's needs and risks relative to
11 probation supervision requirements to reasonably ensure the
12 public safety. Probation programs for children shall be
13 supervised by the department or by any other person or agency
14 specifically authorized by the court. These programs must
15 include, but are not limited to, structured or restricted
16 activities as described in this section and s. 985.439
17 ~~subparagraph~~, and shall be designed to encourage the child
18 toward acceptable and functional social behavior.

19 (4) If supervision or a program of community service
20 is ordered by the court, the duration of such supervision or
21 program must be consistent with any treatment and
22 rehabilitation needs identified for the child and may not
23 exceed the term for which sentence could be imposed if the
24 child were committed for the offense, except that the duration
25 of such supervision or program for an offense that is a
26 misdemeanor of the second degree, or is equivalent to a
27 misdemeanor of the second degree, may be for a period not to
28 exceed 6 months. ~~When restitution is ordered by the court, the~~
29 ~~amount of restitution may not exceed an amount the child and~~
30 ~~the parent or guardian could reasonably be expected to pay or~~
31 ~~make. A child who participates in any work program under this~~

1 ~~part is considered an employee of the state for purposes of~~
2 ~~liability, unless otherwise provided by law.~~

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

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

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

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

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

23 ~~(III) Modify or continue the child's probation program~~
24 ~~or postcommitment probation program.~~

25 ~~(IV) Revoke probation or postcommitment probation and~~
26 ~~commit the child to the department.~~

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

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

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

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

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

29 ~~6. As part of the probation program to be implemented~~
30 ~~by the Department of Juvenile Justice, or, in the case of a~~
31 ~~committed child, as part of the community based sanctions~~

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

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

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

1 ~~The court may retain jurisdiction over such child until the~~
2 ~~child reaches the age of 21, specifically for the purpose of~~
3 ~~the child completing the program.~~

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

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

25 Section 47. Section 985.437, Florida Statutes, is
26 created to read:

27 985.437 Restitution.--

28 (1) The court that has jurisdiction of an adjudicated
29 delinquent child may, by an order stating the facts upon which
30 a determination of a sanction and rehabilitative program was
31 made at the disposition hearing, order the child to make

1 restitution in the manner provided in this section. This order
2 shall be part of the probation program to be implemented by
3 the department or, in the case of a committed child, as part
4 of the community-based sanctions ordered by the court at the
5 disposition hearing or before the child's release from
6 commitment.

7 (2) The court may order the child to make restitution
8 in money, through a promissory note cosigned by the child's
9 parent or guardian, or in kind for any damage or loss caused
10 by the child's offense in a reasonable amount or manner to be
11 determined by the court. When restitution is ordered by the
12 court, the amount of restitution may not exceed an amount the
13 child and the parent or guardian could reasonably be expected
14 to pay or make.

15 (3) The clerk of the circuit court shall be the
16 receiving and dispensing agent. In such case, the court shall
17 order the child or the child's parent or guardian to pay to
18 the office of the clerk of the circuit court an amount not to
19 exceed the actual cost incurred by the clerk as a result of
20 receiving and dispensing restitution payments. The clerk shall
21 notify the court if restitution is not made, and the court
22 shall take any further action that is necessary against the
23 child or the child's parent or guardian.

24 (4) A finding by the court, after a hearing, that the
25 parent or guardian has made diligent and good faith efforts to
26 prevent the child from engaging in delinquent acts absolves
27 the parent or guardian of liability for restitution under this
28 section.

29 (5) The court may retain jurisdiction over a child and
30 the child's parent or legal guardian whom the court has
31 ordered to pay restitution until the restitution order is

1 satisfied or until the court orders otherwise, as provided in
2 s. 985.0301.

3 Section 48. Section 985.439, Florida Statutes, is
4 created to read:

5 985.439 Violation of probation or postcommitment
6 probation.--

7 (1)(a) This section is applicable when the court has
8 jurisdiction over an adjudicated delinquent child.

9 (b) If the conditions of the probation program or the
10 postcommitment probation program are violated, the department
11 or the state attorney may bring the child before the court on
12 a petition alleging a violation of the program. Any child who
13 violates the conditions of probation or postcommitment
14 probation must be brought before the court if sanctions are
15 sought.

16 (2) A child taken into custody under s. 985.101 for
17 violating the conditions of probation or postcommitment
18 probation shall be held in a consequence unit if such a unit
19 is available. The child shall be afforded a hearing within 24
20 hours after being taken into custody to determine the
21 existence of probable cause that the child violated the
22 conditions of probation or postcommitment probation. A
23 consequence unit is a secure facility specifically designated
24 by the department for children who are taken into custody
25 under s. 985.101 for violating probation or postcommitment
26 probation, or who have been found by the court to have
27 violated the conditions of probation or postcommitment
28 probation. If the violation involves a new charge of
29 delinquency, the child may be detained under part V in a
30 facility other than a consequence unit. If the child is not
31 eligible for detention for the new charge of delinquency, the

1 child may be held in the consequence unit pending a hearing
2 and is subject to the time limitations specified in part V.

3 (3) If the child denies violating the conditions of
4 probation or postcommitment probation, the court shall, upon
5 the child's request, appoint counsel to represent the child.

6 (4) Upon the child's admission, or if the court finds
7 after a hearing that the child has violated the conditions of
8 probation or postcommitment probation, the court shall enter
9 an order revoking, modifying, or continuing probation or
10 postcommitment probation. In each such case, the court shall
11 enter a new disposition order and, in addition to the
12 sanctions set forth in this section, may impose any sanction
13 the court could have imposed at the original disposition
14 hearing. If the child is found to have violated the conditions
15 of probation or postcommitment probation, the court may:

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

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

23 (c) Modify or continue the child's probation program
24 or postcommitment probation program.

25 (d) Revoke probation or postcommitment probation and
26 commit the child to the department.

27 (5) Upon the recommendation of the department at the
28 time of disposition, or subsequent to disposition pursuant to
29 the filing of a petition alleging a violation of the child's
30 conditions of postcommitment probation, the court may order
31 the child to submit to random testing for the purpose of

1 detecting and monitoring the use of alcohol or controlled
2 substances.

3 Section 49. Section 985.441, Florida Statutes, is
4 created to read:

5 985.441 Commitment.--

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:

10 (a) Commit the child to a licensed child-caring agency
11 willing to receive the child; however, the court may not
12 commit the child to a jail or to a facility used primarily as
13 a detention center or facility or shelter.

14 (b) Commit the child to the department at a
15 residential commitment level defined in s. 985.03. Such
16 commitment must be for the purpose of exercising active
17 control over the child, including, but not limited to,
18 custody, care, training, urine monitoring, and treatment of
19 the child and release of the child into the community in a
20 postcommitment nonresidential conditional release program. If
21 the child is not successful in the conditional release
22 program, the department may use the transfer procedure under
23 subsection (3).

24 (c) Commit the child to the Department of Juvenile
25 Justice for placement in a program or facility for serious or
26 habitual juvenile offenders in accordance with s. 985.47.

27 1. Following a delinquency adjudicatory hearing under
28 s. 985.35 and a delinquency disposition hearing under s.
29 985.433 that results in a commitment determination, the court
30 shall, on its own or upon request by the state or the
31 department, determine whether the protection of the public

1 requires that the child be placed in a program for serious or
2 habitual juvenile offenders and whether the particular needs
3 of the child would be best served by a program for serious or
4 habitual juvenile offenders as provided in s. 985.47. The
5 determination shall be made under ss. 985.47(1) and
6 985.433(7).

7 2. Any commitment of a child to a program or facility
8 for serious or habitual juvenile offenders must be for an
9 indeterminate period of time, but the time may not exceed the
10 maximum term of imprisonment that an adult may serve for the
11 same offense.

12 (d) Commit the child to the department for placement
13 in a program or facility for juvenile sexual offenders in
14 accordance with s. 985.48, subject to specific appropriation
15 for such a program or facility.

16 1. The child may only be committed for such placement
17 pursuant to determination that the child is a juvenile sexual
18 offender under the criteria specified in s. 985.475.

19 2. Any commitment of a juvenile sexual offender to a
20 program or facility for juvenile sexual offenders must be for
21 an indeterminate period of time, but the time may not exceed
22 the maximum term of imprisonment that an adult may serve for
23 the same offense.

24 (2) The nonconsent of the child to commitment or
25 treatment in a substance abuse treatment program in no way
26 precludes the court from ordering such commitment or
27 treatment.

28 (3) The department may transfer a child, when
29 necessary to appropriately administer the child's commitment,
30 from one facility or program to another facility or program
31 operated, contracted, subcontracted, or designated by the

1 department, including a postcommitment nonresidential
2 conditional release program. The department shall notify the
3 court that committed the child to the department and any
4 attorney of record for the child, in writing, of its intent to
5 transfer the child from a commitment facility or program to
6 another facility or program of a higher or lower
7 restrictiveness level. The court that committed the child may
8 agree to the transfer or may set a hearing to review the
9 transfer. If the court does not respond within 10 days after
10 receipt of the notice, the transfer of the child shall be
11 deemed granted.

12 Section 50. Section 985.232, Florida Statutes, is
13 renumbered as section 985.442, Florida Statutes.

14 Section 51. Paragraph (j) of subsection (1) of section
15 985.231, Florida Statutes, is renumbered as section 985.445,
16 Florida Statutes, and amended to read:

17 985.445 ~~985.231 Powers of disposition in delinquency~~
18 Cases involving grand theft of a motor vehicle.--

19 ~~(1)~~

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

22 ~~(1)1-~~ Upon a first adjudication for a grand theft of a
23 motor vehicle, may place the youth in a boot camp, unless the
24 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
25 shall order the youth to complete a minimum of 50 hours of
26 community service.

27 ~~(2)2-~~ Upon a second adjudication for grand theft of a
28 motor vehicle which is separate and unrelated to the previous
29 adjudication, may place the youth in a boot camp, unless the
30 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
31

1 shall order the youth to complete a minimum of 100 hours of
2 community service.

3 ~~(3)3-~~ Upon a third adjudication for grand theft of a
4 motor vehicle which is separate and unrelated to the previous
5 adjudications, shall place the youth in a boot camp or other
6 treatment program, unless the child is ineligible under
7 ~~pursuant to s. 985.489 985.309~~, and shall order the youth to
8 complete a minimum of 250 hours of community service.

9 Section 52. Paragraph (g) of subsection (1) of section
10 985.231, Florida Statutes, is renumbered as section 985.45,
11 Florida Statutes, and amended to read:

12 985.45 Liability and remuneration for work.--

13 (1)~~(g)~~ Whenever a child is required by the court to
14 participate in any work program under this part or whenever a
15 child volunteers to work in a specified state, county,
16 municipal, or community service organization supervised work
17 program or to work for the victim, either as an alternative to
18 monetary restitution or as a part of the rehabilitative or
19 probation program, the child is an employee of the state for
20 the purposes of liability.

21 (2) In determining the child's average weekly wage
22 unless otherwise determined by a specific funding program, all
23 remuneration received from the employer is a gratuity, and the
24 child is not entitled to any benefits otherwise payable under
25 s. 440.15, regardless of whether the child may be receiving
26 wages and remuneration from other employment with another
27 employer and regardless of the child's future wage-earning
28 capacity.

29 Section 53. Paragraph (d) of subsection (1) of section
30 985.231, Florida Statutes, is amended and renumbered as
31 subsection (3) of section 985.455, Florida Statutes, and

1 paragraph (h) of subsection (1) of section 985.231, Florida
2 Statutes, is renumbered as subsection (4) of section 985.455,
3 Florida Statutes, which is created to read:

4 985.455 Other dispositional issues.-

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

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

12 (b) Order the child and, if the court finds it
13 appropriate, the child's parent or guardian together with the
14 child to participate in a community work project, either as an
15 alternative to monetary restitution or as part of the
16 rehabilitative or probation program.

17 (c) Revoke or suspend the driver's license of the
18 child.

19 (2) If the child is attending or is eligible to attend
20 public school and the court finds that the victim or a sibling
21 of the victim in the case is attending or may attend the same
22 school as the child, the court shall, on its own motion or
23 upon the request of any party or any parent or legal guardian
24 of the victim, determine whether it is appropriate to enter a
25 no contact order in favor of the victim or a sibling of the
26 victim. If appropriate and acceptable to the victim and the
27 victim's parent or parents or legal guardian, the court may
28 reflect in the written disposition order that the victim or
29 the victim's parent or parents or legal guardian stated in
30 writing or in open court that he or she did not object to the
31 offender being permitted to attend the same school or ride on

1 the same school bus as the victim or a sibling of the victim.
2 If applicable, the court placement or commitment order shall
3 include a finding under this subsection.

4 ~~(1)~~

5 ~~(3)(d)~~ Any commitment of a delinquent child to the
6 department ~~of Juvenile Justice~~ must be for an indeterminate
7 period of time, which may include periods of temporary
8 release, but the time may not exceed the maximum term of
9 imprisonment that an adult may serve for the same offense. The
10 duration of the child's placement in a residential commitment
11 program of any level shall be based on objective
12 performance-based treatment planning. The child's treatment
13 plan progress and adjustment-related issues shall be reported
14 to the court each month. The child's length of stay in a
15 residential commitment program may be extended if the child
16 fails to comply with or participate in treatment activities.
17 The child's length of stay in such program shall not be
18 extended for purposes of sanction or punishment. Any temporary
19 release from such program must be approved by the court. Any
20 child so committed may be discharged from institutional
21 confinement or a program upon the direction of the department
22 with the concurrence of the court. The child's treatment plan
23 progress and adjustment-related issues must be communicated to
24 the court at the time the department requests the court to
25 consider releasing the child from the residential commitment
26 program. ~~Notwithstanding s. 743.07 and this subsection, and~~
27 ~~except as provided in ss. 985.201 and 985.31, a child may not~~
28 ~~be held under a commitment from a court pursuant to this~~
29 ~~section after becoming 21 years of age.~~ The department shall
30 give the court that committed the child to the department
31 reasonable notice, in writing, of its desire to discharge the

1 child from a commitment facility. The court that committed the
2 child may thereafter accept or reject the request. If the
3 court does not respond within 10 days after receipt of the
4 notice, the request of the department shall be deemed granted.
5 This section does not limit the department's authority to
6 revoke a child's temporary release status and return the child
7 to a commitment facility for any violation of the terms and
8 conditions of the temporary release.

9 ~~(4)(h)~~ The court may, upon motion of the child or upon
10 its own motion, within 60 days after imposition of a
11 disposition of commitment, suspend the further execution of
12 the disposition and place the child in a probation program
13 upon such terms and conditions as the court may require. The
14 department shall forward to the court all relevant material on
15 the child's progress while in custody not later than 3 working
16 days prior to the hearing on the motion to suspend the
17 disposition.

18 Section 54. Section 985.316, Florida Statutes, is
19 renumbered as section 985.46, Florida Statutes, and subsection
20 (4) of that section is amended to read:

21 985.46 ~~985.316~~ Conditional release.--

22 (4) A juvenile under nonresidential commitment
23 placement will continue to be on commitment status and subject
24 to the transfer provision under s. 985.441(3) ~~985.404~~.

25 Section 55. Section 985.313, Florida Statutes, is
26 renumbered as section 985.465, Florida Statutes, and amended
27 to read:

28 985.465 ~~985.313~~ Juvenile correctional facilities or
29 juvenile prison.--A juvenile correctional facility or juvenile
30 prison is a physically secure residential commitment program
31 with a designated length of stay from 18 months to 36 months,

1 primarily serving children 13 years of age to 19 years of age,
2 or until the jurisdiction of the court expires. ~~The court may~~
3 ~~retain jurisdiction over the child until the child reaches the~~
4 ~~age of 21, specifically for the purpose of the child~~
5 ~~completing the program.~~ Each child committed to this level
6 must meet one of the following criteria:

7 (1) The child youth is at least 13 years of age at the
8 time of the disposition for the current offense and has been
9 adjudicated on the current offense for:

- 10 (a) Arson;
- 11 (b) Sexual battery;
- 12 (c) Robbery;
- 13 (d) Kidnapping;
- 14 (e) Aggravated child abuse;
- 15 (f) Aggravated assault;
- 16 (g) Aggravated stalking;
- 17 (h) Murder;
- 18 (i) Manslaughter;
- 19 (j) Unlawful throwing, placing, or discharging of a
20 destructive device or bomb;
- 21 (k) Armed burglary;
- 22 (l) Aggravated battery;
- 23 (m) Carjacking;
- 24 (n) Home-invasion robbery;
- 25 (o) Burglary with an assault or battery;
- 26 (p) Any lewd or lascivious offense committed upon or
27 in the presence of a person less than 16 years of age; or
- 28 (q) Carrying, displaying, using, threatening to use,
29 or attempting to use a weapon or firearm during the commission
30 of a felony.

1 (2) The child ~~youth~~ is at least 13 years of age at the
2 time of the disposition, the current offense is a felony, and
3 the child has previously been committed three or more times to
4 a delinquency commitment program.

5 (3) The child ~~youth~~ is at least 13 years of age and is
6 currently committed for a felony offense and transferred from
7 a moderate-risk or high-risk residential commitment placement.

8 (4) The child ~~youth~~ is at least 13 years of age at the
9 time of the disposition for the current offense, the child
10 ~~youth~~ is eligible for prosecution as an adult for the current
11 offense, and the current offense is ranked at level 7 or
12 higher on the Criminal Punishment Code offense severity
13 ranking chart pursuant to s. 921.0022.

14 Section 56. Subsection (48) of section 985.03, Florida
15 Statutes, is amended and renumbered as subsection (1) of
16 section 985.47, Florida Statutes, subsections (2), (4), and
17 (5) of section 985.31, Florida Statutes are amended and
18 renumbered, respectively, as subsections (9), (11), and (12)
19 of section 985.47, Florida Statutes, paragraphs (e) through
20 (i) and (k) of subsection (3) of section 985.31, Florida
21 Statutes, are amended and renumbered, respectively, as
22 subsections (2) through (6) and (7) of section 985.47, Florida
23 Statutes, subsection (1) of section 985.31, Florida Statutes,
24 is renumbered as subsection (8) of section 985.47, Florida
25 Statutes, and paragraphs (a) through (d) and (j) of subsection
26 (3) of section 985.31, Florida Statutes, are renumbered,
27 respectively, as paragraphs (a) through (d) and (e) of
28 subsection (10) of section 985.47, Florida Statutes, and
29 amended to read:

30 985.47 ~~985.31~~ Serious or habitual juvenile offender.--

31

1 ~~(1)(48)~~ CRITERIA.--A "serious or habitual juvenile
2 offender," for purposes of commitment to a residential
3 facility and for purposes of records retention, means a child
4 who has been found to have committed a delinquent act or a
5 violation of law, in the case currently before the court, and
6 who meets at least one of the following criteria:
7 (a) The child youth is at least 13 years of age at the
8 time of the disposition for the current offense and has been
9 adjudicated on the current offense for:
10 1. Arson;
11 2. Sexual battery;
12 3. Robbery;
13 4. Kidnapping;
14 5. Aggravated child abuse;
15 6. Aggravated assault;
16 7. Aggravated stalking;
17 8. Murder;
18 9. Manslaughter;
19 10. Unlawful throwing, placing, or discharging of a
20 destructive device or bomb;
21 11. Armed burglary;
22 12. Aggravated battery;
23 13. Any lewd or lascivious offense committed upon or
24 in the presence of a person less than 16 years of age; or
25 14. Carrying, displaying, using, threatening, or
26 attempting to use a weapon or firearm during the commission of
27 a felony.
28 (b) The child youth is at least 13 years of age at the
29 time of the disposition, the current offense is a felony, and
30 the child has previously been committed at least two times to
31 a delinquency commitment program.

