



1 | punishment for contempt of court and  
2 | alternative sanctions; amending and renumbering  
3 | s. 985.216, F.S.; revising provisions relating  
4 | to contempt of court; creating s. 985.039,  
5 | F.S., relating to cost of supervision and care;  
6 | amending and renumbering s. 985.2311, F.S.;  
7 | amending and renumbering s. 985.04, F.S.;  
8 | clarifying a provision relating to the release  
9 | of certain information; revising references and  
10 | cross-references to conform; creating s.  
11 | 985.045, F.S., relating to court records;  
12 | amending and renumbering s. 985.05, F.S.;  
13 | revising references and cross-references to  
14 | conform; creating s. 985.046, F.S., relating to  
15 | the statewide information-sharing system and  
16 | interagency workgroup; renumbering s. 985.06,  
17 | F.S.; creating s. 985.047, F.S., relating to  
18 | information systems; renumbering s. 985.08,  
19 | F.S.; creating s. 985.101, F.S., relating to  
20 | taking a child into custody; amending and  
21 | renumbering s. 985.207, F.S.; creating s.  
22 | 985.105, F.S., relating to intake and case  
23 | management; renumbering a provision of s.  
24 | 985.215, F.S., relating to transporting a child  
25 | who has been taken into custody; revising a  
26 | reference and cross-references to conform;  
27 | creating s. 985.105, F.S., relating to youth  
28 | custody officers; amending and renumbering s.  
29 | 985.2075, F.S.; creating s. 985.11, F.S.,  
30 | relating to fingerprinting and photographing;  
31 | amending and renumbering s. 985.212, F.S.;

1           revising a cross-reference to conform; creating  
2           s. 985.115, F.S., relating to release or  
3           delivery from custody; amending and renumbering  
4           provisions of s. 985.211, F.S., that relate to  
5           such release or delivery; revising  
6           cross-references to conform; creating s.  
7           985.12, F.S., relating to civil citations;  
8           amending and renumbering s. 985.301, F.S.;  
9           revising a cross-reference to conform; creating  
10          s. 985.125, F.S., relating to prearrest or  
11          postarrest diversion programs; renumbering s.  
12          985.3065, F.S.; creating s. 985.13, F.S.,  
13          relating to probable cause affidavits; amending  
14          and renumbering provisions of s. 985.211, F.S.,  
15          that relate to probable cause affidavits and  
16          certain requirements upon the taking of a child  
17          into custody; revising cross-references to  
18          conform; creating s. 985.135, F.S., relating to  
19          juvenile assessment centers; amending and  
20          renumbering s. 985.209, F.S.; creating s.  
21          985.14, F.S., relating to the intake and case  
22          management system; amending, renumbering, and  
23          redesignating provisions of s. 985.21, F.S.,  
24          that relate to intake and case management;  
25          revising cross-references to conform; creating  
26          s. 985.145, F.S., relating to the  
27          responsibilities of the juvenile probation  
28          officer during intake and to screenings and  
29          assessments; amending and redesignating  
30          provisions of s. 985.21, F.S., that relate to  
31          such responsibilities, screenings, and

1 assessments; revising cross-references to  
2 conform; creating s. 985.15, F.S., relating to  
3 filing decisions in juvenile cases; revising  
4 cross-references to conform; creating s.  
5 985.155, F.S., relating to neighborhood  
6 restorative justice; renumbering s. 985.303,  
7 F.S.; creating s. 985.16, F.S., relating to  
8 community arbitration; amending and renumbering  
9 s. 985.304; F.S.; revising a reference to  
10 conform; creating s. 985.18, F.S., relating to  
11 medical, psychiatric, psychological, substance  
12 abuse, and educational examination and  
13 treatment; renumbering s. 985.224, F.S.;  
14 redesignating a provision of s. 985.215, F.S.,  
15 that relates to comprehensive evaluations of  
16 certain youth; creating s. 985.185, F.S.,  
17 relating to evaluations for dispositions;  
18 amending and renumbering provisions of s.  
19 985.229, F.S., that relate to such evaluations;  
20 creating s. 985.19, F.S., relating to  
21 incompetency in juvenile delinquency cases;  
22 renumbering s. 985.223, F.S.; creating s.  
23 985.195, F.S., relating to transfer to other  
24 treatment services; renumbering s. 985.418,  
25 F.S.; creating s. 985.24, F.S., relating to the  
26 use of detention and to prohibitions on the use  
27 of detention; renumbering provisions of s.  
28 985.213, F.S., that relate to the use of  
29 detention; renumbering s. 985.214, F.S.;  
30 creating s. 985.245, F.S., relating to the risk  
31 assessment instrument; amending and renumbering

1 a provision of s. 985.213, F.S., that relates  
2 to such instrument; revising cross-references  
3 to conform; creating s. 985.25, F.S., relating  
4 to detention intake; amending, renumbering, and  
5 redesignating provisions of s. 985.215, F.S.,  
6 that relate to detention intake; revising  
7 cross-references to conform; creating s.  
8 985.255, F.S., relating to detention criteria  
9 and detention hearings; amending and  
10 renumbering a provision of s. 985.215, F.S.,  
11 that relates to such criteria and hearings;  
12 revising cross-references to conform; creating  
13 s. 985.26, F.S., relating to length of  
14 detention; amending, renumbering, and  
15 redesignating provisions of s. 985.215, F.S.,  
16 that relate to length of detention; revising  
17 cross-references to conform; creating s.  
18 985.265, F.S., relating to detention transfer  
19 and release, education of juvenile offenders  
20 while in detention or on detention status, and  
21 holding of juvenile offenders in adult jails;  
22 amending and renumbering provisions of s.  
23 985.215, F.S., that relate to transfer,  
24 release, and holding juvenile offenders in  
25 adult jails; renumbering a provision of s.  
26 985.213, F.S., that relates to education of  
27 juvenile offenders while in detention or on  
28 detention status; revising references and  
29 cross-references to conform; creating s.  
30 985.27, F.S., relating to postcommitment  
31 detention of juvenile offenders while such

1 offenders are awaiting residential placement;  
2 amending and redesignating provisions of s.  
3 985.215, F.S., that relate to such detention;  
4 limiting the use of such detention; revising  
5 references to "detention" to clarify that such  
6 term means "secure detention" in certain  
7 circumstances; creating s. 985.275, F.S.,  
8 relating to the detention of an escapee;  
9 amending and renumbering s. 985.208, F.S.;  
10 revising a cross-reference to conform; creating  
11 s. 985.318, F.S., relating to petitions;  
12 renumbering s. 985.218, F.S.; creating s.  
13 985.319, F.S., relating to process and service;  
14 renumbering provisions of s. 985.219, F.S.,  
15 that relate to process and service; creating s.  
16 985.325, relating to prohibitions against  
17 threatening or dismissing employees; amending  
18 and renumbering s. 985.22, F.S.; revising  
19 cross-references to conform; creating s.  
20 985.331, F.S., relating to court and witness  
21 fees; renumbering s. 985.221, F.S.; creating s.  
22 985.335, F.S., relating to answering a  
23 petition; renumbering s. 985.222, F.S.;  
24 creating s. 985.345, F.S., relating to  
25 delinquency pretrial intervention programs;  
26 renumbering s. 985.306, F.S.; creating s.  
27 985.35, F.S., relating to adjudicatory  
28 hearings, withholding of adjudication, and  
29 orders of adjudication; amending and  
30 renumbering s. 985.228, F.S.; repealing a  
31 provision prohibiting a person from possessing

1 a firearm in certain circumstances; revising a  
2 reference and cross-references to conform;  
3 creating s. 985.43, F.S., relating to  
4 predisposition reports and other evaluations;  
5 amending and renumbering provisions of s.  
6 985.229, F.S., that relate to such reports and  
7 evaluations; revising cross-references to  
8 conform; creating s. 985.433, F.S., relating to  
9 disposition hearings in delinquency cases;  
10 amending and renumbering s. 985.23, F.S.;  
11 clarifying who is considered a party to a  
12 juvenile case; specifying who must be given an  
13 opportunity to comment on the issue of  
14 disposition; revising cross-references to  
15 conform; amending a provision of s. 985.231,  
16 F.S., relating to requirement of written  
17 disposition orders; creating s. 985.435, F.S.,  
18 relating to probation, postcommitment  
19 probation, and community service; amending and  
20 redesignating a provision of s. 985.231, F.S.,  
21 relating to probation, postcommitment  
22 probation, and community control; creating s.  
23 985.437, F.S., relating to restitution;  
24 revising a reference and cross-reference to  
25 conform; creating s. 985.439, F.S., relating to  
26 violations of probation or postcommitment  
27 probation; revising cross-references to  
28 conform; creating s. 985.441, F.S., relating to  
29 commitment; providing a requirement for  
30 commitment of a child as a juvenile sexual  
31 offender; revising cross-references to conform;

1           creating s. 985.442, F.S., relating to the form  
2           of commitment; renumbering s. 985.232, F.S.;  
3           creating s. 985.445, F.S., relating to  
4           disposition of delinquency cases involving  
5           grand theft of a motor vehicle; amending and  
6           redesignating a provision of s. 985.231, F.S.,  
7           that relates to disposition in such cases;  
8           creating s. 985.45, F.S., relating to liability  
9           and remuneration for work; amending and  
10          redesignating a provision of s. 985.231, F.S.,  
11          that relates to liability and remuneration;  
12          creating s. 985.455, F.S., relating to other  
13          dispositional issues; amending and  
14          redesignating provisions of s. 985.231, F.S.,  
15          that relate to determination of sanctions,  
16          rehabilitation programs, and certain contact  
17          with the victim subsequent to disposition;  
18          redesignating provisions of s. 985.231, F.S.,  
19          that specify the duration of commitment and  
20          suspension of disposition; revising a  
21          cross-reference to conform; creating s. 985.46,  
22          F.S., relating to conditional release; amending  
23          and renumbering s. 985.316, F.S.; revising a  
24          cross-reference to conform; creating s.  
25          985.465, F.S., relating to juvenile  
26          correctional facilities and juvenile prisons;  
27          amending and renumbering s. 985.313, F.S.;  
28          creating s. 985.47, F.S., relating to serious  
29          and habitual juvenile offenders; amending and  
30          renumbering a provision of s. 985.03, F.S.,  
31          that relates to such offenders; amending and



