



1           Section 1. Subsection (1) of section 985.21, Florida  
2 Statutes, is amended to read:

3           985.21 Intake and case management.--

4           (1)(a) During the intake process, the juvenile  
5 probation officer shall screen each child or shall cause each  
6 child to be screened in order to determine:

7           1. Appropriateness for release, referral to a  
8 diversionary program including, but not limited to, a  
9 teen-court program, referral for community arbitration, or  
10 referral to some other program or agency for the purpose of  
11 nonofficial or nonjudicial handling.

12           2. The presence of medical, psychiatric,  
13 psychological, substance abuse, educational, or vocational  
14 problems, or other conditions that may have caused the child  
15 to come to the attention of law enforcement or the Department  
16 of Juvenile Justice. The child shall also be screened to  
17 determine whether the child poses a danger to himself or  
18 herself or others in the community. The results of this  
19 screening shall be made available to the court and to court  
20 officers. In cases where such conditions are identified, and a  
21 nonjudicial handling of the case is chosen, the juvenile  
22 probation officer shall attempt to refer the child to a  
23 program or agency, together with all available and relevant  
24 assessment information concerning the child's precipitating  
25 condition.

26           3.a. The country of citizenship of the child.  
27 Notwithstanding any other law, the juvenile probation officer  
28 shall report to the department and the United States  
29 Immigration and Customs Enforcement Agency a juvenile who is  
30 the subject of a petition alleging that he or she committed an  
31 act that would be a crime if committed by an adult and who has

1 also been found to be, or is suspected of being, in the United  
2 States illegally. The report must include the nature of the  
3 offense the child is alleged to have committed.

4 b. The Department of Juvenile Justice shall develop a  
5 centralized, automated intake and screening database to  
6 collect information concerning the country of citizenship for  
7 children referred to the department in order to facilitate the  
8 exchange of information pursuant to the intent and purpose of  
9 this chapter. The department shall establish methods and  
10 parameters by which citizenship information and data are  
11 collected from the United States Immigration and Customs  
12 Enforcement Agency, the Department of Law Enforcement, law  
13 enforcement agencies in this state, and the state court  
14 system. Information developed in or through the use of the  
15 database shall be made available to federal, state, and local  
16 law enforcement agencies and prosecutors and courts in a  
17 manner defined by the department and as allowed by state or  
18 federal law or rule. The department shall adopt rules to  
19 administer the provisions of this sub-subparagraph.

20 ~~(b)3-~~ The Department of Juvenile Justice shall develop  
21 an intake and a case management system whereby a child brought  
22 into intake is assigned a juvenile probation officer if the  
23 child was not released, referred to a diversionary program,  
24 referred for community arbitration, or referred to some other  
25 program or agency for the purpose of nonofficial or  
26 nonjudicial handling, and shall make every reasonable effort  
27 to provide case management services for the child; provided,  
28 however, that case management for children committed to  
29 residential programs may be transferred as provided in s.  
30 985.316.

31

1           ~~(c)4.~~ In addition to duties specified in other  
2 sections and through departmental rules, the assigned juvenile  
3 probation officer shall be responsible for the following:

4           ~~1.a.~~ Ensuring that a risk assessment instrument  
5 establishing the child's eligibility for detention has been  
6 accurately completed and that the appropriate recommendation  
7 was made to the court.

8           ~~2.b.~~ Inquiring as to whether the child understands his  
9 or her rights to counsel and against self-incrimination.

10           ~~3.c.~~ Performing the preliminary screening and making  
11 referrals for comprehensive assessment regarding the child's  
12 need for substance abuse treatment services, mental health  
13 services, retardation services, literacy services, or other  
14 educational or treatment services.

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

26           ~~5.e.~~ Making recommendations for services and  
27 facilitating the delivery of those services to the child,  
28 including any mental health services, educational services,  
29 family counseling services, family assistance services, and  
30 substance abuse services. The juvenile probation officer shall  
31 serve as the primary case manager for the purpose of managing,

1 | coordinating, and monitoring the services provided to the  
2 | child. Each program administrator within the Department of  
3 | Children and Family Services shall cooperate with the primary  
4 | case manager in carrying out the duties and responsibilities  
5 | described in this section.