1 (c) The child youth is at least 13 years of age and is
2 currently committed for a felony offense and transferred from
3 a moderate-risk or high-risk residential commitment placement.

4 ~~(2)(3)(e)~~ DETERMINATION.-- After a child has been
5 adjudicated delinquent under ~~pursuant to~~ s. ~~985.35~~ 985.228 ,
6 the court shall determine whether the child meets the criteria
7 for a serious or habitual juvenile offender under subsection
8 ~~(1) pursuant to s. 985.03(48)~~. If the court determines that
9 the child does not meet such criteria, ss. 985.435, 985.437,
10 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions~~
11 ~~of s. 985.231(1)~~ shall apply.

12 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has
13 been transferred for criminal prosecution, a circuit court
14 judge may direct a juvenile probation officer to consult with
15 designated staff from an appropriate serious or habitual
16 juvenile offender program for the purpose of making
17 recommendations to the court regarding the child's placement
18 in such program.

19 ~~(4)(g)~~ TIME AND PLACE FOR
20 RECOMMENDATIONS.--Recommendations as to a child's placement in
21 a serious or habitual juvenile offender program shall be
22 presented to the court within 72 hours after the adjudication
23 or conviction, and may be based on a preliminary screening of
24 the child at appropriate sites, considering the child's
25 location while court action is pending, which may include the
26 nearest regional detention center or facility or jail.

27 ~~(5)(h)~~ REPORTING RECOMMENDATIONS TO COURT.--Based on
28 the recommendations of the multidisciplinary assessment, the
29 juvenile probation officer shall make the following
30 recommendations to the court:
31

1 ~~(a)1-~~ For each child who has not been transferred for
2 criminal prosecution, the juvenile probation officer shall
3 recommend whether placement in such program is appropriate and
4 needed.

5 ~~(b)2-~~ For each child who has been transferred for
6 criminal prosecution, the juvenile probation officer shall
7 recommend whether the most appropriate placement for the child
8 is a juvenile justice system program, including a serious or
9 habitual juvenile offender program or facility, or placement
10 in the adult correctional system.

11
12 If treatment provided by a serious or habitual juvenile
13 offender program or facility is determined to be appropriate
14 and needed and placement is available, the juvenile probation
15 officer and the court shall identify the appropriate serious
16 or habitual juvenile offender program or facility best suited
17 to the needs of the child.

18 ~~(6)(i)~~ ACTION ON RECOMMENDATIONS.--The treatment and
19 placement recommendations shall be submitted to the court for
20 further action under ~~pursuant to this subsection paragraph:~~

21 ~~(a)1-~~ If it is recommended that placement in a serious
22 or habitual juvenile offender program or facility is
23 inappropriate, the court shall make an alternative disposition
24 under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other alternative
25 sentencing as applicable, using ~~utilizing~~ the recommendation
26 as a guide.

27 ~~(b)2-~~ If it is recommended that placement in a serious
28 or habitual juvenile offender program or facility is
29 appropriate, the court may commit the child to the department
30 for placement in the restrictiveness level designated for
31 serious or habitual delinquent children programs.

1 ~~(7)(k)~~ DURATION OF COMMITMENT.--Any commitment of a
2 child to the department for placement in a serious or habitual
3 juvenile offender program or facility shall be for an
4 indeterminate period of time, but the time shall not exceed
5 the maximum term of imprisonment that ~~which~~ an adult may serve
6 for the same offense. ~~Notwithstanding the provisions of ss.~~
7 ~~743.07 and 985.231(1)(d), a serious or habitual juvenile~~
8 ~~offender shall not be held under commitment from a court~~
9 ~~pursuant to this section, s. 985.231, or s. 985.233 after~~
10 ~~becoming 21 years of age. This provision shall apply only for~~
11 ~~the purpose of completing the serious or habitual juvenile~~
12 ~~offender program pursuant to this chapter and shall be used~~
13 ~~solely for the purpose of treatment.~~

14 ~~(8)(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
15 ~~the provisions of~~ this chapter and the establishment of
16 appropriate program guidelines and standards, contractual
17 instruments, which shall include safeguards of all
18 constitutional rights, shall be developed as follows:

19 (a) The department shall provide for:

20 1. The oversight of implementation of assessment and
21 treatment approaches.

22 2. The identification and prequalification of
23 appropriate individuals or not-for-profit organizations,
24 including minority individuals or organizations when possible,
25 to provide assessment and treatment services to serious or
26 habitual delinquent children.

27 3. The monitoring and evaluation of assessment and
28 treatment services for compliance with ~~the provisions of~~ this
29 chapter and all applicable rules and guidelines pursuant
30 thereto.

31

1 4. The development of an annual report on the
2 performance of assessment and treatment to be presented to the
3 Governor, the Attorney General, the President of the Senate,
4 the Speaker of the House of Representatives, and the Auditor
5 General no later than January 1 of each 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)(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER
16 PROGRAM.--

17 (a) There is created the serious or habitual juvenile
18 offender program. The program shall consist of at least 9
19 months of intensive secure residential treatment. Conditional
20 release assessment and services shall be provided in
21 accordance with s. 985.46 ~~985.316~~. The components of the
22 program shall include, but not be limited to:

- 23 1. Diagnostic evaluation services.
- 24 2. Appropriate treatment modalities, including
25 substance abuse intervention, mental health services, and
26 sexual behavior dysfunction interventions and gang-related
27 behavior interventions.
- 28 3. Prevocational and vocational services.
- 29 4. Job training, job placement, and
30 employability-skills training.
- 31 5. Case management services.

1 6. Educational services, including special education
2 and pre-GED literacy.

3 7. Self-sufficiency planning.

4 8. Independent living skills.

5 9. Parenting skills.

6 10. Recreational and leisure time activities.

7 11. Community involvement opportunities commencing,
8 where appropriate, with the direct and timely payment of
9 restitution to the victim.

10 12. Intensive conditional release supervision.

11 13. Graduated reentry into the community.

12 14. A diversity of forms of individual and family
13 treatment appropriate to and consistent with the child's
14 needs.

15 15. Consistent and clear consequences for misconduct.

16 (b) The department is authorized to contract with
17 private companies to provide some or all of the components
18 indicated in paragraph (a).

19 (c) The department shall involve local law enforcement
20 agencies, the judiciary, school board personnel, the office of
21 the state attorney, the office of the public defender, and
22 community service agencies interested in or currently working
23 with juveniles, in planning and developing this program.

24 (d) The department is authorized to accept funds or
25 in-kind contributions from public or private sources to be
26 used for the purposes of this section.

27 ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT
28 AND TREATMENT.--

29 (a) Assessment and treatment shall be conducted by
30 treatment professionals with expertise in specific treatment
31

1 | ~~procedures. These, which~~ professionals shall exercise all
2 | professional judgment independently of the department.

3 | (b) Treatment provided to children in designated
4 | facilities shall be suited to the assessed needs of each
5 | individual child and shall be administered safely and
6 | humanely, with respect for human dignity.

7 | (c) The department may promulgate rules for the
8 | implementation and operation of programs and facilities for
9 | serious or habitual juvenile offenders.

10 | (d) Any provider who acts in good faith is immune from
11 | civil or criminal liability for his or her actions in
12 | connection with the assessment, treatment, or transportation
13 | of a serious or habitual juvenile offender under ~~the~~
14 | ~~provisions of~~ this chapter.

15 | ~~(e)(j)~~ The following provisions shall apply to
16 | children in serious or habitual juvenile offender programs and
17 | facilities:

18 | 1. A child shall begin participation in the
19 | conditional release component of the program based upon a
20 | determination made by the treatment provider and approved by
21 | the department.

22 | 2. A child shall begin participation in the community
23 | supervision component of conditional release based upon a
24 | determination made by the treatment provider and approved by
25 | the department. The treatment provider shall give written
26 | notice of the determination to the circuit court having
27 | jurisdiction over the child. If the court does not respond
28 | with a written objection within 10 days, the child shall begin
29 | the conditional release component.

30 |
31 |

1 3. A child shall be discharged from the program based
2 upon a determination made by the treatment provider with the
3 approval of the department.

4 4. In situations where the department does not agree
5 with the decision of the treatment provider, a reassessment
6 shall be performed, and the department shall use ~~utilize~~ the
7 reassessment determination to resolve the disagreement and
8 make a final decision.

9 ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND
10 INFORMATION.--

11 (a) Pursuant to ~~the provisions of~~ this section, the
12 department shall implement the comprehensive assessment
13 instrument for the treatment needs of serious or habitual
14 juvenile offenders and for the assessment, which assessment
15 shall include the criteria under subsection (1) ~~s. 985.03(48)~~
16 and shall also include, but not be limited to, evaluation of
17 the child's:

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

27 (b) The department shall contract with multiple
28 individuals or not-for-profit organizations to perform the
29 assessments and treatment, and shall ensure that the staff of
30 each provider is ~~are~~ appropriately trained.

31

1 (c) Assessment and treatment providers shall have a
2 written procedure developed, in consultation with licensed
3 treatment professionals, establishing conditions under which a
4 child's blood and urine samples will be tested for substance
5 abuse indications. ~~It is not unlawful for~~ The person receiving
6 the test results may ~~to~~ divulge the test results to the
7 relevant facility staff and department personnel; ~~however,~~
8 such information is exempt from ~~the provisions of~~ ss. 119.01
9 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

10 (d) Serologic blood test and urinalysis results
11 obtained under ~~pursuant to~~ paragraph (c) are confidential,
12 except that they may be shared with employees or officers of
13 the department, the court, and any assessment or treatment
14 provider and designated facility treating the child. No person
15 to whom the results of a test have been disclosed under this
16 section may disclose the test results to another person not
17 authorized under this section.

18 (e) The results of any serologic blood or urine test
19 on a serious or habitual juvenile offender shall become a part
20 of that child's medical file. Upon transfer of the child to
21 any other designated treatment facility, such file shall be
22 transferred in an envelope marked confidential. The results of
23 any test designed to identify the human immunodeficiency
24 virus, or its antigen or antibody, shall be accessible only to
25 persons designated by rule of the department. The provisions
26 of such rule shall be consistent with the guidelines
27 established by the Centers for Disease Control and Prevention.

28 (f) A record of the assessment and treatment of each
29 serious or habitual juvenile offender shall be maintained by
30 the provider, which shall include data pertaining to the
31 child's treatment and such other information as may be

1 required under rules of the department. Unless waived by
2 express and informed consent by the child or the guardian or,
3 if the child is deceased, by the child's personal
4 representative or by the person who stands next in line of
5 intestate succession, the privileged and confidential status
6 of the clinical assessment and treatment record shall not be
7 lost by either authorized or unauthorized disclosure to any
8 person, organization, or agency.

9 (g) The assessment and treatment record shall not be a
10 public record, and no part of it shall be released, except
11 that:

12 1. The record shall be released to such persons and
13 agencies as are designated by the child or the guardian.

14 2. The record shall be released to persons authorized
15 by order of court, excluding matters privileged by other
16 provisions of law.

17 3. The record or any part thereof shall be disclosed
18 to a qualified researcher, as defined by rule; a staff member
19 of the designated treatment facility; or an employee of the
20 department when the administrator of the facility or the
21 Secretary of Juvenile Justice deems it necessary for treatment
22 of the child, maintenance of adequate records, compilation of
23 treatment data, or evaluation of programs.

24 4. Information from the assessment and treatment
25 record may be used for statistical and research purposes if
26 the information is abstracted in such a way as to protect the
27 identity of individuals.

28 (h) Notwithstanding other provisions of this section,
29 the department may request, receive, and provide assessment
30 and treatment information to facilitate treatment,
31

1 rehabilitation, and continuity of care of any serious or
2 habitual juvenile offender from any of the following:

3 1. The Social Security Administration and the United
4 States Department of Veterans Affairs.

5 2. Law enforcement agencies, state attorneys, defense
6 attorneys, and judges in regard to the child's status.

7 3. Personnel in any facility in which the child may be
8 placed.

9 4. Community agencies and others expected to provide
10 services to the child upon his or her return to the community.

11 (i) Any law enforcement agency, designated treatment
12 facility, governmental or community agency, or other entity
13 that receives information under ~~pursuant to~~ this section shall
14 maintain such information as a nonpublic record as otherwise
15 provided herein.

16 (j) Any agency, not-for-profit organization, or
17 treatment professional who acts in good faith in releasing
18 information under ~~pursuant to~~ this subsection shall not be
19 subject to civil or criminal liability for such release.

20 (k) Assessment and treatment records are confidential
21 as described in this paragraph and exempt from ~~the provisions~~
22 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution.

24 1. The department shall have full access to the
25 assessment and treatment records to ensure coordination of
26 services to the child.

27 2. The principles of confidentiality of records ~~as~~
28 provided in s. 985.04 ~~shall~~ apply to the assessment and
29 treatment records of serious or habitual juvenile offenders.

30 (l) For purposes of effective administration, accurate
31 tracking and recordkeeping, and optimal treatment decisions,

1 each assessment and treatment provider shall maintain a
2 central identification file on the serious or habitual
3 juvenile offenders it treats.

4 (m) The file of each serious or habitual juvenile
5 offender shall contain, but is not limited to, pertinent
6 children-in-need-of-services and delinquency record
7 information maintained by the department; pertinent school
8 records information on behavior, attendance, and achievement;
9 and pertinent information on delinquency or children in need
10 of services maintained by law enforcement agencies and the
11 state attorney.

12 (n) All providers under this section shall, as part of
13 their contractual duties, collect, maintain, and report to the
14 department all information necessary to comply with mandatory
15 reporting pursuant to the promulgation of rules by the
16 department for the implementation of serious or habitual
17 juvenile offender programs and the monitoring and evaluation
18 thereof.

19 (o) The department is responsible for the development
20 and maintenance of a statewide automated tracking system for
21 serious or habitual juvenile offenders.

22 ~~(12)~~~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

23 (a) Designated facilities shall be sited and
24 constructed by the department, directly or by contract,
25 pursuant to departmental rules, to ensure that facility design
26 is compatible with treatment. The department is authorized to
27 contract for the construction of the facilities and may also
28 lease facilities. The number of beds per facility shall not
29 exceed 25. An assessment of need for additional facilities
30 shall be conducted prior to the siting or construction of more
31 than one facility in any judicial circuit.

1 (b) Designated facilities for serious or habitual
2 juvenile offenders shall be separate and secure facilities
3 established under the authority of the department for the
4 treatment of such children.

5 (c) Security for designated facilities for serious or
6 habitual juvenile offenders shall be determined by the
7 department. The department is authorized to contract for the
8 provision of security.

9 (d) With respect to the treatment of serious or
10 habitual juvenile offenders under this section, designated
11 facilities shall be immune from liability for civil damages
12 except in instances when the failure to act in good faith
13 results in serious injury or death, in which case liability
14 shall be governed by s. 768.28.

15 (e) Minimum standards and requirements for designated
16 treatment facilities shall be contractually prescribed under
17 ~~pursuant to~~ subsection (8)(1).

18 Section 57. Subsection (31) of section 985.03, Florida
19 Statutes, is amended and renumbered as subsection (1) of
20 section 985.475, Florida Statutes, and subsection (3) of
21 section 985.231, Florida Statutes, is amended and renumbered
22 as subsection (2) of section 985.475, Florida Statutes, to
23 read:

24 985.475 Juvenile sexual offenders.--

25 ~~(1)(31)~~ CRITERIA.--A "juvenile sexual offender" means:

26 (a) A juvenile who has been found by the court under
27 ~~pursuant to~~ s. 985.35 ~~985.228~~ to have committed a violation of
28 chapter 794, chapter 796, chapter 800, s. 827.071, or s.
29 847.0133;

30 (b) A juvenile found to have committed any felony
31 violation of law or delinquent act involving juvenile sexual

1 abuse. "Juvenile sexual abuse" means any sexual behavior which
2 occurs without consent, without equality, or as a result of
3 coercion. For purposes of this subsection, the following
4 definitions apply:

5 1. "Coercion" means the exploitation of authority, use
6 of bribes, threats of force, or intimidation to gain
7 cooperation or compliance.

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

11 3. "Consent" means an agreement including all of the
12 following:

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

15 b. Knowledge of societal standards for what is being
16 proposed.

17 c. Awareness of potential consequences and
18 alternatives.

19 d. Assumption that agreement or disagreement will be
20 accepted equally.

21 e. Voluntary decision.

22 f. Mental competence.

23
24 Juvenile sexual offender behavior ranges from noncontact
25 sexual behavior such as making obscene phone calls,
26 exhibitionism, voyeurism, and the showing or taking of lewd
27 photographs to varying degrees of direct sexual contact, such
28 as frottage, fondling, digital penetration, rape, fellatio,
29 sodomy, and various other sexually aggressive acts.

30 ~~(2)(3)~~ Following a delinquency adjudicatory hearing
31 under ~~pursuant to~~ s. 985.35 ~~985.228~~, the court may on its own

1 or upon request by the state or the department and subject to
2 specific appropriation, determine whether a juvenile sexual
3 offender placement is required for the protection of the
4 public and what would be the best approach to address the
5 treatment needs of the juvenile sexual offender. When the
6 court determines that a juvenile has no history of a recent
7 comprehensive assessment focused on sexually deviant behavior,
8 the court may, subject to specific appropriation, order the
9 department to conduct or arrange for an examination to
10 determine whether the juvenile sexual offender is amenable to
11 community-based treatment.

12 (a) The report of the examination shall include, at a
13 minimum, the following:

- 14 1. The juvenile sexual offender's account of the
15 incident and the official report of the investigation.
- 16 2. The juvenile sexual offender's offense history.
- 17 3. A multidisciplinary assessment of the sexually
18 deviant behaviors, including an assessment by a certified
19 psychologist, therapist, or psychiatrist.
- 20 4. An assessment of the juvenile sexual offender's
21 family, social, educational, and employment situation. The
22 report shall set forth the sources of the evaluator's
23 information.