1 renumbering s. 985.31, F.S.; revising a  
2 reference and cross-references to conform;  
3 creating s. 985.475, F.S., relating to juvenile  
4 sexual offenders; amending and renumbering a  
5 provision of s. 985.03, F.S., that relates to  
6 such offenders; revising a cross-reference to  
7 conform; amending and renumbering a provision  
8 of s. 985.231, F.S., that relates to such  
9 offenders; revising cross-references to  
10 conform; creating s. 985.48, F.S., relating to  
11 juvenile sexual offender commitment programs  
12 and sexual abuse intervention networks;  
13 renumbering s. 985.308, F.S.; creating s.  
14 985.483, F.S., relating to intensive  
15 residential treatment programs for juvenile  
16 offenders less than 13 years of age; amending  
17 and renumbering a provision of s. 985.03, F.S.,  
18 that relates to such offenders; amending and  
19 renumbering s. 985.311, F.S.; revising  
20 cross-references to conform; creating s.  
21 985.486, F.S., relating to the prerequisites for  
22 commitment of juvenile offenders less than 13  
23 years of age to intensive residential treatment  
24 programs; amending and renumbering s. 985.312,  
25 F.S.; revising cross-references to conform;  
26 creating s. 985.489, F.S., relating to boot  
27 camp for children; amending and renumbering s.  
28 985.309, F.S.; revising cross-references to  
29 conform; creating s. 985.494, F.S., relating to  
30 commitment programs for juvenile felony  
31 offenders; amending and renumbering s. 985.314,

1 F.S.; revising cross-references to conform;  
2 creating s. 985.511, F.S., relating to the  
3 child's right to counsel and the cost of  
4 representation; creating s. 985.512, F.S.,  
5 relating to the powers of the court with  
6 respect to certain children; renumbering s.  
7 985.204, F.S.; creating s. 985.513, F.S.,  
8 relating to the powers of the court over  
9 parents or guardians at disposition of the  
10 child's case; amending and redesignating  
11 provisions of s. 985.231, F.S., that relate to  
12 such powers; revising cross-references to  
13 conform; creating s. 985.514, F.S., relating to  
14 the responsibilities of the parents or  
15 guardians of a child for certain fees related  
16 to the cost of care; revising a cross-reference  
17 to conform; creating s. 985.534, F.S., relating  
18 to appeals in juvenile cases; renumbering s.  
19 985.234, F.S.; creating s. 985.535, F.S.,  
20 relating to time for taking appeal by the  
21 state; renumbering s. 985.235, F.S.; creating  
22 s. 985.536, F.S., relating to orders or  
23 decisions when the state appeals; renumbering  
24 s. 985.236, F.S.; creating s. 985.556, F.S.,  
25 relating to voluntary and involuntary waivers  
26 of juvenile court jurisdiction and hearings for  
27 such waivers; amending and renumbering s.  
28 985.226, F.S.; revising cross-references to  
29 conform; creating s. 985.557, F.S., relating to  
30 discretionary and mandatory criteria for the  
31 direct filing of an information against a

1 juvenile offender in the criminal division of  
2 the circuit court; amending and renumbering s.  
3 985.227, F.S.; revising cross-references to  
4 conform; creating s. 985.56, F.S., relating to  
5 indictment of juvenile offenders; amending and  
6 renumbering s. 985.225, F.S.; revising a  
7 reference and cross-references to conform;  
8 creating s. 985.565, F.S., relating to powers,  
9 procedures, and alternatives available to the  
10 court when sentencing juvenile offenders  
11 prosecuted as adults; amending, renumbering,  
12 and redesignating provisions of s. 985.233,  
13 F.S., that relate to such powers, procedures,  
14 and alternatives; revising cross-references to  
15 conform; creating s. 985.57, F.S., relating to  
16 the transfer of children from the Department of  
17 Corrections to the Department of Juvenile  
18 Justice; renumbering s. 985.417; creating s.  
19 985.601, F.S., relating to administering the  
20 juvenile justice continuum; renumbering  
21 provisions of s. 985.404, F.S., that relate to  
22 such administration; amending and renumbering  
23 s. 985.4043, F.S.; creating s. 985.6015, F.S.,  
24 relating to the Shared County/State Juvenile  
25 Detention Trust Fund; creating s. 985.605,  
26 F.S., relating to requirements for prevention  
27 service programs; amending and renumbering s.  
28 985.3045, F.S.; revising cross-references to  
29 conform; creating s. 985.606, F.S., relating to  
30 requirements for agencies and entities  
31 providing prevention services; amending and

1 renumbering s. 985.3046, F.S.; revising a  
2 cross-reference to conform; creating s. 985.61,  
3 F.S., relating to criteria for early  
4 delinquency intervention programs; renumbering  
5 s. 985.305, F.S.; creating s. 985.614, F.S.,  
6 relating to interagency cooperation for  
7 children who are locked out of their homes;  
8 amending and renumbering s. 985.2066, F.S.;  
9 creating s. 985.618, F.S., relating to  
10 educational and career-related programs;  
11 amending and renumbering s. 985.315, F.S.;  
12 revising a cross-reference to conform; creating  
13 s. 985.622, F.S., relating to a multiagency  
14 plan for vocational education; renumbering s.  
15 985.3155, F.S.; creating s. 985.625, F.S.,  
16 relating to literacy programs for juvenile  
17 offenders; amending and renumbering s. 985.317,  
18 F.S.; revising a cross-reference to conform;  
19 creating s. 985.629, F.S., relating to  
20 contracts for the transfer of Florida children  
21 in federal custody; renumbering s. 985.419,  
22 F.S.; creating s. 985.632, F.S., relating to  
23 quality assurance and cost-effectiveness;  
24 renumbering s. 985.412, F.S.; creating s.  
25 985.636, F.S., relating to the Office of the  
26 Inspector General within the Department of  
27 Juvenile Justice; renumbering s. 985.42, F.S.;  
28 creating s. 985.64, F.S., relating to the  
29 authority of the Department of Juvenile Justice  
30 to adopt rules; amending and renumbering s.  
31 985.405, F.S.; creating s. 985.644, F.S.,

1 relating to the contracting powers and the  
2 personnel standards and screening requirements  
3 of the Department of Juvenile Justice;  
4 renumbering a provision of s. 985.01, F.S.,  
5 that relates to such powers; renumbering s.  
6 985.407, F.S.; creating s. 985.648, F.S.,  
7 relating to consultants; renumbering s.  
8 985.408, F.S.; creating s. 985.652, F.S.,  
9 relating to participation of certain juvenile  
10 programs in the State Risk Management Trust  
11 Fund; renumbering s. 985.409, F.S.; creating s.  
12 985.66, F.S., relating to juvenile justice  
13 training academies, the Juvenile Justice  
14 Standards and Training Commission, and the  
15 Juvenile Justice Trust Fund; amending and  
16 renumbering s. 985.406, F.S.; revising a  
17 cross-reference to conform; creating s.  
18 985.664, F.S., relating to juvenile justice  
19 circuit boards and juvenile justice county  
20 councils; amending and renumbering s. 985.4135,  
21 F.S.; revising a cross-reference to conform;  
22 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. 985.676, 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. 985.682, F.S., relating to  
31 studies and criteria for siting juvenile

1 facilities; amending and renumbering s. 985.41,  
2 F.S.; creating s. 985.686, F.S., relating to  
3 shared county and state responsibility for  
4 juvenile detention; renumbering s. 985.2155,  
5 F.S.; creating s. 985.688, F.S., relating to  
6 administering county and municipal delinquency  
7 programs and facilities; amending and  
8 renumbering s. 985.411, F.S.; revising a  
9 cross-reference to conform; creating s. 985.69,  
10 F.S., relating to one-time startup funding for  
11 juvenile justice purposes; renumbering s.  
12 985.4075, F.S.; creating s. 985.692, F.S.,  
13 relating to the Juvenile Welfare Trust Fund;  
14 renumbering s. 985.4041, F.S.; creating s.  
15 985.694, F.S., relating to the Juvenile Care  
16 and Maintenance Trust Fund; renumbering s.  
17 985.4042, F.S.; creating s. 985.701, F.S.,  
18 relating to prohibiting sexual misconduct,  
19 reporting requirements, and penalties;  
20 renumbering s. 985.4045, F.S.; creating s.  
21 985.711, F.S., relating to penalties for the  
22 introduction, removal, or possession of certain  
23 articles; renumbering s. 985.4046, F.S.;  
24 creating s. 985.721, F.S., relating to escapes  
25 from secure detention or residential commitment  
26 facilities; amending and renumbering s.  
27 985.3141, F.S.; revising a cross-reference to  
28 conform; creating s. 985.731, F.S., relating to  
29 sheltering or aiding unmarried minors;  
30 renumbering s. 985.2065, F.S.; creating s.  
31 985.801, F.S., relating to legislative

1 findings, policy, and implementation of the  
2 Interstate Compact on Juveniles; renumbering s.  
3 985.501, F.S.; creating s. 985.802, F.S.,  
4 relating to execution of the interstate  
5 compact; renumbering s. 985.502, F.S.; creating  
6 s. 985.803, F.S., relating to the administrator  
7 of the juvenile compact; renumbering s.  
8 985.503, F.S.; creating s. 985.804, F.S.,  
9 relating to supplementary agreements to the  
10 compact; renumbering s. 985.504, F.S.; creating  
11 s. 985.805, F.S., relating to financial  
12 arrangements related to the compact;  
13 renumbering s. 985.505, F.S.; creating s.  
14 985.806, F.S., relating to the responsibilities  
15 of state departments, agencies, and officers;  
16 renumbering s. 985.506, F.S.; creating s.  
17 985.807, F.S., relating to procedures in  
18 addition to those provided under the compact;  
19 renumbering s. 985.507, F.S.; creating s.  
20 985.8025, F.S., relating to the State Council  
21 for Interstate Juvenile Offender Supervision;  
22 renumbering s. 985.5023, 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, 790.115, 790.22,  
27 921.0022, 938.10, 943.053, 943.0582, 943.0585,  
28 943.059, 948.51, 958.046, 960.001, 984.03,  
29 984.05, 984.09, 984.226, 1003.52, 1006.08,  
30 1006.13, and 1012.797, F.S.; conforming  
31 cross-references; providing an effective date.