6 |  
7 | The Department of Juvenile Justice 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 |       ~~(d)(b)~~ The intake and case management system shall  
18 | facilitate consistency in the recommended placement of each  
19 | child, and in the assessment, classification, and placement  
20 | process, with the following purposes:

21 |           1. An individualized, multidisciplinary assessment  
22 | process that identifies the priority needs of each individual  
23 | child for rehabilitation and treatment and identifies any  
24 | needs of the child's parents or guardians for services that  
25 | would enhance their ability to provide adequate support,  
26 | guidance, and supervision for the child. This process shall  
27 | begin with the detention risk assessment instrument and  
28 | decision, shall include the intake preliminary screening and  
29 | comprehensive assessment for substance abuse treatment  
30 | services, mental health services, retardation services,  
31 | literacy services, and other educational and treatment

1 services as components, additional assessment of the child's  
2 treatment needs, and classification regarding the child's  
3 risks to the community and, for a serious or habitual  
4 delinquent child, shall include the assessment for placement  
5 in a serious or habitual delinquent children program pursuant  
6 to s. 985.31. The completed multidisciplinary assessment  
7 process shall result in the predisposition report.

8         2. A classification system that assigns a relative  
9 risk to the child and the community based upon assessments  
10 including the detention risk assessment results when available  
11 to classify the child's risk as it relates to placement and  
12 supervision alternatives.

13         3. An admissions process that facilitates for each  
14 child the utilization of the treatment plan and setting most  
15 appropriate to meet the child's programmatic needs and provide  
16 the minimum program security needed to ensure public safety.

17         Section 2. Paragraph (a) of subsection (1) of section  
18 985.231, Florida Statutes, is amended to read:

19         985.231 Powers of disposition in delinquency cases.--

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

24         1. Place the child in a probation program or a  
25 postcommitment probation program under the supervision of an  
26 authorized agent of the department or of any other person or  
27 agency specifically authorized and appointed by the court,  
28 whether in the child's own home, in the home of a relative of  
29 the child, or in some other suitable place under such  
30 reasonable conditions as the court may direct. A probation  
31 program for an adjudicated delinquent child must include a

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

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

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

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

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

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

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

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31 |

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

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

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

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

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

17 3. Commit the child to the department at a  
18 restrictiveness level defined in s. 985.03. Such commitment  
19 must be for the purpose of exercising active control over the  
20 child, including, but not limited to, custody, care, training,  
21 urine monitoring, and treatment of the child and release of  
22 the child from residential commitment into the community in a  
23 postcommitment nonresidential conditional release program. If  
24 the child is eligible to attend public school following  
25 commitment and the court finds that the victim or a sibling of  
26 the victim in the case is or may be attending the same school  
27 as the child, the commitment order shall include a finding  
28 pursuant to the proceedings described in s. 985.23(1)(d). If  
29 the child is not successful in the conditional release  
30 program, the department may use the transfer procedure under  
31 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and

1 | except as provided in s. 985.31, the term of the commitment  
2 | must be until the child is discharged by the department or  
3 | until he or she reaches the age of 21.

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

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

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

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

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

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

26           10. Subject to specific appropriation, commit the  
27 juvenile sexual offender to the department for placement in a  
28 program or facility for juvenile sexual offenders in  
29 accordance with s. 985.308. Any commitment of a juvenile  
30 sexual offender to a program or facility for juvenile sexual  
31 offenders must be for an indeterminate period of time, but the

1 | time may not exceed the maximum term of imprisonment that an  
2 | adult may serve for the same offense. The court may retain  
3 | jurisdiction over a juvenile sexual offender until the  
4 | juvenile sexual offender reaches the age of 21, specifically  
5 | for the purpose of completing the program.

6 |       11. If the residence of a child adjudicated delinquent  
7 | is in a foreign country or if the child adjudicated delinquent  
8 | is a citizen of a foreign country and is not in this country  
9 | in a legal status, notify the United States Immigration and  
10 | Customs Enforcement Agency of the adjudication of the child,  
11 | order that the child be returned to his or her country of  
12 | origin, and order the department to transfer the physical  
13 | custody of the child to the United States Immigration and  
14 | Customs Enforcement Agency for the appropriate processing to  
15 | remove the child from this country.

16 |           Section 3. This act shall take effect July 1, 2006.

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19 |                           SENATE SUMMARY

20 |       Requires a juvenile probation officer to determine the  
21 |       country of citizenship of each child referred to the  
22 |       Department of Juvenile Justice. Requires the juvenile  
23 |       probation officer to report the information to the  
24 |       department and the United States Immigration and Customs  
25 |       Enforcement Agency. Requires the department to develop a  
26 |       centralized, automated intake and screening database to  
27 |       collect information on the country of citizenship for  
28 |       youth referred to the department. Directs the department  
29 |       to make the information developed in the database  
30 |       available to certain agencies. Requires a juvenile court  
31 |       under specified circumstances to notify the United States  
32 |       Immigration and Customs Enforcement Agency of the  
33 |       adjudication of the child, to order that the child be  
34 |       returned to his or her country of origin, and to order  
35 |       the department to transfer the physical custody of the  
36 |       child to the United States Immigration and Customs  
37 |       Enforcement Agency for the appropriate processing to  
38 |       remove the child from this country.