24 (b) The report shall assess the juvenile sexual
25 offender's amenability to treatment and relative risk to the
26 victim and the community.

27 (c) The department shall provide a proposed plan to
28 the court that shall include, at a minimum:

- 29 1. The frequency and type of contact between the
30 offender and therapist.

31

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

3 3. Monitoring plans, including any requirements
4 regarding living conditions, school attendance and
5 participation, lifestyle, and monitoring by family members,
6 legal guardians, or others.

7 4. Anticipated length of treatment.

8 5. Recommended crime-related prohibitions and curfew.

9 6. Reasonable restrictions on the contact between the
10 juvenile sexual offender and either the victim or alleged
11 victim.

12 (d) After receipt of the report on the proposed plan
13 of treatment, the court shall consider whether the community
14 and the offender will benefit from use of juvenile sexual
15 offender community-based treatment alternative disposition and
16 consider the opinion of the victim or the victim's family as
17 to whether the offender should receive a community-based
18 treatment alternative disposition under this subsection.

19 (e) If the court determines that this juvenile sexual
20 offender community-based treatment alternative is appropriate,
21 the court may place the offender on community supervision for
22 up to 3 years. As a condition of community treatment and
23 supervision, the court may order the offender to:

24 1. Undergo available outpatient juvenile sexual
25 offender treatment for up to 3 years. A program or provider
26 may not be used for such treatment unless it has an
27 appropriate program designed for sexual offender treatment.
28 The department shall not change the treatment provider without
29 first notifying the state attorney's office.

30 2. Remain within described geographical boundaries and
31 notify the court or the department counselor prior to any

1 change in the offender's address, educational program, or
2 employment.

3 3. Comply with all requirements of the treatment plan.

4 (f) The juvenile sexual offender treatment provider
5 shall submit quarterly reports on the respondent's progress in
6 treatment to the court and the parties to the proceedings. The
7 juvenile sexual offender reports shall reference the treatment
8 plan and include, at a minimum, the following:

9 1. Dates of attendance.

10 2. The juvenile sexual offender's compliance with the
11 requirements of treatment.

12 3. A description of the treatment activities.

13 4. The sexual offender's relative progress in
14 treatment.

15 5. The offender's family support of the treatment
16 objectives.

17 6. Any other material specified by the court at the
18 time of the disposition.

19 (g) At the disposition hearing, the court may set case
20 review hearings as the court considers appropriate.

21 (h) If the juvenile sexual offender violates any
22 condition of the disposition or the court finds that the
23 juvenile sexual offender is failing to make satisfactory
24 progress in treatment, the court may revoke the
25 community-based treatment alternative and order commitment to
26 the department under s. 985.441 ~~pursuant to subsection (1)~~.

27 (i) If the court determines that the juvenile sexual
28 offender is not amenable to community-based treatment, the
29 court shall proceed with a juvenile sexual offender
30 disposition hearing under s. 985.441 ~~pursuant to subsection~~
31 ~~(1)~~.

1 Section 58. Section 985.308, Florida Statutes, is
2 renumbered as section 985.48, Florida Statutes.

3 Section 59. Subsection (7) of section 985.03, Florida
4 Statutes, is amended and renumbered as subsection (1) of
5 section 985.483, Florida Statutes, subsections (2), (4), and
6 (5) of section 985.311, Florida Statutes, are amended and
7 renumbered, respectively, as subsections (9), (11), and (12)
8 of section 985.483, Florida Statutes, paragraphs (e) through
9 (i) and (k) of subsection (3) of section 985.311, Florida
10 Statutes, are amended and renumbered, respectively, as
11 subsections (2) through (6) and (7) of section 985.483,
12 Florida Statutes, subsection (1) of section 985.311, Florida
13 Statutes, is renumbered as subsection (8) of section 985.483,
14 Florida Statutes, and paragraphs (a) through (d) and (j) of
15 subsection (3) of section 985.311, Florida Statutes, are
16 renumbered as paragraphs (a) through (d) and (e) of subsection
17 (10) of section 985.483, Florida Statutes, and amended to
18 read:

19 985.483 ~~985.311~~ Intensive residential treatment
20 program for offenders less than 13 years of age.--

21 ~~(1)(7)~~ CRITERIA.--A "child eligible for an intensive
22 residential treatment program for offenders less than 13 years
23 of age" means a child who has been found to have committed a
24 delinquent act or a violation of law in the case currently
25 before the court and who meets at least one of the following
26 criteria:

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

- 30 1. Arson;
- 31 2. Sexual battery;

- 1 3. Robbery;
2 4. Kidnapping;
3 5. Aggravated child abuse;
4 6. Aggravated assault;
5 7. Aggravated stalking;
6 8. Murder;
7 9. Manslaughter;
8 10. Unlawful throwing, placing, or discharging of a
9 destructive device or bomb;
10 11. Armed burglary;
11 12. Aggravated battery;
12 13. Any lewd or lascivious offense committed upon or
13 in the presence of a person less than 16 years of age; or
14 14. Carrying, displaying, using, threatening, or
15 attempting to use a weapon or firearm during the commission of
16 a felony.
- 17 (b) The child is less than 13 years of age at the time
18 of the disposition, the current offense is a felony, and the
19 child has previously been committed at least once to a
20 delinquency commitment program.
- 21 (c) The child is less than 13 years of age and is
22 currently committed for a felony offense and transferred from
23 a moderate-risk or high-risk residential commitment placement.
- 24 ~~(2)(3)(e)~~ DETERMINATION.-- After a child has been
25 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~
26 (5), the court shall determine whether the child is eligible
27 for an intensive residential treatment program for offenders
28 less than 13 years of age under subsection (1) ~~pursuant to s.~~
29 ~~985.03(7)~~. If the court determines that the child does not
30 meet the criteria, ss. 985.435, 985.437, 985.439, 985.441,
31

1 ~~985.445, 985.45, and 985.455 the provisions of s. 985.231(1)~~
2 shall apply.

3 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has
4 been transferred for criminal prosecution, a circuit court
5 judge may direct a juvenile probation officer to consult with
6 designated staff from an appropriate intensive residential
7 treatment program for offenders less than 13 years of age for
8 the purpose of making recommendations to the court regarding
9 the child's placement in such program.

10 ~~(4)(3)(g)~~ TIME AND PLACE FOR
11 RECOMMENDATIONS.--Recommendations as to a child's placement in
12 an intensive residential treatment program for offenders less
13 than 13 years of age may be based on a preliminary screening
14 of the child at appropriate sites, considering the child's
15 location while court action is pending, which may include the
16 nearest regional detention center or facility or jail.

17 ~~(5)(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the
18 recommendations of the multidisciplinary assessment, the
19 juvenile probation officer shall make the following
20 recommendations to the court:

21 ~~(a)1-~~ For each child who has not been transferred for
22 criminal prosecution, the juvenile probation officer shall
23 recommend whether placement in such program is appropriate and
24 needed.

25 ~~(b)2-~~ For each child who has been transferred for
26 criminal prosecution, the juvenile probation officer shall
27 recommend whether the most appropriate placement for the child
28 is a juvenile justice system program, including a child who is
29 eligible for an intensive residential treatment program for
30 offenders less than 13 years of age, or placement in the adult
31 correctional system.

1
2 If treatment provided by an intensive residential treatment
3 program for offenders less than 13 years of age is determined
4 to be appropriate and needed and placement is available, the
5 juvenile probation officer and the court shall identify the
6 appropriate intensive residential treatment program for
7 offenders less than 13 years of age best suited to the needs
8 of the child.

9 ~~(6)(3)(i)~~ ACTION ON RECOMMENDATIONS.--The treatment
10 and placement recommendations shall be submitted to the court
11 for further action under ~~pursuant to~~ this subsection
12 ~~paragraph~~:

13 ~~(a)1-~~ If it is recommended that placement in an
14 intensive residential treatment program for offenders less
15 than 13 years of age is inappropriate, the court shall make an
16 alternative disposition under ~~pursuant to~~ s. ~~985.489~~ 985.309
17 or other alternative sentencing as applicable, using ~~utilizing~~
18 the recommendation as a guide.

19 ~~(b)2-~~ If it is recommended that placement in an
20 intensive residential treatment program for offenders less
21 than 13 years of age is appropriate, the court may commit the
22 child to the department for placement in the restrictiveness
23 level designated for intensive residential treatment program
24 for offenders less than 13 years of age.

25 ~~(7)(3)(k)~~ DURATION OF COMMITMENT.--Any commitment of a
26 child to the department for placement in an intensive
27 residential treatment program for offenders less than 13 years
28 of age shall be for an indeterminate period of time, but the
29 time shall not exceed the maximum term of imprisonment that
30 ~~which~~ an adult may serve for the same offense. Any child who
31 has not completed the residential portion of the intensive

1 residential treatment program for offenders less than 13 years
2 of age by his or her fourteenth birthday may be transferred to
3 another program for committed delinquent offenders.

4 (8)~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to
5 ~~the provisions of~~ this chapter and the establishment of
6 appropriate program guidelines and standards, contractual
7 instruments, which shall include safeguards of all
8 constitutional rights, shall be developed for intensive
9 residential treatment programs for offenders less than 13
10 years of age as follows:

11 (a) The department shall provide for:

12 1. The oversight of implementation of assessment and
13 treatment approaches.

14 2. The identification and prequalification of
15 appropriate individuals or not-for-profit organizations,
16 including minority individuals or organizations when possible,
17 to provide assessment and treatment services to intensive
18 offenders less than 13 years of age.

19 3. The monitoring and evaluation of assessment and
20 treatment services for compliance with ~~the provisions of~~ this
21 chapter and all applicable rules and guidelines pursuant
22 thereto.

23 4. The development of an annual report on the
24 performance of assessment and treatment to be presented to the
25 Governor, the Attorney General, the President of the Senate,
26 the Speaker of the House of Representatives, the Auditor
27 General, and the Office of Program Policy Analysis and
28 Government Accountability no later than January 1 of each
29 year.

30 (b) Assessment shall generally comprise the first 30
31 days of treatment and be provided by the same provider as

1 treatment, but assessment and treatment services may be
2 provided by separate providers, where warranted. Providers
3 shall be selected who have the capacity to assess and treat
4 the unique problems presented by children with different
5 racial and ethnic backgrounds. The department shall retain
6 contractual authority to reject any assessment or treatment
7 provider for lack of qualification.

8 ~~(9)(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
9 OFFENDERS UNDER AGE 13.--

10 (a) There is created the intensive residential
11 treatment program for offenders less than 13 years of age. The
12 program shall consist of at least 9 months of intensive secure
13 residential treatment. Conditional release assessment and
14 services shall be provided in accordance with s. 985.46
15 ~~985.316~~. The components of the program shall include, but not
16 be limited to:

- 17 1. Diagnostic evaluation services.
- 18 2. Appropriate treatment modalities, including
19 substance abuse intervention, mental health services, and
20 sexual behavior dysfunction interventions and gang-related
21 behavior interventions.
- 22 3. Life skills.
- 23 4. Values clarification.
- 24 5. Case management services.
- 25 6. Educational services, including special and
26 remedial education.
- 27 7. Recreational and leisure time activities.
- 28 8. Community involvement opportunities commencing,
29 where appropriate, with the direct and timely payment of
30 restitution to the victim.
- 31 9. Intensive conditional release supervision.

1 10. Graduated reentry into the community.

2 11. A diversity of forms of individual and family
3 treatment appropriate to and consistent with the child's
4 needs.

5 12. Consistent and clear consequences for misconduct.

6 (b) The department is authorized to contract with
7 private companies to provide some or all of the components
8 indicated in paragraph (a).

9 (c) The department shall involve local law enforcement
10 agencies, the judiciary, school board personnel, the office of
11 the state attorney, the office of the public defender, and
12 community service agencies interested in or currently working
13 with juveniles, in planning and developing this program.

14 (d) The department is authorized to accept funds or
15 in-kind contributions from public or private sources to be
16 used for the purposes of this section.

17 (e) The department shall establish quality assurance
18 standards to ensure the quality and substance of mental health
19 services provided to children with mental, nervous, or
20 emotional disorders who may be committed to intensive
21 residential treatment programs. The quality assurance
22 standards shall address the possession of credentials by the
23 mental health service providers.

24 ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT
25 AND TREATMENT.--

26 (a) Assessment and treatment shall be conducted by
27 treatment professionals with expertise in specific treatment
28 procedures. These, ~~which~~ professionals shall exercise all
29 professional judgment independently of the department.

30 (b) Treatment provided to children in designated
31 facilities shall be suited to the assessed needs of each

1 individual child and shall be administered safely and
2 humanely, with respect for human dignity.

3 (c) The department may promulgate rules for the
4 implementation and operation of programs and facilities for
5 children who are eligible for an intensive residential
6 treatment program for offenders less than 13 years of age. The
7 department must involve the following groups in the
8 promulgation of rules for services for this population: local
9 law enforcement agencies, the judiciary, school board
10 personnel, the office of the state attorney, the office of the
11 public defender, and community service agencies interested in
12 or currently working with juveniles. When promulgating these
13 rules, the department must consider program principles,
14 components, standards, procedures for intake, diagnostic and
15 assessment activities, treatment modalities, and case
16 management.

17 (d) Any provider who acts in good faith is immune from
18 civil or criminal liability for his or her actions in
19 connection with the assessment, treatment, or transportation
20 of an intensive offender less than 13 years of age under ~~the~~
21 ~~provisions of~~ this chapter.

22 (e)~~(j)~~ The following provisions shall apply to
23 children in an intensive residential treatment program for
24 offenders less than 13 years of age:

25 1. A child shall begin participation in the
26 conditional release component of the program based upon a
27 determination made by the treatment provider and approved by
28 the department.

29 2. A child shall begin participation in the community
30 supervision component of conditional release based upon a
31 determination made by the treatment provider and approved by

1 the department. The treatment provider shall give written
2 notice of the determination to the circuit court having
3 jurisdiction over the child. If the court does not respond
4 with a written objection within 10 days, the child shall begin
5 the conditional release component.

6 3. A child shall be discharged from the program based
7 upon a determination made by the treatment provider with the
8 approval of the department.

9 4. In situations where the department does not agree
10 with the decision of the treatment provider, a reassessment
11 shall be performed, and the department shall use ~~utilize~~ the
12 reassessment determination to resolve the disagreement and
13 make a final decision.

14 ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND
15 INFORMATION.--

16 (a) Under ~~Pursuant to the provisions of~~ this section,
17 the department shall implement the comprehensive assessment
18 instrument for the treatment needs of children who are
19 eligible for an intensive residential treatment program for
20 offenders less than 13 years of age and for the assessment,
21 which assessment shall include the criteria under subsection
22 ~~(1) s. 985.03(7)~~ and shall also include, but not be limited
23 to, evaluation of the child's:

- 24 1. Amenability to treatment.
- 25 2. Proclivity toward violence.
- 26 3. Tendency toward gang involvement.
- 27 4. Substance abuse or addiction and the level thereof.
- 28 5. History of being a victim of child abuse or sexual
29 abuse, or indication of sexual behavior dysfunction.
- 30 6. Number and type of previous adjudications, findings
31 of guilt, and convictions.

1 7. Potential for rehabilitation.

2 (b) The department shall contract with multiple
3 individuals or not-for-profit organizations to perform the
4 assessments and treatment, and shall ensure that the staff of
5 each provider is ~~are~~ appropriately trained.

6 (c) Assessment and treatment providers shall have a
7 written procedure developed, in consultation with licensed
8 treatment professionals, establishing conditions under which a
9 child's blood and urine samples will be tested for substance
10 abuse indications. ~~It is not unlawful for~~ The person receiving
11 the test results may ~~to~~ divulge the test results to the
12 relevant facility staff and department personnel; ~~however,~~
13 such information is exempt from ~~the provisions of~~ ss. 119.01
14 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

15 (d) Serologic blood test and urinalysis results
16 obtained under ~~pursuant to~~ paragraph (c) are confidential,
17 except that they may be shared with employees or officers of
18 the department, the court, and any assessment or treatment
19 provider and designated facility treating the child. No person
20 to whom the results of a test have been disclosed under this
21 section may disclose the test results to another person not
22 authorized under this section.

23 (e) The results of any serologic blood or urine test
24 on a child who is eligible for an intensive residential
25 treatment program for offenders less than 13 years of age
26 shall become a part of that child's permanent medical file.
27 Upon transfer of the child to any other designated treatment
28 facility, such file shall be transferred in an envelope marked
29 confidential. The results of any test designed to identify the
30 human immunodeficiency virus, or its antigen or antibody,
31 shall be accessible only to persons designated by rule of the

1 department. The provisions of such rule shall be consistent
2 with the guidelines established by the Centers for Disease
3 Control and Prevention.

4 (f) A record of the assessment and treatment of each
5 child who is eligible for an intensive residential treatment
6 program for offenders less than 13 years of age shall be
7 maintained by the provider, which shall include data
8 pertaining to the child's treatment and such other information
9 as may be required under rules of the department. Unless
10 waived by express and informed consent by the child or the
11 guardian or, if the child is deceased, by the child's personal
12 representative or by the person who stands next in line of
13 intestate succession, the privileged and confidential status
14 of the clinical assessment and treatment record shall not be
15 lost by either authorized or unauthorized disclosure to any
16 person, organization, or agency.

17 (g) The assessment and treatment record shall not be a
18 public record, and no part of it shall be released, except
19 that:

20 1. The record shall be released to such persons and
21 agencies as are designated by the child or the guardian.

22 2. The record shall be released to persons authorized
23 by order of court, excluding matters privileged by other
24 provisions of law.

25 3. The record or any part thereof shall be disclosed
26 to a qualified researcher, as defined by rule; a staff member
27 of the designated treatment facility; or an employee of the
28 department when the administrator of the facility or the
29 Secretary of Juvenile Justice deems it necessary for treatment
30 of the child, maintenance of adequate records, compilation of
31 treatment data, or evaluation of programs.

1 4. Information from the assessment and treatment
2 record may be used for statistical and research purposes if
3 the information is abstracted in such a way as to protect the
4 identity of individuals.

5 (h) Notwithstanding other provisions of this section,
6 the department may request, receive, and provide assessment
7 and treatment information to facilitate treatment,
8 rehabilitation, and continuity of care of any child who is
9 eligible for an intensive residential treatment program for
10 offenders less than 13 years of age from any of the following:

11 1. The Social Security Administration and the United
12 States Department of Veterans Affairs.