1  
2           WHEREAS, the Legislature recognizes that chapter 985,  
3 Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON  
4 JUVENILES," which sets forth the policies and procedures  
5 applicable to Florida's juvenile justice system, has become  
6 disjointed and unorganized due to numerous amendments since  
7 its original enactment and that, as a result, it is difficult  
8 for judges, attorneys, affected parties, and the public to use  
9 the chapter in practice, and

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

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

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

25  
26           Section 1. The provisions of chapter 985, Florida  
27 Statutes, are substantially reorganized and renumbered or  
28 redesignated as follows:

29           (1) Chapter 985, Florida Statutes, is retitled  
30 "JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES."  
31



1           (2) Part I of chapter 985, Florida Statutes,  
2 consisting of ss. 985.01, 985.02, 985.03, 985.0301, 985.032,  
3 985.033, 985.035, 985.036, 985.037, and 985.039, Florida  
4 Statutes, is titled "GENERAL PROVISIONS."  
5           (3) Part II of chapter 985, Florida Statutes,  
6 consisting of ss. 985.04, 985.045, 985.046, and 985.047,  
7 Florida Statutes, is retitled "RECORDS AND INFORMATION."  
8           (4) Part III of chapter 985, Florida Statutes,  
9 consisting of ss. 985.101, 985.105, 985.11, 985.115, 985.12,  
10 985.125, 985.13, 985.135, 985.14, 985.145, 985.15, 985.155,  
11 and 985.16, Florida Statutes, is retitled "CUSTODY AND INTAKE;  
12 INTERVENTION AND DIVERSION."  
13           (5) Part IV of chapter 985, Florida Statutes,  
14 consisting of ss. 985.18, 985.185, 985.19, and 985.195,  
15 Florida Statutes, is retitled "EXAMINATIONS AND EVALUATIONS."  
16           (6) Part V of chapter 985, Florida Statutes,  
17 consisting of ss. 985.24, 985.245, 985.25, 985.255, 985.26,  
18 985.265, 985.27, and 985.275, Florida Statutes, is retitled  
19 "DETENTION."  
20           (7) Part VI of chapter 985, Florida Statutes,  
21 consisting of ss. 985.318, 985.319, 985.325, 985.331, 985.335,  
22 985.345, and 985.35, Florida Statutes, is created and entitled  
23 "PETITION, ARRAIGNMENT, AND ADJUDICATION."  
24           (8) Part VII of chapter 985, Florida Statutes,  
25 consisting of ss. 985.43, 985.433, 985.435, 985.437, 985.439,  
26 985.441, 985.442, 985.445, 985.45, 985.455, 985.46, 985.465,  
27 985.47, 985.475, 985.48, 985.483, 985.486, 985.489, and  
28 985.494, Florida Statutes, is created and entitled  
29 "DISPOSITION; POSTDISPOSITION."  
30           (9) Part VIII of chapter 985, Florida Statutes,  
31 consisting of ss. 985.511, 985.512, 985.513, and 985.514,

1 Florida Statutes, is created and entitled "AUTHORITY OF THE  
2 COURT OVER PARENTS OR GUARDIANS."

3 (10) Part IX of chapter 985, Florida Statutes,  
4 consisting of ss. 985.534, 985.535, and 985.536, Florida  
5 Statutes, is created and entitled "APPEAL."

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

10 (12) Part XI of chapter 985, Florida Statutes,  
11 consisting of ss. 985.601, 985.6015, 985.605, 985.606, 985.61,  
12 985.614, 985.618, 985.622, 985.625, 985.629, 985.632, 985.636,  
13 985.64, 985.644, 985.648, 985.652, 985.66, 985.664, 985.668,  
14 985.672, 985.676, 985.68, 985.682, 985.686, 985.688, 985.69,  
15 985.692, and 985.694, Florida Statutes, is created and  
16 entitled "DEPARTMENT OF JUVENILE JUSTICE."

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

21 (14) Part XIII of chapter 985, Florida Statutes,  
22 consisting of ss. 985.801, 985.802, 985.8025, 985.803,  
23 985.804, 985.805, 985.806, and 985.807, Florida Statutes, is  
24 created and entitled "INTERSTATE COMPACT ON JUVENILES."

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

28 985.01 Purposes and intent; ~~personnel standards and~~  
29 ~~screening.~~--

30 (1) The purposes of this chapter are:  
31

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

4 ~~(2)(3)~~ It is the intent of the Legislature that this  
5 chapter be liberally interpreted and construed in conformity  
6 with its declared purposes.

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

9 985.02 Legislative intent for the juvenile justice  
10 system.--

11 (4) DETENTION.--

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

27 Section 4. Subsections (1) through (6), (8) through  
28 (31), (33) through (48), and (50) through (60) of section  
29 985.03, Florida Statutes, are renumbered, respectively, as  
30 subsections (1) through (6), (7) through (30), (31) through  
31 (46), and (47) through (57), and subsections (2), (9), (16),

1 (21), (22), (46), and (60) of that section are amended, to  
2 read:

3 985.03 Definitions.--As used in this chapter, the  
4 term:

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

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

17 ~~(15)(16)~~(a) "Delinquency program" means any intake,  
18 probation, or similar program; regional detention center or  
19 facility; or community-based program, whether owned and  
20 operated by or contracted by the department, or institution  
21 owned and operated by or contracted by the department, which  
22 provides intake, supervision, or custody and care of children  
23 who are alleged to be or who have been found to be delinquent  
24 under this chapter ~~part II~~ .

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

29 (c) "Delinquency prevention programs" means programs  
30 designed for the purpose of reducing the occurrence of  
31 delinquency, including youth and street gang activity, and

1 juvenile arrests. The term excludes arbitration, diversionary  
2 or mediation programs, and community service work or other  
3 treatment available subsequent to a child committing a  
4 delinquent act.

5 ~~(20)~~~~(21)~~ "Detention hearing" means a hearing for the  
6 court to determine if a child should be placed in temporary  
7 custody, as provided for under part V ~~ss. 985.213 and 985.215~~  
8 in delinquency cases.

9 ~~(21)~~~~(22)~~ "Disposition hearing" means a hearing in  
10 which the court determines the most appropriate dispositional  
11 services in the least restrictive available setting provided  
12 for under part VII ~~s. 985.231~~, in delinquency cases.

13 ~~(44)~~~~(46)~~ "Restrictiveness level" means the level of  
14 programming and security provided by programs that service the  
15 supervision, custody, care, and treatment needs of committed  
16 children. Sections 985.721 ~~985.3141~~ and 985.601(10)  
17 ~~985.404(11)~~ apply to children placed in programs at any  
18 residential commitment level. The restrictiveness levels of  
19 commitment are as follows:

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

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

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

25           (d) High-risk residential.--Programs or program models  
26 at this commitment level are residential and do not allow  
27 youth to have access to the community except that, temporary  
28 release providing community access for up to 72 continuous  
29 hours may be approved by a court for a youth who has made  
30 successful progress in his or her program in order for the  
31 youth to attend a family emergency or, during the final 60

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

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

1 at this level is prompted by a demonstrated need to protect  
2 the public.

3 ~~(57)(60)~~ "Waiver hearing" means a hearing provided for  
4 under s. 985.556(4) ~~985.226(3)~~.

5 Section 5. Section 985.201, Florida Statutes, is  
6 amended and renumbered as section 985.0301, Florida Statutes,  
7 and subsection (8) of section 985.219, Florida Statutes, is  
8 amended and renumbered as subsection (2) of section 985.0301,  
9 Florida Statutes, to read:

10 985.0301 ~~985.201~~ Jurisdiction.--

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

14 ~~(2)(8)~~ The jurisdiction of the court shall attach to  
15 the child and the case when the summons is served upon the  
16 child and a parent or legal or actual custodian or guardian of  
17 the child, or when the child is taken into custody with or  
18 without service of summons and before or after the filing of a  
19 petition, whichever first occurs, and thereafter the court may  
20 control the child and the case in accordance with this chapter  
21 ~~part~~.

22 ~~(3)(2)~~ During the prosecution of any violation of law  
23 against any person who has been presumed to be an adult, if it  
24 is shown that the person was a child at the time the offense  
25 was committed and that the person does not meet the criteria  
26 for prosecution and sentencing as an adult, the court shall  
27 immediately transfer the case, together with the physical  
28 custody of the person and all physical evidence, papers,  
29 documents, and testimony, original and duplicate, connected  
30 therewith, to the appropriate court for proceedings under this  
31 chapter. The circuit court is exclusively authorized to assume



1 jurisdiction over any juvenile offender who is arrested and  
2 charged with violating a federal law or a law of the District  
3 of Columbia, who is found or is living or domiciled in a  
4 county in which the circuit court is established, and who is  
5 surrendered to the circuit court as provided in 18 U.S.C. s.  
6 5001.

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

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

28 ~~(5)(4)~~(a) Notwithstanding ss. 743.07, 985.43 ~~985.229,~~  
29 985.433 ~~985.23,~~ 985.435, 985.439, and 985.441 ~~985.231,~~ and  
30 except as provided in ss. 985.465 and 985.47 ~~985.31~~ and  
31 paragraph (f) ~~985.313,~~ when the jurisdiction of any child who

1 is alleged to have committed a delinquent act or violation of  
2 law is obtained, the court shall retain jurisdiction, unless  
3 relinquished by its order, until the child reaches 19 years of  
4 age, with the same power over the child that the court had  
5 prior to the child becoming an adult.

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

11 (c) Notwithstanding ss. 743.07 and 985.455(3), and  
12 except as provided in s. 985.47, the term of the commitment  
13 must be until the child is discharged by the department or  
14 until he or she reaches the age of 21 years. Notwithstanding  
15 ss. 743.07, 985.435, 985.437, 985.439, 985.441, 985.445,  
16 985.455, and 985.513 and except as provided in this section  
17 and s. 985.47, a child may not be held under a commitment from  
18 a court under s. 985.439, s. 985.441(1)(a) or (b), s. 985.445,  
19 or s. 985.455 after becoming 21 years of age.

20 (d)(b)1- The court may retain jurisdiction over a  
21 child committed to the department for placement in a juvenile  
22 prison or in a high-risk or maximum-risk residential  
23 commitment program to allow the child to participate in a  
24 juvenile conditional release program pursuant to s. 985.46  
25 985.316. In no case shall the jurisdiction of the court be  
26 retained beyond the child's 22nd birthday. However, if the  
27 child is not successful in the conditional release program,  
28 the department may use the transfer procedure under s.  
29 985.441(3) 985.404.

30 (e)2- The court may retain jurisdiction over a child  
31 committed to the department for placement in an intensive

1 residential treatment program for 10-year-old to 13-year-old  
2 offenders, in the residential commitment program in a juvenile  
3 prison, in a residential sex offender program, or in a program  
4 for serious or habitual juvenile offenders as provided in s.  
5 ~~985.47~~ ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches  
6 the age of 21. If the court exercises this jurisdiction  
7 retention, it shall do so solely for the purpose of the child  
8 completing the intensive residential treatment program for  
9 10-year-old to 13-year-old offenders, in the residential  
10 commitment program in a juvenile prison, in a residential sex  
11 offender program, or the program for serious or habitual  
12 juvenile offenders. Such jurisdiction retention does not apply  
13 for other programs, other purposes, or new offenses.

14 (f) The court may retain jurisdiction over a child  
15 committed to a juvenile correctional facility or a juvenile  
16 prison until the child reaches the age of 21 years,  
17 specifically for the purpose of allowing the child to complete  
18 such program.

19 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a  
20 serious or habitual juvenile offender shall not be held under  
21 commitment from a court under s. 985.47, s. 985.441(1)(c), or  
22 s. 985.565 after becoming 21 years of age. This subparagraph  
23 shall apply only for the purpose of completing the serious or  
24 habitual juvenile offender program under this chapter and  
25 shall be used solely for the purpose of treatment.

26 2. The court may retain jurisdiction over a child who  
27 has been placed in a program or facility for serious or  
28 habitual juvenile offenders until the child reaches the age of  
29 21, specifically for the purpose of the child completing the  
30 program.

31

1        (h) The court may retain jurisdiction over a juvenile  
2 sexual offender who has been placed in a program or facility  
3 for juvenile sexual offenders until the juvenile sexual  
4 offender reaches the age of 21, specifically for the purpose  
5 of completing the program.

6        ~~(i)(e)~~ The court may retain jurisdiction over a child  
7 and the child's parent or legal guardian whom the court has  
8 ordered to pay restitution until the restitution order is  
9 satisfied. To retain jurisdiction, the court shall enter a  
10 restitution order, which is separate from any disposition or  
11 order of commitment, on or prior to the date that the court's  
12 jurisdiction would cease under this section. The contents of  
13 the restitution order shall be limited to the child's name and  
14 address, the name and address of the parent or legal guardian,  
15 the name and address of the payee, the case number, the date  
16 and amount of restitution ordered, any amount of restitution  
17 paid, the amount of restitution due and owing, and a notation  
18 that costs, interest, penalties, and attorney's fees may also  
19 be due and owing. The terms of the restitution order are  
20 subject to ~~the provisions of~~ s. 775.089(5).

21        ~~(j)(d)~~ This subsection does not prevent the exercise  
22 of jurisdiction by any court having jurisdiction of the child  
23 if the child, after becoming an adult, commits a violation of  
24 law.

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

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

29        Section 7. Section 985.203, Florida Statutes, is  
30 renumbered as section 985.033, Florida Statutes, subsections  
31 (2) through (4) are redesignated subsections (3) through (5),

1 subsection (1) of that section is amended, and a new  
2 subsection (2) is added to read:

3 985.033 ~~985.203~~ Right to counsel.--

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

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

24 Section 8. Section 985.205, Florida Statutes, is  
25 renumbered as section 985.035, Florida Statutes.

26 Section 9. Section 985.206, Florida Statutes, is  
27 renumbered as section 985.036, Florida Statutes, and amended  
28 to read:

29 985.036 ~~985.206~~ Rights of victims; juvenile  
30 proceedings.--

31 (1) Nothing in this chapter prohibits:

1           ~~(a)(1)~~ The victim of the offense;  
2           ~~(b)(2)~~ The victim's parent or guardian if the victim  
3 is a minor;  
4           ~~(c)(3)~~ The lawful representative of the victim or of  
5 the victim's parent or guardian if the victim is a minor; or  
6           ~~(d)(4)~~ The next of kin if the victim is a homicide  
7 victim,  
8  
9 from the right to be informed of, to be present during, and to  
10 be heard when relevant at, all crucial stages of the  
11 proceedings involving the juvenile offender, to the extent  
12 that such rights do not interfere with the constitutional  
13 rights of the juvenile offender. A person enumerated in this  
14 section may not reveal to any outside party any confidential  
15 information obtained under ~~pursuant to~~ this subsection  
16 ~~paragraph~~ regarding a case involving a juvenile offense,  
17 except as is reasonably necessary to pursue legal remedies.  
18           (2) A law enforcement agency may release a copy of the  
19 juvenile offense report to the victim of the offense. However,  
20 information gained by the victim under this chapter, including  
21 the next of kin of a homicide victim, regarding any case  
22 handled in juvenile court must not be revealed to any outside  
23 party, except as is reasonably necessary in pursuit of legal  
24 remedies.  
25           Section 10. Section 985.216, Florida Statutes, is  
26 renumbered as section 985.037, Florida Statutes, and  
27 subsection (2) and paragraphs (b) and (d) of subsection (4) of  
28 that section are amended to read:  
29           985.037 ~~985.216~~ Punishment for contempt of court;  
30 alternative sanctions.--  
31

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

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

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

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

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

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

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

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

8           4. Right to confront witnesses.

9           5. Right to present witnesses.

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

12          7. Right to appeal to an appropriate court.

13

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

18           (d) In addition to any other sanction imposed under  
19 this section, the court may direct the Department of Highway  
20 Safety and Motor Vehicles to withhold issuance of, or suspend,  
21 a child's driver's license or driving privilege. The court may  
22 order that a child's driver's license or driving privilege be  
23 withheld or suspended for up to 1 year for a first offense of  
24 contempt and up to 2 years for a second or subsequent offense.  
25 If the child's driver's license or driving privilege is  
26 suspended or revoked for any reason at the time the sanction  
27 for contempt is imposed, the court shall extend the period of  
28 suspension or revocation by the additional period ordered  
29 under this paragraph. If the child's driver's license is being  
30 withheld at the time the sanction for contempt is imposed, the  
31 period of suspension or revocation ordered under this



1 paragraph shall begin on the date on which the child is  
2 otherwise eligible to drive. ~~For a child in need of services~~  
3 ~~whose driver's license or driving privilege is suspended under~~  
4 ~~this paragraph, the court may direct the Department of Highway~~  
5 ~~Safety and Motor Vehicles to issue the child a license for~~  
6 ~~driving privileges restricted to business or employment~~  
7 ~~purposes only, as defined in s. 322.271, or for the purpose of~~  
8 ~~completing court ordered community service, if the child is~~  
9 ~~otherwise qualified for a license. However, the department may~~  
10 ~~not issue a restricted license unless specifically ordered to~~  
11 ~~do so by the court.~~

12 Section 11. Section 985.2311, Florida Statutes, is  
13 renumbered as section 985.039, Florida Statutes, and paragraph  
14 (b) of subsection (1) and subsection (10) of that section are  
15 amended to read:

16 985.039 ~~985.2311~~ Cost of supervision; cost of care.--

17 (1) Except as provided in subsection (3) or subsection  
18 (4):

19 (b) When any child is placed into secure detention or  
20 placed on committed status and the temporary legal custody of  
21 such child is placed with the department ~~of Juvenile Justice,~~  
22 the court shall order the parent of such child to pay to the  
23 department a fee for the cost of the care of such child in the  
24 amount of \$5 per day for each day that the child is in the  
25 temporary legal custody of the department.

26 (10) The department or the collection agency shall  
27 provide to the payor documentation of the payment of any fee  
28 paid pursuant to this section. Except as provided in  
29 subsection (9), all payments received by the department or the  
30 collection agency pursuant to this section shall be deposited  
31

1 in the department's ~~state~~ Grants and Donations Trust Fund  
2 ~~within the Department of Juvenile Justice.~~

3 Section 12. Section 985.04, Florida Statutes, is  
4 amended to read:

5 985.04 Oaths; records; confidential information.--

6 ~~(1)(3)(a)~~ Except as provided in subsections (2), (3)  
7 ~~(4), (5), and (6), and (7)~~ and s. 943.053, all information  
8 obtained under this chapter ~~part~~ in the discharge of official  
9 duty by any judge, any employee of the court, any authorized  
10 agent of the department ~~of Juvenile Justice~~, the Parole  
11 Commission, the Department of Corrections, the juvenile  
12 justice circuit boards, any law enforcement agent, or any  
13 licensed professional or licensed community agency  
14 representative participating in the assessment or treatment of  
15 a juvenile is confidential and may be disclosed only to the  
16 authorized personnel of the court, the department ~~of Juvenile~~  
17 ~~Justice~~ and its designees, the Department of Corrections, the  
18 Parole Commission, law enforcement agents, school  
19 superintendents and their designees, any licensed professional  
20 or licensed community agency representative participating in  
21 the assessment or treatment of a juvenile, and others entitled  
22 under this chapter to receive that information, or upon order  
23 of the court. Within each county, the sheriff, the chiefs of  
24 police, the district school superintendent, and the department  
25 shall enter into an interagency agreement for the purpose of  
26 sharing information about juvenile offenders among all  
27 parties. The agreement must specify the conditions under which  
28 summary criminal history information is to be made available  
29 to appropriate school personnel, and the conditions under  
30 which school records are to be made available to appropriate  
31 department personnel. Such agreement shall require

1 notification to any classroom teacher of assignment to the  
2 teacher's classroom of a juvenile who has been placed in a  
3 probation or commitment program for a felony offense. The  
4 agencies entering into such agreement must comply with s.  
5 943.0525, and must maintain the confidentiality of information  
6 that is otherwise exempt from s. 119.07(1), as provided by  
7 law.

8 ~~(2)(5)~~ Notwithstanding any other provisions of this  
9 ~~chapter part~~, the name, photograph, address, and crime or  
10 arrest report of a child:

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

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

17 (c) Transferred to the adult system ~~under pursuant to~~  
18 s. ~~985.557 985.227~~, indicted ~~under pursuant to~~ s. ~~985.56~~  
19 ~~985.225~~, or waived ~~under pursuant to~~ s. ~~985.556 985.226~~;

20 (d) Taken into custody by a law enforcement officer  
21 for a violation of law subject to ~~the provisions of~~ s. ~~985.557~~  
22 ~~985.227(2)(b)~~ or (d); or

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

25  
26 shall not be considered confidential and exempt from ~~the~~  
27 ~~provisions of~~ s. 119.07(1) solely because of the child's age.

28 ~~(3)(6)~~ A law enforcement agency may release a copy  
29 ~~This part does not prohibit the release~~ of the juvenile  
30 offense report ~~by a law enforcement agency~~ to the victim of  
31 the offense. However, information gained by the victim under

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

5 ~~(4)(7)~~(a) Notwithstanding any other provision of this  
6 section, when a child of any age is taken into custody by a  
7 law enforcement officer for an offense that would have been a  
8 felony if committed by an adult, or a crime of violence, the  
9 law enforcement agency must notify the superintendent of  
10 schools that the child is alleged to have committed the  
11 delinquent act.

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

25 ~~(c)(b)~~ The department shall disclose to the school  
26 superintendent the presence of any child in the care and  
27 custody or under the jurisdiction or supervision of the  
28 department who has a known history of criminal sexual behavior  
29 with other juveniles; is an alleged juvenile sexual ~~sex~~  
30 offender, as defined in s. 39.01; or has pled guilty or nolo  
31 contendere to, or has been found to have committed, a

1 violation of chapter 794, chapter 796, chapter 800, s.  
2 827.071, or s. 847.0133, regardless of adjudication. Any  
3 employee of a district school board who knowingly and  
4 willfully discloses such information to an unauthorized person  
5 commits a misdemeanor of the second degree, punishable as  
6 provided in s. 775.082 or s. 775.083.