13 2. Law enforcement agencies, state attorneys, defense
14 attorneys, and judges in regard to the child's status.

15 3. Personnel in any facility in which the child may be
16 placed.

17 4. Community agencies and others expected to provide
18 services to the child upon his or her return to the community.

19 (i) Any law enforcement agency, designated treatment
20 facility, governmental or community agency, or other entity
21 that receives information under ~~pursuant to~~ this section shall
22 maintain such information as a nonpublic record as otherwise
23 provided herein.

24 (j) Any agency, not-for-profit organization, or
25 treatment professional who acts in good faith in releasing
26 information under ~~pursuant to~~ this subsection shall not be
27 subject to civil or criminal liability for such release.

28 (k) Assessment and treatment records are confidential
29 as described in this paragraph and exempt from ~~the provisions~~
30 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution.

1 1. The department shall have full access to the
2 assessment and treatment records to ensure coordination of
3 services to the child.

4 2. The principles of confidentiality of records as
5 provided in s. 985.045 ~~985.05~~ shall apply to the assessment
6 and treatment records of children who are eligible for an
7 intensive residential treatment program for offenders less
8 than 13 years of age.

9 (1) For purposes of effective administration, accurate
10 tracking and recordkeeping, and optimal treatment decisions,
11 each assessment and treatment provider shall maintain a
12 central identification file on each child it treats in the
13 intensive residential treatment program for offenders less
14 than 13 years of age.

15 (m) The file of each child treated in the intensive
16 residential treatment program for offenders less than 13 years
17 of age shall contain, but is not limited to, pertinent
18 children-in-need-of-services and delinquency record
19 information maintained by the department; pertinent school
20 records information on behavior, attendance, and achievement;
21 and pertinent information on delinquency or children in need
22 of services maintained by law enforcement agencies and the
23 state attorney.

24 (n) All providers under this section shall, as part of
25 their contractual duties, collect, maintain, and report to the
26 department all information necessary to comply with mandatory
27 reporting pursuant to the promulgation of rules by the
28 department for the implementation of intensive residential
29 treatment programs for offenders less than 13 years of age and
30 the monitoring and evaluation thereof.

31

1 (o) The department is responsible for the development
2 and maintenance of a statewide automated tracking system for
3 children who are treated in an intensive residential treatment
4 program for offenders less than 13 years of age.

5 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

6 (a) Designated facilities shall be sited and
7 constructed by the department, directly or by contract,
8 pursuant to departmental rules, to ensure that facility design
9 is compatible with treatment. The department is authorized to
10 contract for the construction of the facilities and may also
11 lease facilities. The number of beds per facility shall not
12 exceed 25. An assessment of need for additional facilities
13 shall be conducted prior to the siting or construction of more
14 than one facility in any judicial circuit.

15 (b) Designated facilities for an intensive residential
16 treatment program for offenders less than 13 years of age
17 shall be separate and secure facilities established under the
18 authority of the department for the treatment of such
19 children.

20 (c) Security for designated facilities for children
21 who are eligible for an intensive residential treatment
22 program for offenders less than 13 years of age shall be
23 determined by the department. The department is authorized to
24 contract for the provision of security.

25 (d) With respect to the treatment of children who are
26 eligible for an intensive residential treatment program for
27 offenders less than 13 years of age under this section,
28 designated facilities shall be immune from liability for civil
29 damages except in instances when the failure to act in good
30 faith results in serious injury or death, in which case
31 liability shall be governed by s. 768.28.

1 (e) Minimum standards and requirements for designated
2 treatment facilities shall be contractually prescribed under
3 ~~pursuant to~~ subsection(8)(1).

4 Section 60. Section 985.312, Florida Statutes, is
5 renumbered as section 985.486, Florida Statutes, and amended
6 to read:

7 985.486 ~~985.312~~ Intensive residential treatment
8 programs for offenders less than 13 years of age; prerequisite
9 for commitment.--No child who is eligible for commitment to an
10 intensive residential treatment program for offenders less
11 than 13 years of age as established in s. 985.483(1)
12 ~~985.03(7)~~, may be committed to any intensive residential
13 treatment program for offenders less than 13 years of age as
14 established in s. 985.483 ~~985.311~~, unless such program has
15 been established by the department through existing resources
16 or specific appropriation, for such program.

17 Section 61. Section 985.309, Florida Statutes, is
18 renumbered as section 985.489, Florida Statutes, and
19 subsection (6) of that section is amended to read:

20 985.489 ~~985.309~~ Boot camp for children.--

21 (6) A boot camp operated by the department, a county,
22 or a municipality must provide for the following minimum
23 periods of participation:

24 (a) A participant in a low-risk residential program
25 must spend at least 2 months in the boot camp component of the
26 program. Conditional release assessment and services shall be
27 provided in accordance with s. 985.46 ~~985.316~~.

28 (b) A participant in a moderate-risk residential
29 program must spend at least 4 months in the boot camp
30 component of the program. Conditional release assessment and
31

1 services shall be provided in accordance with s. 985.46
2 ~~985.316~~.

3
4 This subsection does not preclude the operation of a program
5 that requires the participants to spend more than 4 months in
6 the boot camp component of the program or that requires the
7 participants to complete two sequential programs of 4 months
8 each in the boot camp component of the program.

9 Section 62. Section 985.314, Florida Statutes, is
10 renumbered as section 985.494, Florida Statutes, and amended
11 to read:

12 985.494 ~~985.314~~ Commitment programs for juvenile
13 felony offenders.--

14 (1) Notwithstanding any other law and regardless of
15 the child's age, a child who is adjudicated delinquent, or for
16 whom adjudication is withheld, for an act that would be a
17 felony if committed by an adult, shall be committed to:

18 (a) A boot camp program under s. 985.489 ~~985.309~~ if
19 the child has participated in an early delinquency
20 intervention program as provided in s. 985.61 ~~985.305~~.

21 (b) A program for serious or habitual juvenile
22 offenders under s. 985.47 ~~985.31~~ or an intensive residential
23 treatment program for offenders less than 13 years of age
24 under s. 985.483 ~~985.311~~, if the child has participated in an
25 early delinquency intervention program and has completed a
26 boot camp program.

27 (c) A maximum-risk residential program, if the child
28 has participated in an early delinquency intervention program,
29 has completed a boot camp program, and has completed a program
30 for serious or habitual juvenile offenders or an intensive
31 residential treatment program for offenders less than 13 years

1 of age. The commitment of a child to a maximum-risk
2 residential program must be for an indeterminate period, but
3 may not exceed the maximum term of imprisonment that an adult
4 may serve for the same offense.

5 (2) In committing a child to the appropriate program,
6 the court may consider an equivalent program of similar
7 intensity as being comparable to a program required under
8 subsection (1).

9 Section 63. Section 985.511, Florida Statutes, is
10 created to read:

11 985.511 Costs of representation.--The responsibilities
12 of the parents or legal guardian of the child to pay costs
13 associated with the representation of the child are prescribed
14 under s. 985.033.

15 Section 64. Section 985.204, Florida Statutes, is
16 renumbered as section 985.512, Florida Statutes.

17 Section 65. Paragraph (e) of subsection (1) of section
18 985.231, Florida Statutes, is amended and renumbered as
19 subsection (2) of section 985.513, Florida Statutes, which is
20 created to read:

21 985.513 Powers of the court over parent or guardian at
22 disposition.--

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

27 (a) Order the child's parent or guardian together with
28 the child to render community service in a public service
29 program or to participate in a community work project. In
30 addition to the sanctions imposed on the child, the court may
31 order the parent or guardian of the child to perform community

1 service if the court finds that the parent or guardian did not
2 make a diligent and good faith effort to prevent the child
3 from engaging in delinquent acts.

4 (b) Order the parent or guardian to make restitution
5 in money or in kind for any damage or loss caused by the
6 child's offense. The court may also require the parent or
7 legal guardian of the child to be responsible for any
8 restitution ordered against the child, as provided under s.
9 985.437. The court shall determine a reasonable amount or
10 manner of restitution, and payment shall be made to the clerk
11 of the circuit court as provided in s. 985.437. The court may
12 retain jurisdiction, as provided under s. 985.0301, over the
13 child and the child's parent or legal guardian whom the court
14 has ordered to pay restitution until the restitution order is
15 satisfied or the court orders otherwise.

16 ~~(1)~~

17 (2)(e) Notwithstanding whether adjudication is imposed
18 or withheld ~~In carrying out the provisions of this part,~~ the
19 court may order the natural parents or legal custodian or
20 guardian of a child who is found to have committed a
21 delinquent act to participate in family counseling and other
22 professional counseling activities deemed necessary for the
23 rehabilitation of the child or to enhance their ability to
24 provide the child with adequate support, guidance, and
25 supervision. The court may also order that the parent,
26 custodian, or guardian support the child and participate with
27 the child in fulfilling a court-imposed sanction. In addition,
28 the court may use its contempt powers to enforce a
29 court-imposed sanction.

30 Section 66. Section 985.514, Florida Statutes, is
31 created to read:

1 985.514 Responsibility for cost of care; fees.--

2 (1) When any child is placed into secure or home
3 detention care or into other placement for the purpose of
4 being supervised by the department pursuant to a court order
5 following a detention hearing, the court shall order the
6 parents or guardians of such child to pay fees to the
7 department as provided in s. 985.039.

8 (2) When any child is found by the court to have
9 committed a delinquent act and is placed on probation,
10 regardless of adjudication, under the supervision of or in the
11 temporary legal custody of the department, the court shall
12 order the child's parents to pay fees to the department as
13 provided in s. 985.039.

14 (3) When the court under s. 985.565 orders any child
15 prosecuted as an adult to be supervised by or committed to the
16 department for treatment in any of the department's programs
17 for children, the court shall order the child's parents to pay
18 fees as provided in s. 985.039.

19 Section 67. Section 985.234, Florida Statutes, is
20 renumbered as section 985.534, Florida Statutes, and
21 subsection (1) of that section is amended to read:

22 985.534 985.234 Appeal.--

23 (1) An appeal from an order of the court affecting a
24 party to a case involving a child under ~~pursuant to~~ this
25 chapter part may be taken to the appropriate district court of
26 appeal within the time and in the manner prescribed by s.
27 924.051 and the Florida Rules of Appellate Procedure by:

28 (a) Any child, and any parent or legal guardian or
29 custodian of any child.

30 (b) The state, which may appeal from:
31

- 1 1. An order dismissing a petition or any section
- 2 thereof;
- 3 2. An order granting a new adjudicatory hearing;
- 4 3. An order arresting judgment;
- 5 4. A ruling on a question of law when the child is
- 6 adjudicated delinquent and appeals from the judgment;
- 7 5. The disposition, on the ground that it is illegal;
- 8 6. A judgment discharging a child on habeas corpus;
- 9 7. An order adjudicating a child insane under the
- 10 Florida Rules of Juvenile Procedure; and
- 11 8. All other preadjudicatory hearings, except that the
- 12 state may not take more than one appeal under this subsection
- 13 in any case.

14
15 In the case of an appeal by the state, the notice of appeal
16 shall be filed by the appropriate state attorney or his or her
17 authorized assistant under ~~pursuant to the provisions of s.~~
18 27.18. Such an appeal shall embody all assignments of error in
19 each preadjudicatory hearing order that the state seeks to
20 have reviewed. The state shall pay all costs of the appeal
21 except for the child's attorney's fee.

22 Section 68. Sections 985.235 and 985.236, Florida
23 Statutes, are renumbered, respectively, as sections 985.535
24 and 985.536, Florida Statutes.

25 Section 69. Section 985.226, Florida Statutes, is
26 renumbered as section 985.556, Florida Statutes, and amended
27 to read:

28 985.556 985.226 Waiver of juvenile court jurisdiction;
29 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~
30 ~~hearing on motion to transfer for prosecution as an adult.--~~

1 (1) VOLUNTARY WAIVER.--The court shall transfer and
2 certify a child's criminal case for trial as an adult if the
3 child is alleged to have committed a violation of law and,
4 prior to the commencement of an adjudicatory hearing, the
5 child, joined by a parent or, in the absence of a parent, by
6 the guardian or guardian ad litem, demands in writing to be
7 tried as an adult. Once a child has been transferred for
8 criminal prosecution pursuant to a voluntary waiver hearing
9 and has been found to have committed the presenting offense or
10 a lesser included offense, the child shall be handled
11 thereafter in every respect as an adult for any subsequent
12 violation of state law, unless the court imposes juvenile
13 sanctions under s. 985.565 ~~985.233~~(4)(b).

14 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

15 ~~(a) Discretionary waiver.~~ Except as provided in
16 subsection (3) ~~paragraph (b)~~, the state attorney may file a
17 motion requesting the court to transfer the child for criminal
18 prosecution if the child was 14 years of age or older at the
19 time the alleged delinquent act or violation of law was
20 committed.

21 (3) INVOLUNTARY MANDATORY WAIVER.--

22 ~~(b) Mandatory waiver.~~

23 ~~(a)1-~~ If the child was 14 years of age or older, and
24 if the child has been previously adjudicated delinquent for an
25 act classified as a felony, which adjudication was for the
26 commission of, attempt to commit, or conspiracy to commit
27 murder, sexual battery, armed or strong-armed robbery,
28 carjacking, home-invasion robbery, aggravated battery,
29 aggravated assault, or burglary with an assault or battery,
30 and the child is currently charged with a second or subsequent
31 violent crime against a person; or

1 ~~(b)2-~~ If the child was 14 years of age or older at the
2 time of commission of a fourth or subsequent alleged felony
3 offense and the child was previously adjudicated delinquent or
4 had adjudication withheld for or was found to have committed,
5 or to have attempted or conspired to commit, three offenses
6 that are felony offenses if committed by an adult, and one or
7 more of such felony offenses involved the use or possession of
8 a firearm or violence against a person;

9
10 the state attorney shall request the court to transfer and
11 certify the child for prosecution as an adult or shall provide
12 written reasons to the court for not making such request, or
13 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the
14 state attorney's request, the court shall either enter an
15 order transferring the case and certifying the case for trial
16 as if the child were an adult or provide written reasons for
17 not issuing such an order.

18 ~~(4)(3)~~ WAIVER HEARING.--

19 (a) Within 7 days, excluding Saturdays, Sundays, and
20 legal holidays, after the date a petition alleging that a
21 child has committed a delinquent act or violation of law has
22 been filed, or later with the approval of the court, but
23 before an adjudicatory hearing and after considering the
24 recommendation of the juvenile probation officer, the state
25 attorney may file a motion requesting the court to transfer
26 the child for criminal prosecution.

27 (b) After the filing of the motion of the state
28 attorney, summonses must be issued and served in conformity
29 with s. 985.319 ~~985.219~~. A copy of the motion and a copy of
30 the delinquency petition, if not already served, must be
31 attached to each summons.

1 (c) The court shall conduct a hearing on all transfer
2 request motions for the purpose of determining whether a child
3 should be transferred. In making its determination, the court
4 shall consider:

5 1. The seriousness of the alleged offense to the
6 community and whether the protection of the community is best
7 served by transferring the child for adult sanctions.

8 2. Whether the alleged offense was committed in an
9 aggressive, violent, premeditated, or willful manner.

10 3. Whether the alleged offense was against persons or
11 against property, greater weight being given to offenses
12 against persons, especially if personal injury resulted.

13 4. The probable cause as found in the report,
14 affidavit, or complaint.

15 5. The desirability of trial and disposition of the
16 entire offense in one court when the child's associates in the
17 alleged crime are adults or children who are to be tried as
18 adults.

19 6. The sophistication and maturity of the child.

20 7. The record and previous history of the child,
21 including:

22 a. Previous contacts with the department, the
23 Department of Corrections, the former Department of Health and
24 Rehabilitative Services, the Department of Children and Family
25 Services, other law enforcement agencies, and courts;

26 b. Prior periods of probation;

27 c. Prior adjudications that the child committed a
28 delinquent act or violation of law, greater weight being given
29 if the child has previously been found by a court to have
30 committed a delinquent act or violation of law involving an
31 offense classified as a felony or has twice previously been

1 found to have committed a delinquent act or violation of law
2 involving an offense classified as a misdemeanor; and

3 d. Prior commitments to institutions.

4 8. The prospects for adequate protection of the public
5 and the likelihood of reasonable rehabilitation of the child,
6 if the child is found to have committed the alleged offense,
7 by the use of procedures, services, and facilities currently
8 available to the court.

9 (d) Prior to a hearing on the transfer request motion
10 by the state attorney, a study and report to the court
11 relevant to the factors in paragraph (c) must be made in
12 writing by an authorized agent of the department. The child
13 and the child's parents or legal guardians and counsel and the
14 state attorney shall have the right to examine these reports
15 and to question the parties responsible for them at the
16 hearing.

17 (e) Any decision to transfer a child for criminal
18 prosecution must be in writing and include consideration of,
19 and findings of fact with respect to, all criteria in
20 paragraph (c). The court shall render an order including a
21 specific finding of fact and the reasons for a decision to
22 impose adult sanctions. The order shall be reviewable on
23 appeal under s. 985.534 ~~985.234~~ and the Florida Rules of
24 Appellate Procedure.

25 ~~(5)(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

26 (a) Once a child has been transferred for criminal
27 prosecution pursuant to an involuntary waiver hearing and has
28 been found to have committed the presenting offense or a
29 lesser included offense, the child shall thereafter be handled
30 in every respect as an adult for any subsequent violation of
31

1 state law, unless the court imposes juvenile sanctions under
2 s. 985.565 ~~985.233~~.

3 (b) When a child is transferred for criminal
4 prosecution as an adult, the court shall immediately transfer
5 and certify to the adult circuit court all felony cases
6 pertaining to the child, for prosecution of the child as an
7 adult, which have not yet resulted in a plea of guilty or nolo
8 contendere or in which a finding of guilt has not been made.
9 If the child is acquitted of all charged offenses or lesser
10 included offenses contained in the original case transferred
11 to adult court, all felony cases that were transferred to
12 adult court under ~~pursuant to~~ this paragraph shall be subject
13 to the same penalties such cases were subject to before being
14 transferred to adult court.

15 Section 70. Section 985.227, Florida Statutes, is
16 renumbered as section 985.557, Florida Statutes, and amended
17 to read:

18 985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by~~
19 ~~the~~ Direct filing of an information ~~in the criminal division~~
20 ~~of the circuit court;~~ discretionary and ~~criteria;~~ mandatory
21 criteria.--

22 (1) DISCRETIONARY DIRECT FILE; ~~CRITERIA~~.--

23 (a) With respect to any child who was 14 or 15 years
24 of age at the time the alleged offense was committed, the
25 state attorney may file an information when in the state
26 attorney's judgment and discretion the public interest
27 requires that adult sanctions be considered or imposed and
28 when the offense charged is for the commission of, attempt to
29 commit, or conspiracy to commit:

- 30 1. Arson;
- 31 2. Sexual battery;

- 1 3. Robbery;
- 2 4. Kidnapping;
- 3 5. Aggravated child abuse;
- 4 6. Aggravated assault;
- 5 7. Aggravated stalking;
- 6 8. Murder;
- 7 9. Manslaughter;
- 8 10. Unlawful throwing, placing, or discharging of a
- 9 destructive device or bomb;
- 10 11. Armed burglary in violation of s. 810.02(2)(b) or
- 11 specified burglary of a dwelling or structure in violation of
- 12 s. 810.02(2)(c), or burglary with an assault or battery in
- 13 violation of s. 810.02(2)(a);
- 14 12. Aggravated battery;
- 15 13. Any lewd or lascivious offense committed upon or
- 16 in the presence of a person less than 16 years of age;
- 17 14. Carrying, displaying, using, threatening, or
- 18 attempting to use a weapon or firearm during the commission of
- 19 a felony;
- 20 15. Grand theft in violation of s. 812.014(2)(a);
- 21 16. Possessing or discharging any weapon or firearm on
- 22 school property in violation of s. 790.115;
- 23 17. Home invasion robbery;
- 24 18. Carjacking; or
- 25 19. Grand theft of a motor vehicle in violation of s.
- 26 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 27 \$20,000 or more in violation of s. 812.014(2)(b) if the child
- 28 has a previous adjudication for grand theft of a motor vehicle
- 29 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 30 (b) With respect to any child who was 16 or 17 years
- 31 of age at the time the alleged offense was committed, the

1 state attorney may file an information when in the state
2 attorney's judgment and discretion the public interest
3 requires that adult sanctions be considered or imposed.
4 However, the state attorney may not file an information on a
5 child charged with a misdemeanor, unless the child has had at
6 least two previous adjudications or adjudications withheld for
7 delinquent acts, one of which involved an offense classified
8 as a felony under state law.

9 (2) MANDATORY DIRECT FILE.--

10 (a) With respect to any child who was 16 or 17 years
11 of age at the time the alleged offense was committed, the
12 state attorney shall file an information if the child has been
13 previously adjudicated delinquent for an act classified as a
14 felony, which adjudication was for the commission of, attempt
15 to commit, or conspiracy to commit murder, sexual battery,
16 armed or strong-armed robbery, carjacking, home-invasion
17 robbery, aggravated battery, or aggravated assault, and the
18 child is currently charged with a second or subsequent violent
19 crime against a person.

20 (b) With respect to any child 16 or 17 years of age at
21 the time an offense classified as a forcible felony, as
22 defined in s. 776.08, was committed, the state attorney shall
23 file an information if the child has previously been
24 adjudicated delinquent or had adjudication withheld for three
25 acts classified as felonies each of which occurred at least 45
26 days apart from each other. This paragraph does not apply when
27 the state attorney has good cause to believe that exceptional
28 circumstances exist which preclude the just prosecution of the
29 juvenile in adult court.

30 (c) The state attorney must file an information if a
31 child, regardless of the child's age at the time the alleged

1 offense was committed, is alleged to have committed an act
2 that would be a violation of law if the child were an adult,
3 that involves stealing a motor vehicle, including, but not
4 limited to, a violation of s. 812.133, relating to carjacking,
5 or s. 812.014(2)(c)6., relating to grand theft of a motor
6 vehicle, and while the child was in possession of the stolen
7 motor vehicle the child caused serious bodily injury to or the
8 death of a person who was not involved in the underlying
9 offense. For purposes of this section, the driver and all
10 willing passengers in the stolen motor vehicle at the time
11 such serious bodily injury or death is inflicted shall also be
12 subject to mandatory transfer to adult court. "Stolen motor
13 vehicle," for the purposes of this section, means a motor
14 vehicle that has been the subject of any criminal wrongful
15 taking. For purposes of this section, "willing passengers"
16 means all willing passengers who have participated in the
17 underlying offense.

18 (d)1. With respect to any child who was 16 or 17 years
19 of age at the time the alleged offense was committed, the
20 state attorney shall file an information if the child has been
21 charged with committing or attempting to commit an offense
22 listed in s. 775.087(2)(a)1.a.-q., and, during the commission
23 of or attempt to commit the offense, the child:

24 a. Actually possessed a firearm or destructive device,
25 as those terms are defined in s. 790.001.

26 b. Discharged a firearm or destructive device, as
27 described in s. 775.087(2)(a)2.

28 c. Discharged a firearm or destructive device, as
29 described in s. 775.087(2)(a)3., and, as a result of the
30 discharge, death or great bodily harm was inflicted upon any
31 person.

- 1 2. Upon transfer, any child who is:
- 2 a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and
- 3 who has been previously adjudicated or had adjudication
- 4 withheld for a forcible felony offense or any offense
- 5 involving a firearm, or who has been previously placed in a
- 6 residential commitment program, shall be subject to sentencing
- 7 under s. 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.
- 8 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or
- 9 sub-subparagraph 1.c., shall be subject to sentencing under s.
- 10 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.
- 11 3. Upon transfer, any child who is charged under
- 12 ~~pursuant to~~ this paragraph, but who does not meet the
- 13 requirements specified in subparagraph 2., shall be sentenced
- 14 under ~~pursuant to~~ s. 985.565 ~~985.233~~; however, if the court
- 15 imposes a juvenile sanction, the court must commit the child
- 16 to a high-risk or maximum-risk juvenile facility.
- 17 4. This paragraph shall not apply if the state
- 18 attorney has good cause to believe that exceptional
- 19 circumstances exist that ~~which~~ preclude the just prosecution
- 20 of the child in adult court.
- 21 5. The Department of Corrections shall make every
- 22 reasonable effort to ensure that any child 16 or 17 years of
- 23 age who is convicted and sentenced under this paragraph be
- 24 completely separated such that there is no physical contact
- 25 with adult offenders in the facility, to the extent that it is
- 26 consistent with chapter 958.
- 27 (3) EFFECT OF DIRECT FILE.--
- 28 (a) Once a child has been transferred for criminal
- 29 prosecution pursuant to an information and has been found to
- 30 have committed the presenting offense or a lesser included
- 31 offense, the child shall be handled thereafter in every

1 | respect as if an adult for any subsequent violation of state
2 | law, unless the court imposes juvenile sanctions under s.
3 | 985.565 ~~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 a 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 as a result of this paragraph shall be subject to
14 | the same penalties to which such cases would have been subject
15 | before being transferred to adult court.

16 | (c) When a child has been transferred for criminal
17 | prosecution as an adult and has been found to have committed a
18 | violation of state law, the disposition of the case may be
19 | made under s. 985.565 ~~985.233~~ and may include the enforcement
20 | of any restitution ordered in any juvenile proceeding.

21 | (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
22 | attorney shall develop written policies and guidelines to
23 | govern determinations for filing an information on a juvenile,
24 | to be submitted to the Executive Office of the Governor, the
25 | President of the Senate, and the Speaker of the House of
26 | Representatives not later than January 1 of each year.

27 | (5) An information filed pursuant to this section may
28 | include all charges that are based on the same act, criminal
29 | episode, or transaction as the primary offenses.
30 |
31 |

1 Section 71. Section 985.225, Florida Statutes, is
2 renumbered as section 985.56, Florida Statutes, and amended to
3 read:

4 985.56 ~~985.225~~ Indictment of a juvenile.--

5 (1) A child of any age who is charged with a violation
6 of state law punishable by death or by life imprisonment is
7 subject to the jurisdiction of the court as set forth in s.
8 985.0301(2) ~~985.219(8)~~ unless and until an indictment on the
9 charge is returned by the grand jury. When such indictment is
10 returned, the petition for delinquency, if any, must be
11 dismissed and the child must be tried and handled in every
12 respect as an adult:

13 (a) On the offense punishable by death or by life
14 imprisonment; and

15 (b) On all other felonies or misdemeanors charged in
16 the indictment which are based on the same act or transaction
17 as the offense punishable by death or by life imprisonment or
18 on one or more acts or transactions connected with the offense
19 punishable by death or by life imprisonment.

20 (2) An adjudicatory hearing may not be held until 21
21 days after the child is taken into custody and charged with
22 having committed an offense punishable by death or by life
23 imprisonment, unless the state attorney advises the court in
24 writing that he or she does not intend to present the case to
25 the grand jury, or has presented the case to the grand jury
26 and the grand jury has not returned an indictment. If the
27 court receives such a notice from the state attorney, or if
28 the grand jury fails to act within the 21-day period, the
29 court may proceed as otherwise authorized under this part.

30 (3) If the child is found to have committed the
31 offense punishable by death or by life imprisonment, the child

1 shall be sentenced as an adult. If the juvenile is not found
2 to have committed the indictable offense but is found to have
3 committed a lesser included offense or any other offense for
4 which he or she was indicted as a part of the criminal
5 episode, the court may sentence under ~~pursuant to~~ s. 985.565
6 ~~985.233~~.

7 (4)(a) Once a child has been indicted pursuant to this
8 section ~~subsection~~ and has been found to have committed any
9 offense for which he or she was indicted as a part of the
10 criminal episode, the child shall be handled thereafter in
11 every respect as if an adult for any subsequent violation of
12 state law, unless the court imposes juvenile sanctions under
13 s. 985.565 ~~985.233~~.

14 (b) When a child has been indicted pursuant to this
15 section ~~subsection~~ the court shall immediately transfer and
16 certify to the adult circuit court all felony cases pertaining
17 to the child, for prosecution of the child as an adult, which
18 have not yet resulted in a plea of guilty or nolo contendere
19 or in which a finding of guilt has not been made. If the child
20 is acquitted of all charged offenses or lesser included
21 offenses contained in the indictment case, all felony cases
22 that were transferred to adult court pursuant to this
23 paragraph shall be subject to the same penalties such cases
24 were subject to before being transferred to adult court.

25 Section 72. Subsections (1) through (4) of section
26 985.233, Florida Statutes, are renumbered, respectively, as
27 subsections (1) through (3) and paragraphs (c) and (d) of
28 subsection (4) of section 985.565, Florida Statutes, and
29 paragraphs (a), (b), (c), (e), and (f) of subsection (4) of
30 section 985.233, Florida Statutes, are amended and renumbered,
31

1 respectively, as paragraphs (a), (b), and (e) of subsection
2 (4) of section 985.565, Florida Statutes, to read:
3 985.565 ~~985.233~~ Sentencing powers; procedures;
4 alternatives for juveniles prosecuted as adults.--
5 (4) SENTENCING ALTERNATIVES.--
6 (a) ~~Sentencing to~~ Adult sanctions.--
7 1. Cases prosecuted on indictment.--If the child is
8 found to have committed the offense punishable by death or
9 life imprisonment, the child shall be sentenced as an adult.
10 If the juvenile is not found to have committed the indictable
11 offense but is found to have committed a lesser included
12 offense or any other offense for which he or she was indicted
13 as a part of the criminal episode, the court may sentence as
14 follows:
15 a. As an adult;
16 b. Under ~~Pursuant to~~ chapter 958; or
17 c. As a juvenile under ~~pursuant to~~ this section.
18 2. Other cases.--If a child who has been transferred
19 for criminal prosecution pursuant to information or waiver of
20 juvenile court jurisdiction is found to have committed a
21 violation of state law or a lesser included offense for which
22 he or she was charged as a part of the criminal episode, the
23 court may sentence as follows:
24 a. As an adult;
25 b. Under ~~Pursuant to~~ chapter 958; or
26 c. As a juvenile under ~~pursuant to~~ this section.
27 3. Notwithstanding any other provision to the
28 contrary, if the state attorney is required to file a motion
29 to transfer and certify the juvenile for prosecution as an
30 adult under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that
31 motion is granted, or if the state attorney is required to

1 file an information under ~~pursuant to~~ s. 985.557 ~~985.227(2)(a)~~
2 or (b), the court must impose adult sanctions.

3 4. Any sentence imposing adult sanctions is presumed
4 appropriate, and the court is not required to set forth
5 specific findings or enumerate the criteria in this subsection
6 as any basis for its decision to impose adult sanctions.

7 5. When a child has been transferred for criminal
8 prosecution as an adult and has been found to have committed a
9 violation of state law, the disposition of the case may
10 include the enforcement of any restitution ordered in any
11 juvenile proceeding.

12 (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles
13 transferred to adult court but who do not qualify for such
14 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.
15 985.557 ~~985.227(2)(a)~~ or (b), the court may impose juvenile
16 sanctions under this paragraph. If juvenile sentences are
17 imposed, the court shall, under ~~pursuant to~~ this paragraph,
18 adjudge the child to have committed a delinquent act.
19 Adjudication of delinquency shall not be deemed a conviction,
20 nor shall it operate to impose any of the civil disabilities
21 ordinarily resulting from a conviction. The court shall impose
22 an adult sanction or a juvenile sanction and may not sentence
23 the child to a combination of adult and juvenile punishments.
24 An adult sanction or a juvenile sanction may include
25 enforcement of an order of restitution or probation previously
26 ordered in any juvenile proceeding. However, if the court
27 imposes a juvenile sanction and the department determines that
28 the sanction is unsuitable for the child, the department shall
29 return custody of the child to the sentencing court for
30 further proceedings, including the imposition of adult
31

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

3 1. Place the child in a probation program under the
4 supervision of the department for an indeterminate period of
5 time until the child reaches the age of 19 years or sooner if
6 discharged by order of the court.

7 2. Commit the child to the department for treatment in
8 an appropriate program for children for an indeterminate
9 period of time until the child is 21 or sooner if discharged
10 by the department. The department shall notify the court of
11 its intent to discharge no later than 14 days prior to
12 discharge. Failure of the court to timely respond to the
13 department's notice shall be considered approval for
14 discharge.

15 3. Order disposition under ss. 985.435, 985.437,
16 985.439, 985.441, 985.445, 985.45, and 985.455 pursuant to s.
17 985.231 as an alternative to youthful offender or adult
18 sentencing if the court determines not to impose youthful
19 offender or adult sanctions.

20 (c) Imposition of adult sanctions upon failure of
21 juvenile sanctions.--If a child proves not to be suitable to a
22 commitment program, in a juvenile probation program, or
23 treatment program under ~~the provisions of~~ paragraph (b), the
24 department shall provide the sentencing court with a written
25 report outlining the basis for its objections to the juvenile
26 sanction and shall simultaneously provide a copy of the report
27 to the state attorney and the defense counsel. The department
28 shall schedule a hearing within 30 days. Upon hearing, the
29 court may revoke the previous adjudication, impose an
30 adjudication of guilt, and impose any sentence which it may
31 lawfully impose, giving credit for all time spent by the child

1 in the department. The court may also classify the child as a
2 youthful offender under ~~pursuant to~~ s. 958.04, if appropriate.
3 For purposes of this paragraph, a child may be found not
4 suitable to a commitment program, community control program,
5 or treatment program ~~under the provisions of~~ paragraph (b) if
6 the child commits a new violation of law while under juvenile
7 sanctions, if the child commits any other violation of the
8 conditions of juvenile sanctions, or if the child's actions
9 are otherwise determined by the court to demonstrate a failure
10 of juvenile sanctions.

11 ~~(d)(e)~~ Further proceedings heard in adult court.--When
12 a child is sentenced to juvenile sanctions, further
13 proceedings involving those sanctions shall continue to be
14 heard in the adult court.

15 ~~(e)(f)~~ School attendance.--If the child is attending
16 or is eligible to attend public school and the court finds
17 that the victim or a sibling of the victim in the case is
18 attending or may attend the same school as the child, the
19 court placement order shall include a finding pursuant to the
20 proceeding described in s. 985.455(2), regardless of whether
21 adjudication is withheld ~~985.23(1)(d)~~.

22
23 It is the intent of the Legislature that the criteria and
24 guidelines in this subsection are mandatory and that a
25 determination of disposition under this subsection is subject
26 to the right of the child to appellate review under s. 985.534
27 ~~985.234~~.

28 Section 73. Section 985.417, Florida Statutes, is
29 renumbered as section 985.57, Florida Statutes.

30 Section 74. Subsections (1) through (3) and (6)
31 through (12) of section 985.404, Florida Statutes, are

1 renumbered as subsections (1) through (3) and (5) through (11)
2 of section 985.601, Florida Statutes, and subsections (4),
3 (5), and (9) of that section are amended to read:

4 985.601 ~~985.404~~ Administering the juvenile justice
5 continuum.--

6 ~~(4) The department may transfer a child, when~~
7 ~~necessary to appropriately administer the child's commitment,~~
8 ~~from one facility or program to another facility or program~~
9 ~~operated, contracted, subcontracted, or designated by the~~
10 ~~department, including a postcommitment nonresidential~~
11 ~~conditional release program. The department shall notify the~~
12 ~~court that committed the child to the department and any~~
13 ~~attorney of record, in writing, of its intent to transfer the~~
14 ~~child from a commitment facility or program to another~~
15 ~~facility or program of a higher or lower restrictiveness~~
16 ~~level. The court that committed the child may agree to the~~
17 ~~transfer or may set a hearing to review the transfer. If the~~
18 ~~court does not respond within 10 days after receipt of the~~
19 ~~notice, the transfer of the child shall be deemed granted.~~

20 ~~(4)(5)~~ The department shall maintain continuing
21 cooperation with the Department of Education, the Department
22 of Children and Family Services, the Agency for Workforce
23 Innovation ~~Department of Labor and Employment Security~~, and
24 the Department of Corrections for the purpose of participating
25 in agreements with respect to dropout prevention and the
26 reduction of suspensions, expulsions, and truancy; increased
27 access to and participation in GED, vocational, and
28 alternative education programs; and employment training and
29 placement assistance. The cooperative agreements between the
30 departments shall include an interdepartmental plan to
31 cooperate in accomplishing the reduction of inappropriate

1 transfers of children into the adult criminal justice and
2 correctional systems.

3 ~~(8)(9)~~ The department shall ensure that personnel
4 responsible for the care, supervision, and individualized
5 treatment of children are appropriately apprised of the
6 requirements of this chapter part and trained in the
7 specialized areas required to comply with standards
8 established by rule.