7 ~~(5)(1)~~ Authorized agents of the department ~~of Juvenile~~  
8 ~~Justice~~ may administer oaths and affirmations.

9 ~~(6)(2)~~ Records maintained by the department ~~of~~  
10 ~~Juvenile Justice~~, including copies of records maintained by  
11 the court, which pertain to a child found to have committed a  
12 delinquent act which, if committed by an adult, would be a  
13 crime specified in ss. 435.03 and 435.04 may not be destroyed  
14 under ~~pursuant to~~ this section for a period of 25 years after  
15 the youth's final referral to the department, except in cases  
16 of the death of the child. Such records, however, shall be  
17 sealed by the court for use only in meeting the screening  
18 requirements for personnel in s. 402.3055 and the other  
19 sections cited above, or under ~~pursuant to~~ departmental rule;  
20 however, current criminal history information must be obtained  
21 from the Department of Law Enforcement in accordance with s.  
22 943.053. The information shall be released to those persons  
23 specified in the above cited sections for the purposes of  
24 complying with those sections. The court may punish by  
25 contempt any person who releases or uses the records for any  
26 unauthorized purpose.

27 ~~(7)(4)~~(a) Records in the custody of the department ~~of~~  
28 ~~Juvenile Justice~~ regarding children are not open to inspection  
29 by the public. Such records may be inspected only upon order  
30 of the Secretary of Juvenile Justice or his or her authorized  
31 agent by persons who have sufficient reason and upon such

1 conditions for their use and disposition as the secretary or  
2 his or her authorized agent deems proper. The information in  
3 such records may be disclosed only to other employees of the  
4 department ~~of Juvenile Justice~~ who have a need therefor in  
5 order to perform their official duties ~~duty~~; to other persons  
6 as authorized by rule of the department ~~of Juvenile Justice~~;  
7 and, upon request, to the Department of Corrections. The  
8 secretary or his or her authorized agent may permit properly  
9 qualified persons to inspect and make abstracts from records  
10 for statistical purposes under whatever conditions upon their  
11 use and disposition the secretary or his or her authorized  
12 agent deems proper, provided adequate assurances are given  
13 that children's names and other identifying information will  
14 not be disclosed by the applicant.

15 (b) The destruction of records pertaining to children  
16 committed to or supervised by the department ~~of Juvenile~~  
17 ~~Justice~~ pursuant to a court order, which records are retained  
18 until a child reaches the age of 24 years or until a serious  
19 or habitual delinquent child reaches the age of 26 years,  
20 shall be subject to chapter 943.

21 (8) Criminal history information made available to  
22 governmental agencies by the Department of Law Enforcement or  
23 other criminal justice agencies shall not be used for any  
24 purpose other than that specified in the provision authorizing  
25 the releases.

26 Section 13. Section 985.05, Florida Statutes, is  
27 renumbered as section 985.045, Florida Statutes, and amended  
28 to read:

29 985.045 ~~985.05~~ Court records.--

30 (1) The clerk of the court shall make and keep records  
31 of all cases brought before it under ~~pursuant to~~ this chapter

1 ~~part~~. The court shall preserve the records pertaining to a  
2 child charged with committing a delinquent act or violation of  
3 law until the child reaches 24 years of age or reaches 26  
4 years of age if he or she is a serious or habitual delinquent  
5 child, until 5 years after the last entry was made, or until 3  
6 years after the death of the child, whichever is earlier, and  
7 may then destroy them, except that records made of traffic  
8 offenses in which there is no allegation of delinquency may be  
9 destroyed as soon as this can be reasonably accomplished. The  
10 court shall make official records of all petitions and orders  
11 filed in a case arising under ~~pursuant to this chapter part~~  
12 and of any other pleadings, certificates, proofs of  
13 publication, summonses, warrants, and writs that are filed  
14 pursuant to the case.

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

1 inspect, and make abstracts from, official records under  
2 whatever conditions upon the use and disposition of such  
3 records the court may deem proper and may punish by contempt  
4 proceedings any violation of those conditions.

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

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

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

17 (b) Orders binding an adult over for trial on a  
18 criminal charge, made by the committing trial court judge, are  
19 admissible in evidence in the court to which the adult is  
20 bound over.

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

24 (d) Records are admissible in evidence in any case in  
25 which a person is being tried upon a charge of having  
26 committed perjury, to the extent such records are necessary to  
27 prove the charge.

28 (e) Records of proceedings under this chapter part may  
29 be used to prove disqualification under ~~pursuant to~~ ss.  
30 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313,  
31 409.175, 409.176, and 985.644 ~~985.407~~.



1           (5) This chapter does not prohibit a circuit court  
2 from providing a restitution order containing the information  
3 prescribed in s. 985.0301(5)(i) ~~985.201(4)(c)~~ to a collection  
4 court or a private collection agency for the sole purpose of  
5 collecting unpaid restitution ordered in a case in which the  
6 circuit court has retained jurisdiction over the child and the  
7 child's parent or legal guardian. The collection court or  
8 private collection agency shall maintain the confidential  
9 status of the information to the extent such confidentiality  
10 is provided by law.

11           Section 14. Sections 985.06 and 985.08, Florida  
12 Statutes, are renumbered, respectively, as sections 985.046  
13 and 985.047, Florida Statutes.

14           Section 15. Section 985.207, Florida Statutes, is  
15 amended and renumbered as section 985.101, Florida Statutes,  
16 and subsection (3) of section 985.215, Florida Statutes, is  
17 renumbered as subsection (2) of section 985.101, Florida  
18 Statutes, and amended to read:

19           985.101 ~~985.207~~ Taking a child into custody.--

20           (1) A child may be taken into custody under the  
21 following circumstances:

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

25           (b) For a delinquent act or violation of law, pursuant  
26 to Florida law pertaining to a lawful arrest. If such  
27 delinquent act or violation of law would be a felony if  
28 committed by an adult or involves a crime of violence, the  
29 arresting authority shall immediately notify the district  
30 school superintendent, or the superintendent's designee, of  
31 the school district with educational jurisdiction of the

1 child. Such notification shall include other education  
2 providers such as the Florida School for the Deaf and the  
3 Blind, university developmental research schools, and private  
4 elementary and secondary schools. The information obtained by  
5 the superintendent of schools pursuant to this section must be  
6 released within 48 hours after receipt to appropriate school  
7 personnel, including the principal of the child's school, or  
8 as otherwise provided by law. The principal must immediately  
9 notify the child's immediate classroom teachers. Information  
10 provided by an arresting authority under ~~pursuant to~~ this  
11 paragraph may not be placed in the student's permanent record  
12 and shall be removed from all school records no later than 9  
13 months after the date of the arrest.

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

16 (d) By a law enforcement officer who has probable  
17 cause to believe that the child is in violation of the  
18 conditions of the child's probation, home detention, post  
19 commitment probation, or conditional release supervision, has  
20 absconded from nonresidential commitment, or has escaped from  
21 residential commitment.

22  
23 Nothing in this subsection shall be construed to allow the  
24 detention of a child who does not meet the detention criteria  
25 in part V s. 985.215.

26 ~~(2)(3)~~ Except in emergency situations, a child may not  
27 be placed into or transported in any police car or similar  
28 vehicle that at the same time contains an adult under arrest,  
29 unless the adult is alleged or believed to be involved in the  
30 same offense or transaction as the child.

31

1           ~~(3)~~(2) When a child is taken into custody as provided  
2 in this section, the person taking the child into custody  
3 shall attempt to notify the parent, guardian, or legal  
4 custodian of the child. The person taking the child into  
5 custody shall continue such attempt until the parent,  
6 guardian, or legal custodian of the child is notified or the  
7 child is delivered to a juvenile probation officer under ss.  
8 985.14 and 985.145 ~~pursuant to s. 985.21~~, whichever occurs  
9 first. If the child is delivered to a juvenile probation  
10 officer before the parent, guardian, or legal custodian is  
11 notified, the juvenile probation officer shall continue the  
12 attempt to notify until the parent, guardian, or legal  
13 custodian of the child is notified. Following notification,  
14 the parent or guardian must provide identifying information,  
15 including name, address, date of birth, social security  
16 number, and driver's license number or identification card  
17 number of the parent or guardian to the person taking the  
18 child into custody or the juvenile probation officer.

19           ~~(4)~~(3) Taking a child into custody is not an arrest  
20 except for the purpose of determining whether the taking into  
21 custody or the obtaining of any evidence in conjunction  
22 therewith is lawful.

23           Section 16. Section 985.2075, Florida Statutes, is  
24 renumbered as section 985.105, Florida Statutes and  
25 subsections (1) and (2) of that section are amended to read:

26           985.105 ~~985.2075~~ Youth custody officer.--

27           (1) There is created within the department ~~of Juvenile~~  
28 ~~Justice~~ the position of youth custody officer. The duties of  
29 each youth custody officer shall be to take youth into custody  
30 if the officer has probable cause to believe that the youth  
31 has violated the conditions of probation, home detention,

1 conditional release, or postcommitment probation, or has  
2 failed to appear in court after being properly noticed. The  
3 authority of the youth custody officer to take youth into  
4 custody is specifically limited to this purpose.

5 (2) A youth custody officer must meet the minimum  
6 qualifications for employment or appointment, be certified  
7 under chapter 943, and comply with the requirements for  
8 continued employment required by s. 943.135. The department of  
9 ~~Juvenile Justice~~ must comply with the responsibilities  
10 provided for an employing agency under s. 943.133 for each  
11 youth custody officer.

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

15 985.11 ~~985.212~~ Fingerprinting and photographing.--

16 (1)

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

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

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

23 3. Carrying a concealed weapon, as defined in s.  
24 790.01(1).

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

27 5. Negligent treatment of children, as defined in  
28 former s. 827.05.

29 6. Assault on a law enforcement officer, a  
30 firefighter, or other specified officers, as defined in s.  
31 784.07(2)(a).

- 1           7. Open carrying of a weapon, as defined in s.  
2 790.053.
- 3           8. Exposure of sexual organs, as defined in s. 800.03.
- 4           9. Unlawful possession of a firearm, as defined in s.  
5 790.22(5).
- 6           10. Petit theft, as defined in s. 812.014.
- 7           11. Cruelty to animals, as defined in s. 828.12(1).
- 8           12. Arson, resulting in bodily harm to a firefighter,  
9 as defined in s. 806.031(1).
- 10          13. Unlawful possession or discharge of a weapon or  
11 firearm at a school-sponsored event or on school property as  
12 defined in s. 790.115.

13

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

1 a showing of cause. The fingerprint and photograph records  
2 shall be produced in the court whenever directed by the court.  
3 Any photograph taken pursuant to this section may be shown by  
4 a law enforcement officer to any victim or witness of a crime  
5 for the purpose of identifying the person who committed such  
6 crime.

7 Section 18. Subsections (2) and (5) of section  
8 985.211, Florida Statutes, are renumbered, respectively, as  
9 subsections (2) and (3) of section 985.115, Florida Statutes,  
10 and subsections (1) and (7) of section 985.211, Florida  
11 Statutes, are renumbered, respectively, as subsections (1) and  
12 (4) of section 985.115, Florida Statutes, and amended to read:

13 985.115 ~~985.211~~ Release or delivery from custody.--

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

16 (2) Unless otherwise ordered by the court under s.  
17 985.255 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there  
18 is a need to hold the child, a person taking a child into  
19 custody shall attempt to release the child as follows:

20 (a) To the child's parent, guardian, or legal  
21 custodian or, if the child's parent, guardian, or legal  
22 custodian is unavailable, unwilling, or unable to provide  
23 supervision for the child, to any responsible adult. Prior to  
24 releasing the child to a responsible adult, other than the  
25 parent, guardian, or legal custodian, the person taking the  
26 child into custody may conduct a criminal history background  
27 check of the person to whom the child is to be released. If  
28 the person has a prior felony conviction, or a conviction for  
29 child abuse, drug trafficking, or prostitution, that person is  
30 not a responsible adult for the purposes of this section. The  
31 person to whom the child is released shall agree to inform the

1 department or the person releasing the child of the child's  
2 subsequent change of address and to produce the child in court  
3 at such time as the court may direct, and the child shall join  
4 in the agreement.

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

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

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

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

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

29 ~~(3)(5)~~ Upon taking a child into custody, a law  
30 enforcement officer may deliver the child, for temporary  
31 custody not to exceed 6 hours, to a secure booking area of a

1 jail or other facility intended or used for the detention of  
2 adults, for the purpose of fingerprinting or photographing the  
3 child or awaiting appropriate transport to the department or  
4 as provided in s. 985.13(2) ~~subsection (4)~~, provided no  
5 regular sight and sound contact between the child and adult  
6 inmates or trustees is permitted and the receiving facility  
7 has adequate staff to supervise and monitor the child's  
8 activities at all times.

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

15 Section 19. Section 985.301, Florida Statutes, is  
16 renumbered as section 985.12, Florida Statutes, and subsection  
17 (4) of that section is amended to read:

18 985.12 ~~985.301~~ Civil citation.--

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

27 Section 20. Section 985.3065, Florida Statutes, is  
28 renumbered as section 985.125, Florida Statutes.

29 Section 21. Subsections (3), (4), and (6) of section  
30 985.211, Florida Statutes, are renumbered as section 985.13,  
31 Florida Statutes, and amended to read:



1           985.13 Probable cause affidavits.--

2           ~~(1)(3)~~ If the child is released, the person taking the  
3 child into custody shall make a written report or probable  
4 cause affidavit to the appropriate juvenile probation officer  
5 within 24 hours after such release, stating the facts and the  
6 reason for taking the child into custody. Such written report  
7 or probable cause affidavit shall:

8           (a) Identify the child, the parents, guardian, or  
9 legal custodian, and the person to whom the child was  
10 released.

11           (b) Contain sufficient information to establish the  
12 jurisdiction of the court and to make a prima facie showing  
13 that the child has committed a violation of law or a  
14 delinquent act.

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

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

30           (b) Establish that the child was legally taken into  
31 custody, with sufficient information to establish the

1 jurisdiction of the court and to make a prima facie showing  
2 that the child has committed a violation of law.

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

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

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

27       (d) Upon the filing of a petition based on the  
28 allegations of a previously filed probable cause affidavit or  
29 written report, the agency filing the petition shall include  
30 the appropriate uniform case number on the petition.  
31

1           Section 22. Section 985.209, Florida Statutes, is  
2           renumbered as section 985.135, Florida Statutes, and  
3           subsection (1) of that section is amended to read:

4           985.135 ~~985.209~~ Juvenile assessment centers.--

5           (1) As used in this section, "center" means a juvenile  
6           assessment center comprising community operated facilities and  
7           programs which provide collocated central intake and screening  
8           services for youth referred to the department ~~of Juvenile~~  
9           Justice.

10          Section 23. Subsections (1) and (2) of section 985.21,  
11          Florida Statutes, are renumbered as section 985.14, Florida  
12          Statutes, and amended to read:

13          985.14 ~~985.21~~ Intake and case management system.--

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

17                 ~~1. Appropriateness for release, referral to a~~  
18                 ~~diversionary program including, but not limited to, a~~  
19                 ~~teen court program, referral for community arbitration, or~~  
20                 ~~referral to some other program or agency for the purpose of~~  
21                 ~~nonofficial or nonjudicial handling.~~

22                 ~~2. The presence of medical, psychiatric,~~  
23                 ~~psychological, substance abuse, educational, or vocational~~  
24                 ~~problems, or other conditions that may have caused the child~~  
25                 ~~to come to the attention of law enforcement or the Department~~  
26                 ~~of Juvenile Justice. The child shall also be screened to~~  
27                 ~~determine whether the child poses a danger to himself or~~  
28                 ~~herself or others in the community. The results of this~~  
29                 ~~screening shall be made available to the court and to court~~  
30                 ~~officers. In cases where such conditions are identified, and a~~  
31                 ~~nonjudicial handling of the case is chosen, the juvenile~~

1 ~~probation officer shall attempt to refer the child to a~~  
2 ~~program or agency, together with all available and relevant~~  
3 ~~assessment information concerning the child's precipitating~~  
4 ~~condition.~~

5         ~~3.~~ The department ~~of Juvenile Justice~~ shall develop an  
6 intake and a case management system whereby a child brought  
7 into intake is assigned a juvenile probation officer if the  
8 child was not released, referred to a diversionary program,  
9 referred for community arbitration, or referred to some other  
10 program or agency for the purpose of nonofficial or  
11 nonjudicial handling, and shall make every reasonable effort  
12 to provide case management services for the child; provided,  
13 however, that case management for children committed to  
14 residential programs may be transferred as provided in s.  
15 985.46 ~~985.316~~.

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

1 petition or as soon as possible thereafter and prior to a  
2 disposition hearing.

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

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

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

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

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

28 ~~e. Making recommendations for services and~~  
29 ~~facilitating the delivery of those services to the child,~~  
30 ~~including any mental health services, educational services,~~  
31 ~~family counseling services, family assistance services, and~~

1 ~~substance abuse services. The juvenile probation officer shall~~  
2 ~~serve as the primary case manager for the purpose of managing,~~  
3 ~~coordinating, and monitoring the services provided to the~~  
4 ~~child. Each program administrator within the Department of~~  
5 ~~Children and Family Services shall cooperate with the primary~~  
6 ~~case manager in carrying out the duties and responsibilities~~  
7 ~~described in this section.~~

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

19 (3)(b) The intake and case management system shall  
20 facilitate consistency in the recommended placement of each  
21 child, and in the assessment, classification, and placement  
22 process, with the following purposes:

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

1 services, mental health services, retardation services,  
2 literacy services, and other educational and treatment  
3 services as components, additional assessment of the child's  
4 treatment needs, and classification regarding the child's  
5 risks to the community and, for a serious or habitual  
6 delinquent child, shall include the assessment for placement  
7 in a serious or habitual delinquent children program under  
8 ~~pursuant to s. 985.47 985.31~~. The completed multidisciplinary  
9 assessment process shall result in the predisposition report.

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

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

19 (4) The department shall annually advise the  
20 Legislature and the Executive Office of the Governor of the  
21 resources needed in order for the intake and case management  
22 system to maintain a staff-to-client ratio that is consistent  
23 with accepted standards and allows the necessary supervision  
24 and services for each child. The intake process and case  
25 management system shall provide a comprehensive approach to  
26 assessing the child's needs, relative risks, and most  
27 appropriate handling, and shall be based on an individualized  
28 treatment plan.

29 ~~(2) The intake process shall be performed by the~~  
30 ~~department through a case management system. The purpose of~~  
31 ~~the intake process is to assess the child's needs and risks~~

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

15 Section 24. Subsections (3), (4), and (5) of section  
16 985.21, Florida Statutes, are renumbered as section 985.145,  
17 Florida Statutes, and amended to read:

18 985.145 Responsibilities of juvenile probation officer  
19 during intake; screenings and assessments.--

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

30 (a)(3) Reviewing probable cause affidavit.--The  
31 juvenile probation officer shall make a preliminary



1 determination as to whether the report, affidavit, or  
2 complaint is complete, consulting with the state attorney as  
3 may be necessary. A report, affidavit, or complaint alleging  
4 that a child has committed a delinquent act or violation of  
5 law shall be made to the intake office operating in the county  
6 in which the child is found or in which the delinquent act or  
7 violation of law occurred. Any person or agency having  
8 knowledge of the facts may make such a written report,  
9 affidavit, or complaint and shall furnish to the intake office  
10 facts sufficient to establish the jurisdiction of the court  
11 and to support a finding by the court that the child has  
12 committed a delinquent act or violation of law.

13 (b)(4) Notification concerning apparent  
14 insufficiencies in probable cause affidavit.--The juvenile  
15 probation officer shall make a preliminary determination as to  
16 whether the report, affidavit, or complaint is complete,  
17 consulting with the state attorney as may be necessary. In any  
18 case where the juvenile probation officer or the state  
19 attorney finds that the report, affidavit, or complaint is  
20 insufficient by the standards for a probable cause affidavit,  
21 the juvenile probation officer or state attorney shall return  
22 the report, affidavit, or complaint, without delay, to the  
23 person or agency originating the report, affidavit, or  
24 complaint or having knowledge of the facts or to the  
25 appropriate law enforcement agency having investigative  
26 jurisdiction of the offense, and shall request, and the person  
27 or agency shall promptly furnish, additional information in  
28 order to comply with the standards for a probable cause  
29 affidavit.

30  
31

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

4           1. Appropriateness for release; referral to a  
5 diversionary program, including, but not limited to, a teen  
6 court program; referral for community arbitration; or referral  
7 to some other program or agency for the purpose of nonofficial  
8 or nonjudicial handling.

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

22           (d) Completing risk assessment instrument.--The  
23 juvenile probation officer shall ensure that a risk assessment  
24 instrument establishing the child's eligibility for detention  
25 has been accurately completed and that the appropriate  
26 recommendation was made to the court.