9 Section 75. Section 985.3045, Florida Statutes, is
10 renumbered as section 985.605, Florida Statutes.

11 Section 76. Section 985.3046, Florida Statutes, is
12 renumbered as section 985.606, Florida Statutes, and amended
13 to read:

14 985.606 ~~985.3046~~ ~~Agencies and entities providing~~
15 Prevention services providers; ~~collection of performance data~~
16 collection; reporting ~~requirements~~.--Each state agency or
17 entity that receives or uses state appropriations to fund
18 programs, grants, appropriations, or activities that are
19 designed to prevent juvenile crime, delinquency, gang
20 membership, status offense, or that are designed to prevent a
21 child from becoming a "child in need of services," as defined
22 in chapter 984, shall collect data relative to the performance
23 of such activities and shall provide said data to the
24 Governor, the President of the Senate, and the Speaker of the
25 House no later than January 31st of each year for the
26 preceding fiscal year, ~~beginning in 2002~~. Further, each state
27 agency or entity that receives or uses state appropriations to
28 fund programs, grants, appropriations, or activities that are
29 designed to prevent juvenile crime, delinquency, gang
30 membership, status offense, or that are designed to prevent a
31 child from becoming a "child in need of services," as defined

1 in chapter 984, shall cooperate with the department of
2 ~~Juvenile Justice~~ with regard to the report described in s.
3 985.605(2) ~~985.3045(2)~~.

4 Section 77. Sections 985.305 and 985.2066, Florida
5 Statutes, are renumbered, respectively, as sections 985.61 and
6 985.614, Florida Statutes.

7 Section 78. Section 985.315, Florida Statutes, is
8 renumbered as section 985.618, Florida Statutes, and paragraph
9 (b) of subsection (4) of that section is amended to read:

10 985.618 ~~985.315~~ Educational and career-related
11 programs.--

12 (4)

13 (b) Evaluations of juvenile educational and
14 career-related programs shall be conducted according to the
15 following guidelines:

16 1. Systematic evaluations and quality assurance
17 monitoring shall be implemented, in accordance with s. 985.632
18 ~~985.412~~(1), (2), and (5), to determine whether the programs
19 are related to successful postrelease adjustments.

20 2. Operations and policies of the programs shall be
21 reevaluated to determine if they are consistent with their
22 primary objectives.

23 Section 79. Section 985.3155, Florida Statutes, is
24 renumbered as section 985.622, Florida Statutes.

25 Section 80. Section 985.317, Florida Statutes, is
26 renumbered as section 985.625, Florida Statutes, and
27 subsection (3) of that section is amended to read:

28 985.625 ~~985.317~~ Literacy programs for juvenile
29 offenders.--

30 (3) INITIAL ASSESSMENT.--When an offender is admitted
31 to a residential commitment facility, the department or a

1 provider under contract with the department shall immediately
2 assess whether the offender has achieved a sixth-grade or
3 higher reading and writing level. An assessment may be
4 conducted at a juvenile assessment center as provided in s.
5 985.135 ~~985.209~~ as a part of the intake process. If the
6 department or a provider determines that an offender has not
7 achieved a sixth-grade or higher reading and writing level,
8 the offender shall participate in a program if the offender
9 meets the criteria for participation.

10 Section 81. Section 985.419, Florida Statutes, is
11 renumbered as section 985.629, Florida Statutes.

12 Section 82. Section 985.412, Florida Statutes, is
13 renumbered as section 985.632, Florida Statutes.

14 Section 83. Sections 985.42 and 985.405, Florida
15 Statutes, are renumbered, respectively, as sections 985.636
16 and 985.64, Florida Statutes.

17 Section 84. Subsection (2) of section 985.01, Florida
18 Statutes, is renumbered as subsection (1) of section 985.644,
19 Florida Statutes, and subsections (1) through (5) of section
20 985.407, Florida Statutes, are renumbered as subsections (2)
21 through (6) of section 985.644, Florida Statutes.

22 Section 85. Section 985.408, Florida Statutes, is
23 renumbered as section 985.648, Florida Statutes, and amended
24 to read:

25 985.648 ~~985.408~~ Consultants.--The department may hire
26 consultants to advise and confer with the judges of the
27 circuit courts upon request of any such court and for the
28 purpose of advising the department on programs, facilities,
29 institutions, care, supervision, and all other services and
30 treatment for children committed to the department's care
31 under ~~pursuant to this chapter part.~~

1 Section 86. Section 985.409, Florida Statutes, is
2 renumbered as section 985.652, Florida Statutes.

3 Section 87. Section 985.406, Florida Statutes, is
4 renumbered as section 985.66, Florida Statutes, and paragraph
5 (a) of subsection (3) of that section is amended to read:

6 985.66 ~~985.406~~ Juvenile justice training academies
7 ~~established~~; Juvenile Justice Standards and Training
8 Commission ~~created~~; Juvenile Justice Training Trust Fund
9 ~~created~~.--

10 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
11 shall establish a certifiable program for juvenile justice
12 training pursuant to this section, and all department ~~of~~
13 ~~Juvenile Justice~~ program staff and providers who deliver
14 direct care services pursuant to contract with the department
15 shall be required to participate in and successfully complete
16 the commission-approved program of training pertinent to their
17 areas of responsibility. Judges, state attorneys, and public
18 defenders, law enforcement officers, and school district
19 personnel may participate in such training program. For the
20 juvenile justice program staff, the commission shall, based on
21 a job-task analysis:

22 (a) Design, implement, maintain, evaluate, and revise
23 a basic training program, including a competency-based
24 examination, for the purpose of providing minimum employment
25 training qualifications for all juvenile justice personnel.
26 All program staff of the department ~~of Juvenile Justice~~ and
27 providers who deliver direct-care services who are hired after
28 October 1, 1999, must meet the following minimum requirements:

- 29 1. Be at least 19 years of age.
30 2. Be a high school graduate or its equivalent as
31 determined by the commission.

1 3. Not have been convicted of any felony or a
2 misdemeanor involving perjury or a false statement, or have
3 received a dishonorable discharge from any of the Armed Forces
4 of the United States. Any person who, after September 30,
5 1999, pleads guilty or nolo contendere to or is found guilty
6 of any felony or a misdemeanor involving perjury or false
7 statement is not eligible for employment, notwithstanding
8 suspension of sentence or withholding of adjudication.
9 Notwithstanding this subparagraph, any person who pleads nolo
10 contendere to a misdemeanor involving a false statement before
11 October 1, 1999, and who has had such record of that plea
12 sealed or expunged is not ineligible for employment for that
13 reason.

14 4. Abide by all the provisions of s. 985.644(1)
15 ~~985.01(2)~~ regarding fingerprinting and background
16 investigations and other screening requirements for personnel.

17 5. Execute and submit to the department an
18 affidavit-of-application form, adopted by the department,
19 attesting to his or her compliance with subparagraphs 1.-4.
20 The affidavit must be executed under oath and constitutes an
21 official statement under s. 837.06. The affidavit must include
22 conspicuous language that the intentional false execution of
23 the affidavit constitutes a misdemeanor of the second degree.
24 The employing agency shall retain the affidavit.

25 Section 88. Section 985.4135, Florida Statutes, is
26 renumbered as section 985.664, Florida Statutes, and
27 subsection (5) of that section is amended to read:

28 985.664 ~~985.4135~~ Juvenile justice circuit boards and
29 juvenile justice county councils.--

30 (5) Juvenile justice circuit boards and county
31 councils shall advise and assist the department in the

1 evaluation and award of prevention and early intervention
2 grant programs, including the Community Juvenile Justice
3 Partnership Grant program established in s. 985.676 ~~985.415~~
4 and proceeds from the Invest in Children license plate annual
5 use fees.

6 Section 89. Sections 985.416 and 985.4145, Florida
7 Statutes, are renumbered, respectively, as sections 985.668
8 and 985.672, Florida Statutes.

9 Section 90. Section 985.415, Florida Statutes, is
10 renumbered as section 985.676, Florida Statutes, and paragraph
11 (a) of subsection (1) and paragraphs (a) and (e) of subsection
12 (2) of that section are amended to read:

13 985.676 ~~985.415~~ Community juvenile justice partnership
14 grants.--

15 (1) GRANTS; CRITERIA.--

16 (a) In order to encourage the development of county
17 and circuit juvenile justice plans and the development and
18 implementation of county and circuit interagency agreements
19 under ~~pursuant to~~ s. 985.664 ~~985.4135~~, the community juvenile
20 justice partnership grant program is established, and shall be
21 administered by the department ~~of Juvenile Justice~~.

22 (2) GRANT APPLICATION PROCEDURES.--

23 (a) Each entity wishing to apply for an annual
24 community juvenile justice partnership grant, which may be
25 renewed for a maximum of 2 additional years for the same
26 provision of services, shall submit a grant proposal for
27 funding or continued funding to the department. The department
28 shall establish the grant application procedures. In order to
29 be considered for funding, the grant proposal shall include
30 the following assurances and information:
31

1 1. A letter from the chair of the juvenile justice
2 circuit board confirming that the grant application has been
3 reviewed and found to support one or more purposes or goals of
4 the juvenile justice plan as developed by the board.

5 2. A rationale and description of the program and the
6 services to be provided, including goals and objectives.

7 3. A method for identification of the juveniles most
8 likely to be involved in the juvenile justice system who will
9 be the focus of the program.

10 4. Provisions for the participation of parents and
11 guardians in the program.

12 5. Coordination with other community-based and social
13 service prevention efforts, including, but not limited to,
14 drug and alcohol abuse prevention and dropout prevention
15 programs, that serve the target population or neighborhood.

16 6. An evaluation component to measure the
17 effectiveness of the program in accordance with ~~the provisions~~
18 ~~of s. 985.632 985.412.~~

19 7. A program budget, including the amount and sources
20 of local cash and in-kind resources committed to the budget.
21 The proposal must establish to the satisfaction of the
22 department that the entity will make a cash or in-kind
23 contribution to the program of a value that is at least equal
24 to 20 percent of the amount of the grant.

25 8. The necessary program staff.

26 (e) Each entity that is awarded a grant as provided
27 for in this section shall submit an annual evaluation report
28 to the department, the circuit juvenile justice manager, the
29 juvenile justice circuit board, and the juvenile justice
30 county council, by a date subsequent to the end of the
31 contract period established by the department, documenting the

1 extent to which the program objectives have been met, the
2 effect of the program on the juvenile arrest rate, and any
3 other information required by the department. The department
4 shall coordinate and incorporate all such annual evaluation
5 reports with ~~the provisions of s. 985.632 985.412~~. Each entity
6 is also subject to a financial audit and a performance audit.

7 Section 91. Section 985.403, Florida Statutes, is
8 renumbered as section 985.68, Florida Statutes.

9 Section 92. Section 985.41, Florida Statutes, is
10 renumbered as section 985.682, Florida Statutes, and
11 subsection (1) of that section is amended to read:

12 985.682 985.41 Siting of facilities; study; criteria

13 (1) The department is directed to conduct or contract
14 for a statewide comprehensive study to determine current and
15 future needs for all types of facilities for children
16 committed to the custody, care, or supervision of the
17 department under ~~pursuant to this chapter part~~.

18 Section 93. Section 985.2155, Florida Statutes, as
19 amended by chapter 2004-473, Laws of Florida, is renumbered as
20 section 985.686, Florida Statutes.

21 Section 94. Section 985.411, Florida Statutes, is
22 renumbered as section 985.688, Florida Statutes, and paragraph
23 (b) of subsection (10) of that section is amended to read:

24 985.688 985.411 Administering county and municipal
25 delinquency programs and facilities.--

26 (10)

27 (b) The department may institute proceedings against a
28 county or municipality to terminate the operation of a
29 facility when any of the following conditions exist:

30 1. The facility fails to take preventive or corrective
31 measures in accordance with any order of the department.

1 2. The facility fails to abide by any final order of
2 the department once it has become effective and binding.

3 3. The facility commits any violation of this section
4 constituting an emergency requiring immediate action as
5 provided in this chapter.

6 4. The facility has willfully and knowingly refused to
7 comply with the screening requirement for personnel under
8 ~~pursuant to s. 985.644(1) 985.01~~ or has refused to dismiss
9 personnel found to be in noncompliance with the requirements
10 for good moral character.

11 Section 95. Sections 985.4075, 985.4041, and 985.4042,
12 Florida Statutes, are renumbered, respectively, as sections
13 985.69, 985.692, and 985.694, Florida Statutes.

14 Section 96. Sections 985.4045 and 985.4046, Florida
15 Statutes, are renumbered, respectively, as sections 985.701
16 and 985.711, Florida Statutes.

17 Section 97. Section 985.3141, Florida Statutes, is
18 renumbered as section 985.721, Florida Statutes, and
19 subsection (2) of that section is amended to read:

20 985.721 ~~985.3141~~ Escapes from secure detention or
21 residential commitment facility.--An escape from:

22 (2) Any residential commitment facility described in
23 s. 985.03(~~43~~)(~~45~~), maintained for the custody, treatment,
24 punishment, or rehabilitation of children found to have
25 committed delinquent acts or violations of law; or constitutes
26 escape within the intent and meaning of s. 944.40 and is a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 98. Sections 985.2065, 985.501, 985.502,
30 985.503, 985.504, 985.505, 985.506, and 985.507, Florida
31 Statutes, are renumbered, respectively, as sections 985.731,

1 985.801, 985.802, 985.803, 985.804, 985.805, 985.806, and
2 985.807, Florida Statutes.

3 Section 99. Subsection (6) of section 985.215, Florida
4 Statutes, paragraphs (b), (c), (f), and (i) of subsection (1)
5 and subsection (2) of section 985.231, Florida Statutes, and
6 paragraph (d) of subsection (4) of section 985.233, Florida
7 Statutes, are repealed.

8 Section 100. Subsection (11) of section 29.004,
9 Florida Statutes, is amended to read:

10 29.004 State courts system.--For purposes of
11 implementing s. 14, Art. V of the State Constitution, the
12 elements of the state courts system to be provided from state
13 revenues appropriated by general law are as follows:

14 (11) Mediation and arbitration, limited to trial court
15 referral of a pending judicial case to a mediator or a
16 court-related mediation program, or to an arbitrator or a
17 court-related arbitration program, for the limited purpose of
18 encouraging and assisting the litigants in partially or
19 completely settling the case prior to adjudication on the
20 merits by the court. This does not include citizen dispute
21 settlement centers under s. 44.201 and community arbitration
22 programs under s. 985.16 ~~985.304~~.

23 Section 101. Paragraph (b) of subsection (3) of
24 section 29.008, Florida Statutes, is amended to read:

25 29.008 County funding of court-related functions.--

26 (3) The following shall be considered a local
27 requirement pursuant to subparagraph (2)(a)1.:

28 (b) Alternative sanctions coordinators pursuant to ss.
29 984.09 and 985.037 ~~985.216~~.

30 Section 102. Subsection (17) of section 253.025,
31 Florida Statutes, is amended to read:

1 253.025 Acquisition of state lands for purposes other
2 than preservation, conservation, and recreation.--

3 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of
4 Juvenile Justice is responsible for obtaining appraisals and
5 entering into option agreements and agreements for the
6 purchase of state juvenile justice facility sites. An option
7 agreement or agreement for purchase is not binding upon the
8 state until it is approved by the Board of Trustees of the
9 Internal Improvement Trust Fund. The provisions of paragraphs
10 (6)(b), (c), and (d) and (7)(b), (c), and (d) apply to all
11 appraisals, offers, and counteroffers of the Department of
12 Juvenile Justice for state juvenile justice facility sites.

13 Section 103. Subsection (1) of section 318.21, Florida
14 Statutes, is amended to read:

15 318.21 Disposition of civil penalties by county
16 courts.--All civil penalties received by a county court
17 pursuant to the provisions of this chapter shall be
18 distributed and paid monthly as follows:

19 (1) One dollar from every civil penalty shall be
20 remitted to the Department of Revenue for deposit into the
21 Child Welfare Training Trust Fund for child welfare training
22 purposes pursuant to s. 402.40. One dollar from every civil
23 penalty shall be remitted to the Department of Revenue for
24 deposit into the Juvenile Justice Training Trust Fund for
25 juvenile justice purposes pursuant to s. 985.66 ~~985.406~~.

26 Section 104. Subsection (3) of section 397.334,
27 Florida Statutes, is amended to read:

28 397.334 Treatment-based drug court programs.--

29 (3) Treatment-based drug court programs may include
30 pretrial intervention programs as provided in ss. 948.08,
31 948.16, and 985.345 ~~985.306~~.

1 Section 105. Subsection (3) of section 400.953,
2 Florida Statutes, is amended to read:

3 400.953 Background screening of home medical equipment
4 provider personnel.--The agency shall require employment
5 screening as provided in chapter 435, using the level 1
6 standards for screening set forth in that chapter, for home
7 medical equipment provider personnel.

8 (3) Proof of compliance with the screening
9 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.
10 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s.
11 985.644 ~~985.407~~ or this part must be accepted in lieu of the
12 requirements of this section if the person has been
13 continuously employed in the same type of occupation for which
14 he or she is seeking employment without a breach in service
15 that exceeds 180 days, the proof of compliance is not more
16 than 2 years old, and the person has been screened by the
17 Department of Law Enforcement. An employer or contractor shall
18 directly provide proof of compliance to another employer or
19 contractor, and a potential employer or contractor may not
20 accept any proof of compliance directly from the person
21 requiring screening. Proof of compliance with the screening
22 requirements of this section shall be provided, upon request,
23 to the person screened by the home medical equipment provider.

24 Section 106. Paragraph (d) of subsection (1) of
25 section 419.001, Florida Statutes, is amended to read:

26 419.001 Site selection of community residential
27 homes.--

28 (1) For the purposes of this section, the following
29 definitions shall apply:

30 (d) "Resident" means any of the following: a frail
31 elder as defined in s. 400.618; a physically disabled or

1 | handicapped person as defined in s. 760.22(7)(a); a
2 | developmentally disabled person as defined in s. 393.063; a
3 | nondangerous mentally ill person as defined in s. 394.455(18);
4 | or a child as defined in s. 39.01(14), s. 984.03(9) or (12),
5 | or s. 985.03~~(8)~~.

6 | Section 107. Paragraphs (tt) and (uu) of subsection
7 | (2) of section 435.04, Florida Statutes, are amended to read:
8 | 435.04 Level 2 screening standards.--

9 | (2) The security background investigations under this
10 | section must ensure that no persons subject to the provisions
11 | of this section have been found guilty of, regardless of
12 | adjudication, or entered a plea of nolo contendere or guilty
13 | to, any offense prohibited under any of the following
14 | provisions of the Florida Statutes or under any similar
15 | statute of another jurisdiction:

16 | (tt) Section 985.701 ~~985.4045~~, relating to sexual
17 | misconduct in juvenile justice programs.

18 | (uu) Section 985.711 ~~985.4046~~, relating to contraband
19 | introduced into detention facilities.