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

30           (f) Multidisciplinary assessment.--The juvenile  
31 probation officer shall coordinate the multidisciplinary

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

11 (g) Comprehensive assessment.--The juvenile probation  
12 officer, pursuant to uniform procedures established by the  
13 department and upon determining that the report, affidavit, or  
14 complaint is complete, shall:

15 1. Perform the preliminary screening and make  
16 referrals for a comprehensive assessment regarding the child's  
17 need for substance abuse treatment services, mental health  
18 services, retardation services, literacy services, or other  
19 educational or treatment services.

20 2. When indicated by the preliminary screening,  
21 provide for a comprehensive assessment of the child and family  
22 for substance abuse problems, using community-based licensed  
23 programs with clinical expertise and experience in the  
24 assessment of substance abuse problems.

25 3. When indicated by the preliminary screening,  
26 provide for a comprehensive assessment of the child and family  
27 for mental health problems, using community-based  
28 psychologists, psychiatrists, or other licensed mental health  
29 professionals who have clinical expertise and experience in  
30 the assessment of mental health problems.

31

1           (h) Referrals for services.--The juvenile probation  
2 officer shall make recommendations for services and facilitate  
3 the delivery of those services to the child, including any  
4 mental health services, educational services, family  
5 counseling services, family assistance services, and substance  
6 abuse services.

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

27           (j) Completing intake report.--Subject to the  
28 interagency agreement authorized under this paragraph, the  
29 juvenile probation officer for each case in which a child is  
30 alleged to have committed a violation of law or delinquent act  
31 and is not detained shall submit a written report to the state

1 attorney, including the original report, complaint, or  
2 affidavit, or a copy thereof, including a copy of the child's  
3 prior juvenile record, within 20 days after the date the child  
4 is taken into custody. In cases in which the child is in  
5 detention, the intake office report must be submitted within  
6 24 hours after the child is placed into detention. The intake  
7 office report may include a recommendation that a petition or  
8 information be filed or that no petition or information be  
9 filed and may set forth reasons for the recommendation. The  
10 state attorney and the department may, on a  
11 district-by-district basis, enter into interagency agreements  
12 denoting the cases that will require a recommendation and  
13 those for which a recommendation is unnecessary.

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

17 ~~1. When indicated by the preliminary screening,~~  
18 ~~provide for a comprehensive assessment of the child and family~~  
19 ~~for substance abuse problems, using community based licensed~~  
20 ~~programs with clinical expertise and experience in the~~  
21 ~~assessment of substance abuse problems.~~

22 ~~2. When indicated by the preliminary screening,~~  
23 ~~provide for a comprehensive assessment of the child and family~~  
24 ~~for mental health problems, using community based~~  
25 ~~psychologists, psychiatrists, or other licensed mental health~~  
26 ~~professionals with clinical expertise and experience in the~~  
27 ~~assessment of mental health problems.~~

28  
29 ~~When indicated by the comprehensive assessment, the department~~  
30 ~~is authorized to contract within appropriated funds for~~  
31 ~~services with a local nonprofit community mental health or~~

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

1 ~~this paragraph. Whenever a child volunteers to participate in~~  
2 ~~any work program under this chapter or volunteers to work in a~~  
3 ~~specified state, county, municipal, or community service~~  
4 ~~organization supervised work program or to work for the~~  
5 ~~victim, the child shall be considered an employee of the state~~  
6 ~~for the purposes of liability. In determining the child's~~  
7 ~~average weekly wage, unless otherwise determined by a specific~~  
8 ~~funding program, all remuneration received from the employer~~  
9 ~~is considered a gratuity, and the child is not entitled to any~~  
10 ~~benefits otherwise payable under s. 440.15, regardless of~~  
11 ~~whether the child may be receiving wages and remuneration from~~  
12 ~~other employment with another employer and regardless of the~~  
13 ~~child's future wage earning capacity.~~

14 ~~(b) The juvenile probation officer, upon determining~~  
15 ~~that the report, affidavit, or complaint complies with the~~  
16 ~~standards of a probable cause affidavit and that the interest~~  
17 ~~of the child and the public will be best served, may recommend~~  
18 ~~that a delinquency petition not be filed. If such a~~  
19 ~~recommendation is made, the juvenile probation officer shall~~  
20 ~~advise in writing the person or agency making the report,~~  
21 ~~affidavit, or complaint, the victim, if any, and the law~~  
22 ~~enforcement agency having investigative jurisdiction of the~~  
23 ~~offense of the recommendation and the reasons therefor; and~~  
24 ~~that the person or agency may submit, within 10 days after the~~  
25 ~~receipt of such notice, the report, affidavit, or complaint to~~  
26 ~~the state attorney for special review. The state attorney,~~  
27 ~~upon receiving a request for special review, shall consider~~  
28 ~~the facts presented by the report, affidavit, or complaint,~~  
29 ~~and by the juvenile probation officer who made the~~  
30 ~~recommendation that no petition be filed, before making a~~

31

1 ~~final decision as to whether a petition or information should~~  
2 ~~or should not be filed.~~

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

21 ~~(d) The state attorney may in all cases take action~~  
22 ~~independent of the action or lack of action of the juvenile~~  
23 ~~probation officer, and shall determine the action which is in~~  
24 ~~the best interest of the public and the child. If the child~~  
25 ~~meets the criteria requiring prosecution as an adult pursuant~~  
26 ~~to s. 985.226, the state attorney shall request the court to~~  
27 ~~transfer and certify the child for prosecution as an adult or~~  
28 ~~shall provide written reasons to the court for not making such~~  
29 ~~request. In all other cases, the state attorney may:~~

- 30 ~~1. File a petition for dependency;~~  
31 ~~2. File a petition pursuant to chapter 984;~~



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

1 identifying information, including the parent's or guardian's  
2 name, address, date of birth, social security number, and  
3 driver's license number or identification card number in order  
4 to comply with s. 985.039 ~~985.2311~~.

5 (3) When indicated by the comprehensive assessment,  
6 the department is authorized to contract within appropriated  
7 funds for services with a local nonprofit community mental  
8 health or substance abuse agency licensed or authorized under  
9 chapter 394 or chapter 397 or other authorized nonprofit  
10 social service agency providing related services. The  
11 determination of mental health or substance abuse services  
12 shall be conducted in coordination with existing programs  
13 providing mental health or substance abuse services in  
14 conjunction with the intake office.

15 (4) Client information resulting from the screening  
16 and evaluation shall be documented under rules of the  
17 department and shall serve to assist the juvenile probation  
18 officer in providing the most appropriate services and  
19 recommendations in the least intrusive manner. Such client  
20 information shall be used in the multidisciplinary assessment  
21 and classification of the child, but such information, and any  
22 information obtained directly or indirectly through the  
23 assessment process, is inadmissible in court prior to the  
24 disposition hearing, unless the child's written consent is  
25 obtained. At the disposition hearing, documented client  
26 information shall serve to assist the court in making the most  
27 appropriate custody, adjudicatory, and dispositional decision.

28 (5) If the screening and assessment indicate that the  
29 interest of the child and the public will be best served  
30 thereby, the juvenile probation officer, with the approval of  
31 the state attorney, may refer the child for care, diagnostic,

1 and evaluation services; substance abuse treatment services;  
2 mental health services; retardation services; a diversionary,  
3 arbitration, or mediation program; community service work; or  
4 other programs or treatment services voluntarily accepted by  
5 the child and the child's parents or legal guardian. Whenever  
6 a child volunteers to participate in any work program under  
7 this chapter or volunteers to work in a specified state,  
8 county, municipal, or community service organization  
9 supervised work program or to work for the victim, the child  
10 shall be considered an employee of the state for the purposes  
11 of liability. In determining the child's average weekly wage,  
12 unless otherwise determined by a specific funding program, all  
13 remuneration received from the employer is considered a  
14 gratuity, and the child is not entitled to any benefits  
15 otherwise payable under s. 440.15, regardless of whether the  
16 child may be receiving wages and remuneration from other  
17 employment with another employer and regardless of the child's  
18 future wage-earning capacity.

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

22 Section 25. Section 985.15, Florida Statutes, is  
23 created to read:

24 985.15 Filing decisions.--

25 (1) The state attorney may in all cases take action  
26 independent of the action or lack of action of the juvenile  
27 probation officer and shall determine the action that is in  
28 the best interest of the public and the child. If the child  
29 meets the criteria requiring prosecution as an adult under s.  
30 985.556, the state attorney shall request the court to  
31 transfer and certify the child for prosecution as an adult or

1 shall provide written reasons to the court for not making such  
2 a request. In all other cases, the state attorney may:  
3       (a) File a petition for dependency;  
4       (b) File a petition under chapter 984;  
5       (c) File a petition for delinquency;  
6       (d) File a petition for delinquency with a motion to  
7 transfer and certify the child for prosecution as an adult;  
8       (e) File an information under s. 985.557;  
9       (f) Refer the case to a grand jury;  
10       (g) Refer the child to a diversionary, pretrial  
11 intervention, arbitration, or mediation program, or to some  
12 other treatment or care program if such program commitment is  
13 voluntarily accepted by the child or the child's parents or  
14 legal guardian; or  
15       (h) Decline to file.  
16       (2) In cases in which a delinquency report, affidavit,  
17 or complaint is filed by a law enforcement agency and the  
18 state attorney determines not to file a petition, the state  
19 attorney shall advise the clerk of the circuit court in  
20 writing that no petition will be filed thereon.  
21       Section 26. Section 985.303, Florida Statutes, is  
22 renumbered as section 985.155, Florida Statutes.  
23       Section 27. Section 985.304, Florida Statutes, is  
24 renumbered as section 985.16, Florida Statutes, and subsection  
25 (3) of that section is amended to read:  
26       985.16 985.304 Community arbitration.--  
27       (3) COMMUNITY ARBITRATORS.--The chief judge of each  
28 judicial circuit shall maintain a list of qualified persons  
29 who have agreed to serve as community arbitrators for the  
30 purpose of carrying out the provisions of this chapter part.  
31 Community arbitrators shall meet the qualification and

1 training requirements adopted in rule by the Supreme Court.  
2 Whenever possible, qualified volunteers shall be used as  
3 community arbitrators.

4 (a) Each community arbitrator or member of a community  
5 arbitration panel shall be selected by the chief judge of the  
6 circuit, the senior circuit court judge assigned to juvenile  
7 cases in the circuit, and the state attorney. A community  
8 arbitrator or, in the case of a panel, the chief arbitrator  
9 shall have such powers as are necessary to conduct the  
10 proceedings in a fair and expeditious manner.