20 | Section 108. Section 784.075, Florida Statutes, is
21 | amended to read:

22 | 784.075 Battery on detention or commitment facility
23 | staff or a juvenile probation officer.--A person who commits a
24 | battery on a juvenile probation officer, as defined in s.
25 | 984.03 or s. 985.03, on other staff of a detention center or
26 | facility as defined in s. 984.03(19) or s. 985.03~~(19)~~, or on a
27 | staff member of a commitment facility as defined in s.
28 | 985.03~~(45)~~, commits a felony of the third degree, punishable
29 | as provided in s. 775.082, s. 775.083, or s. 775.084. For
30 | purposes of this section, a staff member of the facilities
31 | listed includes persons employed by the Department of Juvenile

1 Justice, persons employed at facilities licensed by the
2 Department of Juvenile Justice, and persons employed at
3 facilities operated under a contract with the Department of
4 Juvenile Justice.

5 Section 109. Subsection (4) of section 790.115,
6 Florida Statutes, is amended to read:

7 790.115 Possessing or discharging weapons or firearms
8 at a school-sponsored event or on school property prohibited;
9 penalties; exceptions.--

10 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245
11 ~~985.214~~, or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years
12 of age who is charged under this section with possessing or
13 discharging a firearm on school property shall be detained in
14 secure detention, unless the state attorney authorizes the
15 release of the minor, and shall be given a probable cause
16 hearing within 24 hours after being taken into custody. At the
17 hearing, the court may order that the minor continue to be
18 held in secure detention for a period of 21 days, during which
19 time the minor shall receive medical, psychiatric,
20 psychological, or substance abuse examinations pursuant to s.
21 985.18 ~~985.224~~, and a written report shall be completed.

22 Section 110. Subsections (8) and (9) of section
23 790.22, Florida Statutes, are amended to read:

24 790.22 Use of BB guns, air or gas-operated guns, or
25 electric weapons or devices by minor under 16; limitation;
26 possession of firearms by minor under 18 prohibited;
27 penalties.--

28 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)
29 ~~985.215(1)~~, if a minor under 18 years of age is charged with
30 an offense that involves the use or possession of a firearm,
31 as defined in s. 790.001, including a violation of subsection

1 (3), or is charged for any offense during the commission of
2 which the minor possessed a firearm, the minor shall be
3 detained in secure detention, unless the state attorney
4 authorizes the release of the minor, and shall be given a
5 hearing within 24 hours after being taken into custody. At the
6 hearing, the court may order that the minor continue to be
7 held in secure detention in accordance with the applicable
8 time periods specified in s. 985.26(1)-(5) ~~985.215(5)~~, if the
9 court finds that the minor meets the criteria specified in s.
10 985.255 ~~985.215(2)~~, or if the court finds by clear and
11 convincing evidence that the minor is a clear and present
12 danger to himself or herself or the community. The Department
13 of Juvenile Justice shall prepare a form for all minors
14 charged under this subsection that states the period of
15 detention and the relevant demographic information, including,
16 but not limited to, the sex, age, and race of the minor;
17 whether or not the minor was represented by private counsel or
18 a public defender; the current offense; and the minor's
19 complete prior record, including any pending cases. The form
20 shall be provided to the judge to be considered when
21 determining whether the minor should be continued in secure
22 detention under this subsection. An order placing a minor in
23 secure detention because the minor is a clear and present
24 danger to himself or herself or the community must be in
25 writing, must specify the need for detention and the benefits
26 derived by the minor or the community by placing the minor in
27 secure detention, and must include a copy of the form provided
28 by the department. The Department of Juvenile Justice must
29 send the form, including a copy of any order, without
30 client-identifying information, to the Office of Economic and
31 Demographic Research.

1 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor
2 is found to have committed an offense that involves the use or
3 possession of a firearm, as defined in s. 790.001, other than
4 a violation of subsection (3), or an offense during the
5 commission of which the minor possessed a firearm, and the
6 minor is not committed to a residential commitment program of
7 the Department of Juvenile Justice, in addition to any other
8 punishment provided by law, the court shall order:

9 (a) For a first offense, that the minor shall serve a
10 minimum period of detention of 15 days in a secure detention
11 facility; and

- 12 1. Perform 100 hours of community service; and may
- 13 2. Be placed on community control or in a
14 nonresidential commitment program.

15 (b) For a second or subsequent offense, that the minor
16 shall serve a mandatory period of detention of at least 21
17 days in a secure detention facility; and

- 18 1. Perform not less than 100 nor more than 250 hours
19 of community service; and may
- 20 2. Be placed on community control or in a
21 nonresidential commitment program.

22
23 The minor shall not receive credit for time served before
24 adjudication. For the purposes of this subsection, community
25 service shall be performed, if possible, in a manner involving
26 a hospital emergency room or other medical environment that
27 deals on a regular basis with trauma patients and gunshot
28 wounds.

29 Section 111. Paragraph (c) of subsection (3) of
30 section 921.0022, Florida Statutes, is amended to read:

31

1	921.0022	Criminal Punishment Code; offense severity
2	ranking chart.--	
3	(3)	OFFENSE SEVERITY RANKING CHART
4	Florida	Felony Description
5	Statute	Degree
6		(c) LEVEL 3
7	119.10(2)(b)	3rd Unlawful use of confidential
8		information from police reports.
9	316.066(3)(d)-(f)	3rd Unlawfully obtaining or using
10		confidential crash reports.
11	316.193(2)(b)	3rd Felony DUI, 3rd conviction.
12	316.1935(2)	3rd Fleeing or attempting to elude
13		law enforcement officer in patrol
14		vehicle with siren and lights
15		activated.
16	319.30(4)	3rd Possession by junkyard of motor
17		vehicle with identification
18		number plate removed.
19	319.33(1)(a)	3rd Alter or forge any certificate of
20		title to a motor vehicle or
21		mobile home.
22	319.33(1)(c)	3rd Procure or pass title on stolen
23		vehicle.
24	319.33(4)	3rd With intent to defraud, possess,
25		sell, etc., a blank, forged, or
26		unlawfully obtained title or
27		registration.
28	327.35(2)(b)	3rd Felony BUI.
29		
30		
31		

1	328.05(2)	3rd	Possess, sell, or counterfeit
2			fictitious, stolen, or fraudulent
3			titles or bills of sale of
4			vessels.
5	328.07(4)	3rd	Manufacture, exchange, or possess
6			vessel with counterfeit or wrong
7			ID number.
8	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating,
9			destroying, causing to be
10			destroyed, transferring, selling,
11			offering to sell, molesting, or
12			harassing marine turtles, marine
13			turtle eggs, or marine turtle
14			nests in violation of the Marine
15			Turtle Protection Act.
16	370.12(1)(e)6.	3rd	Soliciting to commit or
17			conspiring to commit a violation
18			of the Marine Turtle Protection
19			Act.
20	376.302(5)	3rd	Fraud related to reimbursement
21			for cleanup expenses under the
22			Inland Protection Trust Fund.
23	400.903(3)	3rd	Operating a clinic without a
24			license or filing false license
25			application or other required
26			information.
27	440.105(3)(b)	3rd	Receipt of fee or consideration
28			without approval by judge of
29			compensation claims.
30			
31			

1	440.1051(3)	3rd	False report of workers'
2			compensation fraud or retaliation
3			for making such a report.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	624.401(4)(a)	3rd	Transacting insurance without a
8			certificate of authority.
9	624.401(4)(b)1.	3rd	Transacting insurance without a
10			certificate of authority; premium
11			collected less than \$20,000.
12	626.902(1)(a) & (b)	3rd	Representing an unauthorized
13			insurer.
14	697.08	3rd	Equity skimming.
15	790.15(3)	3rd	Person directs another to
16			discharge firearm from a vehicle.
17	796.05(1)	3rd	Live on earnings of a prostitute.
18	806.10(1)	3rd	Maliciously injure, destroy, or
19			interfere with vehicles or
20			equipment used in firefighting.
21	806.10(2)	3rd	Interferes with or assaults
22			firefighter in performance of
23			duty.
24	810.09(2)(c)	3rd	Trespass on property other than
25			structure or conveyance armed
26			with firearm or dangerous weapon.
27	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
28			less than \$10,000.
29	812.0145(2)(c)	3rd	Theft from person 65 years of age
30			or older; \$300 or more but less
31			than \$10,000.

1	815.04(4)(b)	2nd	Computer offense devised to
2			defraud or obtain property.
3	817.034(4)(a)3.	3rd	Engages in scheme to defraud
4			(Florida Communications Fraud
5			Act), property valued at less
6			than \$20,000.
7	817.233	3rd	Burning to defraud insurer.
8	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons
9			involved in motor vehicle
10			accidents.
11	817.234(11)(a)	3rd	Insurance fraud; property value
12			less than \$20,000.
13	817.236	3rd	Filing a false motor vehicle
14			insurance application.
15	817.2361	3rd	Creating, marketing, or
16			presenting a false or fraudulent
17			motor vehicle insurance card.
18	817.413(2)	3rd	Sale of used goods as new.
19	817.505(4)	3rd	Patient brokering.
20	828.12(2)	3rd	Tortures any animal with intent
21			to inflict intense pain, serious
22			physical injury, or death.
23	831.28(2)(a)	3rd	Counterfeiting a payment
24			instrument with intent to defraud
25			or possessing a counterfeit
26			payment instrument.
27	831.29	2nd	Possession of instruments for
28			counterfeiting drivers' licenses
29			or identification cards.
30	838.021(3)(b)	3rd	Threatens unlawful harm to public
31			servant.

1	843.19	3rd	Injure, disable, or kill police
2			dog or horse.
3	860.15(3)	3rd	Overcharging for repairs and
4			parts.
5	870.01(2)	3rd	Riot; inciting or encouraging.
6	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
7			cannabis (or other s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs).
12	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
13			893.03(1)(c), (2)(c)1., (2)(c)2.,
14			(2)(c)3., (2)(c)5., (2)(c)6.,
15			(2)(c)7., (2)(c)8., (2)(c)9.,
16			(3), or (4) drugs within 1,000
17			feet of university.
18	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
19			893.03(1)(c), (2)(c)1., (2)(c)2.,
20			(2)(c)3., (2)(c)5., (2)(c)6.,
21			(2)(c)7., (2)(c)8., (2)(c)9.,
22			(3), or (4) drugs within 1,000
23			feet of public housing facility.
24	893.13(6)(a)	3rd	Possession of any controlled
25			substance other than felony
26			possession of cannabis.
27	893.13(7)(a)8.	3rd	Withhold information from
28			practitioner regarding previous
29			receipt of or prescription for a
30			controlled substance.
31			

1	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
2			controlled substance by fraud,
3			forgery, misrepresentation, etc.
4	893.13(7)(a)10.	3rd	Affix false or forged label to
5			package of controlled substance.
6	893.13(7)(a)11.	3rd	Furnish false or fraudulent
7			material information on any
8			document or record required by
9			chapter 893.
10	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
11			person, or owner of an animal in
12			obtaining a controlled substance
13			through deceptive, untrue, or
14			fraudulent representations in or
15			related to the practitioner's
16			practice.
17	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
18			practitioner's practice to assist
19			a patient, other person, or owner
20			of an animal in obtaining a
21			controlled substance.
22	893.13(8)(a)3.	3rd	Knowingly write a prescription
23			for a controlled substance for a
24			fictitious person.
25	893.13(8)(a)4.	3rd	Write a prescription for a
26			controlled substance for a
27			patient, other person, or an
28			animal if the sole purpose of
29			writing the prescription is a
30			monetary benefit for the
31			practitioner.

1 918.13(1)(a) 3rd Alter, destroy, or conceal
2 investigation evidence.
3 944.47(1)(a)1.-2. 3rd Introduce contraband to
4 correctional facility.
5 944.47(1)(c) 2nd Possess contraband while upon the
6 grounds of a correctional
7 institution.
8 985.721 ~~985.3141~~ 3rd Escapes from a juvenile facility
9 (secure detention or residential
10 commitment facility).
11 Section 112. Subsection (1) of section 938.10, Florida
12 Statutes, is amended to read:
13 938.10 Additional court cost imposed in cases of
14 certain crimes against minors.--
15 (1) If a person pleads guilty or nolo contendere to,
16 or is found guilty of, regardless of adjudication, any offense
17 against a minor in violation of s. 784.085, chapter 787,
18 chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145,
19 or s. 985.701 ~~985.4045~~, the court shall impose a court cost of
20 \$101 against the offender in addition to any other cost or
21 penalty required by law.
22 Section 113. Subsection (9) of section 943.053,
23 Florida Statutes, is amended to read:
24 943.053 Dissemination of criminal justice information;
25 fees.--
26 (9) Notwithstanding the provisions of s. 943.0525 and
27 any user agreements adopted pursuant thereto, and
28 notwithstanding the confidentiality of sealed records as
29 provided for in s. 943.059, the Department of Juvenile Justice
30 or any other state or local criminal justice agency may
31 provide copies of the Florida criminal history records for

1 juvenile offenders currently or formerly detained or housed in
2 a contracted juvenile assessment center or detention facility
3 or serviced in a contracted treatment program and for
4 employees or other individuals who will have access to these
5 facilities, only to the entity under direct contract with the
6 Department of Juvenile Justice to operate these facilities or
7 programs pursuant to the provisions of s. 985.688 ~~985.411~~. The
8 criminal justice agency providing such data may assess a
9 charge for the Florida criminal history records pursuant to
10 the provisions of chapter 119. Sealed records received by the
11 private entity under this section remain confidential and
12 exempt from the provisions of s. 119.07(1). Information
13 provided under this section shall be used only for the
14 criminal justice purpose for which it was requested and may
15 not be further disseminated.

16 Section 114. Subsection (1) of section 943.0582,
17 Florida Statutes, is amended to read:

18 943.0582 Prearrest, postarrest, or teen court
19 diversion program expunction.--

20 (1) Notwithstanding any law dealing generally with the
21 preservation and destruction of public records, the department
22 may provide, by rule adopted pursuant to chapter 120, for the
23 expunction of any nonjudicial record of the arrest of a minor
24 who has successfully completed a prearrest or postarrest
25 diversion program for minors as authorized by s. 985.125
26 ~~985.3065~~.

27 Section 115. Paragraph (a) of subsection (4) of
28 section 943.0585, Florida Statutes, is amended to read:

29 943.0585 Court-ordered expunction of criminal history
30 records.--The courts of this state have jurisdiction over
31 their own procedures, including the maintenance, expunction,

1 | and correction of judicial records containing criminal history
2 | information to the extent such procedures are not inconsistent
3 | with the conditions, responsibilities, and duties established
4 | by this section. Any court of competent jurisdiction may order
5 | a criminal justice agency to expunge the criminal history
6 | record of a minor or an adult who complies with the
7 | requirements of this section. The court shall not order a
8 | criminal justice agency to expunge a criminal history record
9 | until the person seeking to expunge a criminal history record
10 | has applied for and received a certificate of eligibility for
11 | expunction pursuant to subsection (2). A criminal history
12 | record that relates to a violation of s. 393.135, s. 394.4593,
13 | s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.
14 | 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,
15 | s. 847.0145, s. 893.135, s. 916.1075, or a violation
16 | enumerated in s. 907.041 may not be expunged, without regard
17 | to whether adjudication was withheld, if the defendant was
18 | found guilty of or pled guilty or nolo contendere to the
19 | offense, or if the defendant, as a minor, was found to have
20 | committed, or pled guilty or nolo contendere to committing,
21 | the offense as a delinquent act. The court may only order
22 | expunction of a criminal history record pertaining to one
23 | arrest or one incident of alleged criminal activity, except as
24 | provided in this section. The court may, at its sole
25 | discretion, order the expunction of a criminal history record
26 | pertaining to more than one arrest if the additional arrests
27 | directly relate to the original arrest. If the court intends
28 | to order the expunction of records pertaining to such
29 | additional arrests, such intent must be specified in the
30 | order. A criminal justice agency may not expunge any record
31 | pertaining to such additional arrests if the order to expunge

1 | does not articulate the intention of the court to expunge a
2 | record pertaining to more than one arrest. This section does
3 | not prevent the court from ordering the expunction of only a
4 | portion of a criminal history record pertaining to one arrest
5 | or one incident of alleged criminal activity. Notwithstanding
6 | any law to the contrary, a criminal justice agency may comply
7 | with laws, court orders, and official requests of other
8 | jurisdictions relating to expunction, correction, or
9 | confidential handling of criminal history records or
10 | information derived therefrom. This section does not confer
11 | any right to the expunction of any criminal history record,
12 | and any request for expunction of a criminal history record
13 | may be denied at the sole discretion of the court.

14 | (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
15 | criminal history record of a minor or an adult which is
16 | ordered expunged by a court of competent jurisdiction pursuant
17 | to this section must be physically destroyed or obliterated by
18 | any criminal justice agency having custody of such record;
19 | except that any criminal history record in the custody of the
20 | department must be retained in all cases. A criminal history
21 | record ordered expunged that is retained by the department is
22 | confidential and exempt from the provisions of s. 119.07(1)
23 | and s. 24(a), Art. I of the State Constitution and not
24 | available to any person or entity except upon order of a court
25 | of competent jurisdiction. A criminal justice agency may
26 | retain a notation indicating compliance with an order to
27 | expunge.

28 | (a) The person who is the subject of a criminal
29 | history record that is expunged under this section or under
30 | other provisions of law, including former s. 893.14, former s.
31 | 901.33, and former s. 943.058, may lawfully deny or fail to

1 acknowledge the arrests covered by the expunged record, except
2 when the subject of the record:

- 3 1. Is a candidate for employment with a criminal
4 justice agency;
- 5 2. Is a defendant in a criminal prosecution;
- 6 3. Concurrently or subsequently petitions for relief
7 under this section or s. 943.059;
- 8 4. Is a candidate for admission to The Florida Bar;
- 9 5. Is seeking to be employed or licensed by or to
10 contract with the Department of Children and Family Services
11 or the Department of Juvenile Justice or to be employed or
12 used by such contractor or licensee in a sensitive position
13 having direct contact with children, the developmentally
14 disabled, the aged, or the elderly as provided in s.
15 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
16 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
17 916.106(10) and (13), s. 985.644 ~~985.407~~, or chapter 400; or
- 18 6. Is seeking to be employed or licensed by the
19 Department of Education, any district school board, any
20 university laboratory school, any charter school, any private
21 or parochial school, or any local governmental entity that
22 licenses child care facilities.

23 Section 116. Paragraph (a) of subsection (4) of
24 section 943.059, Florida Statutes, is amended to read:

25 943.059 Court-ordered sealing of criminal history
26 records.--The courts of this state shall continue to have
27 jurisdiction over their own procedures, including the
28 maintenance, sealing, and correction of judicial records
29 containing criminal history information to the extent such
30 procedures are not inconsistent with the conditions,
31 responsibilities, and duties established by this section. Any

1 | court of competent jurisdiction may order a criminal justice
2 | agency to seal the criminal history record of a minor or an
3 | adult who complies with the requirements of this section. The
4 | court shall not order a criminal justice agency to seal a
5 | criminal history record until the person seeking to seal a
6 | criminal history record has applied for and received a
7 | certificate of eligibility for sealing pursuant to subsection
8 | (2). A criminal history record that relates to a violation of
9 | s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03,
10 | s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839,
11 | s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
12 | 916.1075, or a violation enumerated in s. 907.041 may not be
13 | sealed, without regard to whether adjudication was withheld,
14 | if the defendant was found guilty of or pled guilty or nolo
15 | contendere to the offense, or if the defendant, as a minor,
16 | was found to have committed or pled guilty or nolo contendere
17 | to committing the offense as a delinquent act. The court may
18 | only order sealing of a criminal history record pertaining to
19 | one arrest or one incident of alleged criminal activity,
20 | except as provided in this section. The court may, at its sole
21 | discretion, order the sealing of a criminal history record
22 | pertaining to more than one arrest if the additional arrests
23 | directly relate to the original arrest. If the court intends
24 | to order the sealing of records pertaining to such additional
25 | arrests, such intent must be specified in the order. A
26 | criminal justice agency may not seal any record pertaining to
27 | such additional arrests if the order to seal does not
28 | articulate the intention of the court to seal records
29 | pertaining to more than one arrest. This section does not
30 | prevent the court from ordering the sealing of only a portion
31 | of a criminal history record pertaining to one arrest or one

1 incident of alleged criminal activity. Notwithstanding any law
2 to the contrary, a criminal justice agency may comply with
3 laws, court orders, and official requests of other
4 jurisdictions relating to sealing, correction, or confidential
5 handling of criminal history records or information derived
6 therefrom. This section does not confer any right to the
7 sealing of any criminal history record, and any request for
8 sealing a criminal history record may be denied at the sole
9 discretion of the court.

10 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
11 criminal history record of a minor or an adult which is
12 ordered sealed by a court of competent jurisdiction pursuant
13 to this section is confidential and exempt from the provisions
14 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
15 and is available only to the person who is the subject of the
16 record, to the subject's attorney, to criminal justice
17 agencies for their respective criminal justice purposes, or to
18 those entities set forth in subparagraphs (a)1., 4., 5., and
19 6. for their respective licensing and employment purposes.

20 (a) The subject of a criminal history record sealed
21 under this section or under other provisions of law, including
22 former s. 893.14, former s. 901.33, and former s. 943.058, may
23 lawfully deny or fail to acknowledge the arrests covered by
24 the sealed record, except when the subject of the record:

- 25 1. Is a candidate for employment with a criminal
26 justice agency;
- 27 2. Is a defendant in a criminal prosecution;
- 28 3. Concurrently or subsequently petitions for relief
29 under this section or s. 943.0585;
- 30 4. Is a candidate for admission to The Florida Bar;

31

1 5. Is seeking to be employed or licensed by or to
2 contract with the Department of Children and Family Services
3 or the Department of Juvenile Justice or to be employed or
4 used by such contractor or licensee in a sensitive position
5 having direct contact with children, the developmentally
6 disabled, the aged, or the elderly as provided in s.
7 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.
8 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
9 415.103, s. 916.106(10) and (13), s. 985.644 ~~985.407~~, or
10 chapter 400; or

11 6. Is seeking to be employed or licensed by the
12 Department of Education, any district school board, any
13 university laboratory school, any charter school, any private
14 or parochial school, or any local governmental entity that
15 licenses child care facilities.

16 Section 117. Subsection (2) of section 948.51, Florida
17 Statutes, is amended to read:

18 948.51 Community corrections assistance to counties or
19 county consortiums.--

20 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
21 county, or a consortium of two or more counties, may contract
22 with the Department of Corrections for community corrections
23 funds as provided in this section. In order to enter into a
24 community corrections partnership contract, a county or county
25 consortium must have a public safety coordinating council
26 established under s. 951.26 and must designate a county
27 officer or agency to be responsible for administering
28 community corrections funds received from the state. The
29 public safety coordinating council shall prepare, develop, and
30 implement a comprehensive public safety plan for the county,
31 or the geographic area represented by the county consortium,

1 and shall submit an annual report to the Department of
2 Corrections concerning the status of the program. In preparing
3 the comprehensive public safety plan, the public safety
4 coordinating council shall cooperate with the juvenile justice
5 circuit board and the juvenile justice county council,
6 established under s. 985.664 ~~985.4135~~, in order to include
7 programs and services for juveniles in the plan. To be
8 eligible for community corrections funds under the contract,
9 the initial public safety plan must be approved by the
10 governing board of the county, or the governing board of each
11 county within the consortium, and the Secretary of Corrections
12 based on the requirements of this section. If one or more
13 other counties develop a unified public safety plan, the
14 public safety coordinating council shall submit a single
15 application to the department for funding. Continued contract
16 funding shall be pursuant to subsection (5). The plan for a
17 county or county consortium must cover at least a 5-year
18 period and must include:

19 (a) A description of programs offered for the job
20 placement and treatment of offenders in the community.

21 (b) A specification of community-based intermediate
22 sentencing options to be offered and the types and number of
23 offenders to be included in each program.

24 (c) Specific goals and objectives for reducing the
25 projected percentage of commitments to the state prison system
26 of persons with low total sentencing scores pursuant to the
27 Criminal Punishment Code.

28 (d) Specific evidence of the population status of all
29 programs which are part of the plan, which evidence
30 establishes that such programs do not include offenders who
31

1 otherwise would have been on a less intensive form of
2 community supervision.

3 (e) The assessment of population status by the public
4 safety coordinating council of all correctional facilities
5 owned or contracted for by the county or by each county within
6 the consortium.

7 (f) The assessment of bed space that is available for
8 substance abuse intervention and treatment programs and the
9 assessment of offenders in need of treatment who are committed
10 to each correctional facility owned or contracted for by the
11 county or by each county within the consortium.

12 (g) A description of program costs and sources of
13 funds for each community corrections program, including
14 community corrections funds, loans, state assistance, and
15 other financial assistance.

16 Section 118. Section 958.046, Florida Statutes, is
17 amended to read:

18 958.046 Placement in county-operated boot camp
19 programs for youthful offenders.--In counties where there are
20 county-operated youthful offender boot camp programs, other
21 than boot camps described in s. 958.04 or s. 985.489 ~~985.309~~,
22 the court may sentence a youthful offender to such a boot
23 camp. In county-operated youthful offender boot camp programs,
24 juvenile offenders shall not be commingled with youthful
25 offenders.

26 Section 119. Paragraphs (b) and (j) of subsection (1)
27 of section 960.001, Florida Statutes, are amended to read:

28 960.001 Guidelines for fair treatment of victims and
29 witnesses in the criminal justice and juvenile justice
30 systems.--
31

1 (1) The Department of Legal Affairs, the state
2 attorneys, the Department of Corrections, the Department of
3 Juvenile Justice, the Parole Commission, the State Courts
4 Administrator and circuit court administrators, the Department
5 of Law Enforcement, and every sheriff's department, police
6 department, or other law enforcement agency as defined in s.
7 943.10(4) shall develop and implement guidelines for the use
8 of their respective agencies, which guidelines are consistent
9 with the purposes of this act and s. 16(b), Art. I of the
10 State Constitution and are designed to implement the
11 provisions of s. 16(b), Art. I of the State Constitution and
12 to achieve the following objectives:

13 (b) Information for purposes of notifying victim or
14 appropriate next of kin of victim or other designated contact
15 of victim.--In the case of a homicide, pursuant to chapter
16 782; or a sexual offense, pursuant to chapter 794; or an
17 attempted murder or sexual offense, pursuant to chapter 777;
18 or stalking, pursuant to s. 784.048; or domestic violence,
19 pursuant to s. 25.385:

20 1. The arresting law enforcement officer or personnel
21 of an organization that provides assistance to a victim or to
22 the appropriate next of kin of the victim or other designated
23 contact must request that the victim or appropriate next of
24 kin of the victim or other designated contact complete a
25 victim notification card. However, the victim or appropriate
26 next of kin of the victim or other designated contact may
27 choose not to complete the victim notification card.

28 2. Unless the victim or the appropriate next of kin of
29 the victim or other designated contact waives the option to
30 complete the victim notification card, a copy of the victim
31 notification card must be filed with the incident report or

1 warrant in the sheriff's office of the jurisdiction in which
2 the incident report or warrant originated. The notification
3 card shall, at a minimum, consist of:

4 a. The name, address, and phone number of the victim;
5 or

6 b. The name, address, and phone number of the
7 appropriate next of kin of the victim; or

8 c. The name, address, and phone number of a designated
9 contact other than the victim or appropriate next of kin of
10 the victim; and

11 d. Any relevant identification or case numbers
12 assigned to the case.

13 3. The chief administrator, or a person designated by
14 the chief administrator, of a county jail, municipal jail,
15 juvenile detention facility, or residential commitment
16 facility shall make a reasonable attempt to notify the alleged
17 victim or appropriate next of kin of the alleged victim or
18 other designated contact within 4 hours following the release
19 of the defendant on bail or, in the case of a juvenile
20 offender, upon the release from residential detention or
21 commitment. If the chief administrator, or designee, is unable
22 to contact the alleged victim or appropriate next of kin of
23 the alleged victim or other designated contact by telephone,
24 the chief administrator, or designee, must send to the alleged
25 victim or appropriate next of kin of the alleged victim or
26 other designated contact a written notification of the
27 defendant's release.

28 4. Unless otherwise requested by the victim or the
29 appropriate next of kin of the victim or other designated
30 contact, the information contained on the victim notification
31 card must be sent by the chief administrator, or designee, of

1 | the appropriate facility to the subsequent correctional or
2 | residential commitment facility following the sentencing and
3 | incarceration of the defendant, and unless otherwise requested
4 | by the victim or the appropriate next of kin of the victim or
5 | other designated contact, he or she must be notified of the
6 | release of the defendant from incarceration as provided by
7 | law.

8 | 5. If the defendant was arrested pursuant to a warrant
9 | issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in
10 | a jurisdiction other than the jurisdiction in which the
11 | defendant is being released, and the alleged victim or
12 | appropriate next of kin of the alleged victim or other
13 | designated contact does not waive the option for notification
14 | of release, the chief correctional officer or chief
15 | administrator of the facility releasing the defendant shall
16 | make a reasonable attempt to immediately notify the chief
17 | correctional officer of the jurisdiction in which the warrant
18 | was issued or the juvenile was taken into custody pursuant to
19 | s. 985.101 ~~985.207~~, and the chief correctional officer of that
20 | jurisdiction shall make a reasonable attempt to notify the
21 | alleged victim or appropriate next of kin of the alleged
22 | victim or other designated contact, as provided in this
23 | paragraph, that the defendant has been or will be released.

24 | (j) Notification of right to request restitution.--Law
25 | enforcement agencies and the state attorney shall inform the
26 | victim of the victim's right to request and receive
27 | restitution pursuant to s. 775.089 or s. 985.437
28 | ~~985.231(1)(a)1-~~, and of the victim's rights of enforcement
29 | under ss. 775.089(6) and 985.0301 ~~985.201~~ in the event an
30 | offender does not comply with a restitution order. The state
31 | attorney shall seek the assistance of the victim in the

1 | documentation of the victim's losses for the purpose of
2 | requesting and receiving restitution. In addition, the state
3 | attorney shall inform the victim if and when restitution is
4 | ordered. If an order of restitution is converted to a civil
5 | lien or civil judgment against the defendant, the clerks shall
6 | make available at their office, as well as on their website,
7 | information provided by the Secretary of State, the court, or
8 | The Florida Bar on enforcing the civil lien or judgment.

9 | Section 120. Subsection (48) of section 984.03,
10 | Florida Statutes, is amended to read:

11 | 984.03 Definitions.--When used in this chapter, the
12 | term:

13 | (48) "Serious or habitual juvenile offender program"
14 | means the program established in s. 985.47 ~~985.31~~.

15 | Section 121. Section 984.05, Florida Statutes, is
16 | amended to read:

17 | 984.05 Rules relating to habitual truants; adoption by
18 | State Board of Education and Department of Juvenile
19 | Justice.--The Department of Juvenile Justice and the State
20 | Board of Education shall work together on the development of,
21 | and shall adopt, rules as necessary for the implementation of
22 | ss. 984.03(27), 985.03(~~24~~)(~~25~~), and 1003.27.

23 | Section 122. Paragraph (b) of subsection (4) of
24 | section 984.09, Florida Statutes, is amended to read:

25 | 984.09 Punishment for contempt of court; alternative
26 | sanctions.--

27 | (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
28 | PROCESS.--

29 | (b) If a child is charged with indirect contempt of
30 | court, the court must hold a hearing within 24 hours to
31 | determine whether the child committed indirect contempt of a

1 valid court order. At the hearing, the following due process
2 rights must be provided to the child:

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

5 2. Right to an explanation of the nature and the
6 consequences of the proceedings.

7 3. Right to legal counsel and the right to have legal
8 counsel appointed by the court if the juvenile is indigent,
9 pursuant to s. 985.033 ~~985.203~~.

10 4. Right to confront witnesses.

11 5. Right to present witnesses.

12 6. Right to have a transcript or record of the
13 proceeding.

14 7. Right to appeal to an appropriate court.
15

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

20 Section 123. Subsections (2) and (6) of section
21 984.226, Florida Statutes, are amended to read:

22 984.226 Physically secure setting.--

23 (2) When a petition is filed alleging that a child is
24 a child in need of services, the child must be represented by
25 counsel at each court appearance unless the record in that
26 proceeding affirmatively demonstrates by clear and convincing
27 evidence that the child knowingly and intelligently waived the
28 right to counsel after being fully advised by the court of the
29 nature of the proceedings and the dispositional alternatives
30 available to the court under this section. If the court
31 decides to appoint counsel for the child and if the child is

1 indigent, the court shall appoint an attorney to represent the
2 child as provided under s. 985.033 ~~985.203~~. Nothing precludes
3 the court from requesting reimbursement of attorney's fees and
4 costs from the nonindigent parent or legal guardian.

5 (6) Prior to being ordered to a physically secure
6 setting, the child must be afforded all rights of due process
7 required under s. 985.037 ~~985.216~~. While in the physically
8 secure setting, the child shall receive appropriate
9 assessment, treatment, and educational services that are
10 designed to eliminate or reduce the child's truant,
11 ungovernable, or runaway behavior. The child and family shall
12 be provided with family counseling and other support services
13 necessary for reunification.

14 Section 124. Subsection (22) of section 1003.52,
15 Florida Statutes, is amended to read:

16 1003.52 Educational services in Department of Juvenile
17 Justice programs.--

18 (22) The Department of Juvenile Justice and the
19 Department of Education, in consultation with Workforce
20 Florida, Inc., the statewide Workforce Development Youth
21 Council, district school boards, community colleges,
22 providers, and others, shall jointly develop a multiagency
23 plan for career education which describes the funding,
24 curriculum, transfer of credits, goals, and outcome measures
25 for career education programming in juvenile commitment
26 facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be
27 reviewed annually.

28 Section 125. Subsection (2) of section 1006.08,
29 Florida Statutes, is amended to read:

30 1006.08 District school superintendent duties relating
31 to student discipline and school safety.--

1 (2) Notwithstanding the provisions of s. 985.04~~(7)~~~~(4)~~
2 or any other provision of law to the contrary, the court
3 shall, within 48 hours of the finding, notify the appropriate
4 district school superintendent of the name and address of any
5 student found to have committed a delinquent act, or who has
6 had adjudication of a delinquent act withheld which, if
7 committed by an adult, would be a felony, or the name and
8 address of any student found guilty of a felony. Notification
9 shall include the specific delinquent act found to have been
10 committed or for which adjudication was withheld, or the
11 specific felony for which the student was found guilty.

12 Section 126. Paragraph (a) of subsection (5) of
13 section 1006.13, Florida Statutes, is amended to read:

14 1006.13 Policy of zero tolerance for crime and
15 victimization.--

16 (5)(a) Notwithstanding any provision of law
17 prohibiting the disclosure of the identity of a minor,
18 whenever any student who is attending public school is
19 adjudicated guilty of or delinquent for, or is found to have
20 committed, regardless of whether adjudication is withheld, or
21 pleads guilty or nolo contendere to, a felony violation of:

- 22 1. Chapter 782, relating to homicide;
- 23 2. Chapter 784, relating to assault, battery, and
24 culpable negligence;
- 25 3. Chapter 787, relating to kidnapping, false
26 imprisonment, luring or enticing a child, and custody
27 offenses;
- 28 4. Chapter 794, relating to sexual battery;
- 29 5. Chapter 800, relating to lewdness and indecent
30 exposure;
- 31 6. Chapter 827, relating to abuse of children;

1 7. Section 812.13, relating to robbery;
2 8. Section 812.131, relating to robbery by sudden
3 snatching;
4 9. Section 812.133, relating to carjacking; or
5 10. Section 812.135, relating to home-invasion
6 robbery,
7
8 and, before or at the time of such adjudication, withholding
9 of adjudication, or plea, the offender was attending a school
10 attended by the victim or a sibling of the victim of the
11 offense, the Department of Juvenile Justice shall notify the
12 appropriate district school board of the adjudication or plea,
13 the requirements of this paragraph, and whether the offender
14 is prohibited from attending that school or riding on a school
15 bus whenever the victim or a sibling of the victim is
16 attending the same school or riding on the same school bus,
17 except as provided pursuant to a written disposition order
18 under s. 985.455(2) ~~985.23(1)(d)~~. Upon receipt of such notice,
19 the district school board shall take appropriate action to
20 effectuate the provisions of paragraph (b).
21 Section 127. Subsection (1) of section 1012.797,
22 Florida Statutes, is amended to read:
23 1012.797 Notification of district school
24 superintendent of certain charges against or convictions of
25 employees.--
26 (1) Notwithstanding the provisions of s. ~~985.04(7)(4)~~
27 or any other provision of law to the contrary, a law
28 enforcement agency shall, within 48 hours, notify the
29 appropriate district school superintendent of the name and
30 address of any employee of the school district who is charged
31 with a felony or with a misdemeanor involving the abuse of a

1 | minor child or the sale or possession of a controlled
2 | substance. The notification shall include the specific charge
3 | for which the employee of the school district was arrested.
4 | Such notification shall include other education providers such
5 | as the Florida School for the Deaf and the Blind, university
6 | lab schools, and private elementary and secondary schools.
7 | Section 128. This act shall take effect January 1,
8 | 2006.

9 |
10 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 | COMMITTEE SUBSTITUTE FOR
12 | Senate Bill 2656

13 | Provides numerous cross references and renumbers many sections
14 | and subsections.

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