11 (b) A community arbitrator or member of a community  
12 arbitration panel shall be trained or experienced in juvenile  
13 causes and shall be:

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

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

20 Section 28. Subsections (1) through (4) and (5)  
21 through (8) of section 985.224, Florida Statutes, are  
22 renumbered, respectively, as subsections (1) through (4) and  
23 (6) through (9) of section 985.18, Florida Statutes, and  
24 paragraph (e) of subsection (10) of section 985.215, Florida  
25 Statutes, is renumbered as subsection (5) of section 985.18,  
26 Florida Statutes.

27 Section 29. Subsections (1) and (2) of section  
28 985.229, Florida Statutes, are renumbered as section 985.185,  
29 Florida Statutes, and amended to read:

30 985.185 Evaluations for disposition.--  
31

1           (1) ~~Upon a finding that the child has committed a~~  
2 ~~delinquent act, the court may order a predisposition report~~  
3 ~~regarding the eligibility of the child for disposition other~~  
4 ~~than by adjudication and commitment to the department or for~~  
5 ~~disposition of adjudication, commitment to the department,~~  
6 ~~and, if appropriate, assignment of a residential commitment~~  
7 ~~level. The predisposition report shall be the result of the~~  
8 ~~multidisciplinary assessment when such assessment is needed,~~  
9 ~~and of the classification and placement process, and it shall~~  
10 ~~indicate and report the child's priority needs,~~  
11 ~~recommendations as to a classification of risk for the child~~  
12 ~~in the context of his or her program and supervision needs,~~  
13 ~~and a plan for treatment that recommends the most appropriate~~  
14 ~~placement setting to meet the child's needs with the minimum~~  
15 ~~program security that reasonably ensures public safety. A~~  
16 ~~predisposition report shall be ordered for any child for whom~~  
17 ~~a residential commitment disposition is anticipated or~~  
18 ~~recommended by an officer of the court or by the department. A~~  
19 ~~comprehensive evaluation for physical health, mental health,~~  
20 ~~substance abuse, academic, educational, or vocational problems~~  
21 ~~shall be ordered for any child for whom a residential~~  
22 ~~commitment disposition is anticipated or recommended by an~~  
23 ~~officer of the court or by the department. If a comprehensive~~  
24 ~~evaluation is ordered, the predisposition report shall include~~  
25 ~~a summary of the comprehensive evaluation. The predisposition~~  
26 ~~report shall be submitted to the court upon completion of the~~  
27 ~~report but no later than 48 hours prior to the disposition~~  
28 ~~hearing. The predisposition report shall not be reviewed by~~  
29 ~~the court without the consent of the child and his or her~~  
30 ~~legal counsel until the child has been found to have committed~~  
31 ~~a delinquent act.~~

1           (2) ~~The court shall consider the child's entire~~  
2 ~~assessment and predisposition report and shall review the~~  
3 ~~records of earlier judicial proceedings~~ Prior to making a  
4 final disposition of the case, ~~the court may, by order,~~  
5 ~~require~~ additional evaluations and studies to be performed by  
6 the department, by the county school system, or by any social,  
7 psychological, or psychiatric agencies of the state. The court  
8 shall order the educational needs assessment completed under  
9 s. 985.18(2) ~~pursuant to s. 985.224(2)~~ to be included in the  
10 assessment and predisposition report.

11           Section 30. Sections 985.223 and 985.418, Florida  
12 Statutes, are renumbered, respectively, as sections 985.19 and  
13 985.195, Florida Statutes.

14           Section 31. Subsections (1) and (4) of section  
15 985.213, Florida Statutes, are renumbered as subsections (1)  
16 and (4) of section 985.24, Florida Statutes, and subsections  
17 (1) and (2) of section 985.214, Florida Statutes, are  
18 renumbered as subsections (2) and (3) of section 985.24,  
19 Florida Statutes, and amended to read:

20           985.24 ~~985.213~~ Use of detention; prohibitions.--

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

24           (a) Presents a substantial risk of not appearing at a  
25 subsequent hearing;

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

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

30           (d) Has committed contempt of court by:  
31

1           1. Intentionally disrupting the administration of the  
2 court;

3           2. Intentionally disobeying a court order; or

4           3. Engaging in a punishable act or speech in the  
5 court's presence which shows disrespect for the authority and  
6 dignity of the court; or

7           (e) Requests protection from imminent bodily harm.

8           ~~985.214 Prohibited uses of detention.~~

9           (2)(1) A child alleged to have committed a delinquent  
10 act or violation of law may not be placed into secure,  
11 nonsecure, or home detention care for any of the following  
12 reasons:

13           (a) To allow a parent to avoid his or her legal  
14 responsibility.

15           (b) To permit more convenient administrative access to  
16 the child.

17           (c) To facilitate further interrogation or  
18 investigation.

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

20           (3)(2) A child alleged to be dependent under ~~part II~~  
21 ~~of~~ chapter 39 may not, under any circumstances, be placed into  
22 secure detention care.

23           (4) The department ~~of Juvenile Justice~~ shall continue  
24 to identify alternatives to secure detention care and shall  
25 develop such alternatives and annually submit them to the  
26 Legislature for authorization and appropriation.

27           Section 32. Subsection (2) of section 985.213, Florida  
28 Statutes, is renumbered as section 985.245, Florida Statutes,  
29 and amended to read:

30           985.245 Risk assessment instrument.--

31



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

7           ~~(2)(a)(b)1~~. The risk assessment instrument for  
8 detention care placement determinations and orders shall be  
9 developed by the department ~~of Juvenile Justice~~ in agreement  
10 with representatives appointed by the following associations:  
11 the Conference of Circuit Judges of Florida, the Prosecuting  
12 Attorneys Association, the Public Defenders Association, the  
13 Florida Sheriffs Association, and the Florida Association of  
14 Chiefs of Police. Each association shall appoint two  
15 individuals, one representing an urban area and one  
16 representing a rural area. The parties involved shall evaluate  
17 and revise the risk assessment instrument as is considered  
18 necessary using the method for revision as agreed by the  
19 parties.

20           (b) The risk assessment instrument shall take into  
21 consideration, but need not be limited to, prior history of  
22 failure to appear, prior offenses, offenses committed pending  
23 adjudication, any unlawful possession of a firearm, theft of a  
24 motor vehicle or possession of a stolen motor vehicle, and  
25 probation status at the time the child is taken into custody.  
26 The risk assessment instrument shall also take into  
27 consideration appropriate aggravating and mitigating  
28 circumstances, and shall be designed to target a narrower  
29 population of children than s. 985.255 ~~985.215(2)~~. The risk  
30 assessment instrument shall also include any information  
31 concerning the child's history of abuse and neglect. The risk

1 assessment shall indicate whether detention care is warranted,  
2 and, if detention care is warranted, whether the child should  
3 be placed into secure, nonsecure, or home detention care.

4 (3)2. If, at the detention hearing, the court finds a  
5 material error in the scoring of the risk assessment  
6 instrument, the court may amend the score to reflect factual  
7 accuracy.

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

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

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

15  
16 ~~The child may not be held in secure detention under this  
17 subparagraph for more than 48 hours unless ordered by the  
18 court. After 48 hours, the court shall hold a hearing if the  
19 state attorney or victim requests that secure detention be  
20 continued. The child may continue to be held in detention care  
21 if the court makes a specific, written finding that detention  
22 care is necessary to protect the victim from injury. However,  
23 the child may not be held in detention care beyond the time  
24 limits set forth in s. 985.215.~~

25 (4)4. For a child who is under the supervision of the  
26 department through probation, home detention, nonsecure  
27 detention, conditional release, postcommitment probation, or  
28 commitment and who is charged with committing a new offense,  
29 the risk assessment instrument may be completed and scored  
30 based on the underlying charge for which the child was placed  
31 under the supervision of the department and the new offense.

1           Section 33. Subsection (1) and paragraph (b) of  
2 subsection (5) of section 985.215, Florida Statutes, are  
3 renumbered as section 985.25, Florida Statutes, and amended to  
4 read:

5           985.25 ~~985.215~~ Detention intake.--

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

12           (a) During the period of time from the taking of the  
13 child into custody to the date of the detention hearing, the  
14 initial decision as to the child's placement into secure  
15 detention care, nonsecure detention care, or home detention  
16 care shall be made by the juvenile probation officer under ss.  
17 985.24 and 985.245(1) ~~pursuant to ss. 985.213 and 985.214.~~

18           (b) The juvenile probation officer shall base the  
19 decision whether or not to place the child into secure  
20 detention care, home detention care, or nonsecure detention  
21 care on an assessment of risk in accordance with the risk  
22 assessment instrument and procedures developed by the  
23 department ~~of Juvenile Justice~~ under s. 985.245 ~~985.213~~.  
24 However, a child charged with possessing or discharging a  
25 firearm on school property in violation of s. 790.115 shall be  
26 placed in secure detention care.

27           (c) If the juvenile probation officer determines that  
28 a child who is eligible for detention based upon the results  
29 of the risk assessment instrument should be released, the  
30 juvenile probation officer shall contact the state attorney,  
31 who may authorize release. If detention is not authorized, the

1 child may be released by the juvenile probation officer in  
2 accordance with ss. 985.115 and 985.13 ~~s. 985.211~~.

3  
4 Under no circumstances shall the juvenile probation officer or  
5 the state attorney or law enforcement officer authorize the  
6 detention of any child in a jail or other facility intended or  
7 used for the detention of adults, without an order of the  
8 court.

9 ~~(2)(5)~~

10 ~~(b)~~ The arresting law enforcement agency shall  
11 complete and present its investigation of an offense ~~under~~  
12 ~~this subsection~~ to the appropriate state attorney's office  
13 within 8 days after placement of the child in secure  
14 detention. The investigation shall include, but is not limited  
15 to, police reports and supplemental police reports, witness  
16 statements, and evidence collection documents. The failure of  
17 a law enforcement agency to complete and present its  
18 investigation within 8 days shall not entitle a juvenile to be  
19 released from secure detention or to a dismissal of any  
20 charges.

21 Section 34. Subsection (2) of section 985.215, Florida  
22 Statutes, is renumbered as section 985.255, Florida Statutes,  
23 and amended to read:

24 985.255 Detention criteria; detention hearing.--

25 ~~(1)(2)~~ Subject to s. 985.25(1) ~~the provisions of~~  
26 ~~subsection (1)~~, a child taken into custody and placed into  
27 nonsecure or home detention care or detained in secure  
28 detention care prior to a detention hearing may continue to be  
29 detained by the court if:

30 (a) The child is alleged to be an escapee from a  
31 residential commitment program, or an absconder from a

1 nonresidential commitment program, a probation program, or  
2 conditional release supervision, or is alleged to have escaped  
3 while being lawfully transported to or from a residential  
4 commitment program.

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

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

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

14 (e) The child is charged with possession or  
15 discharging a firearm on school property in violation of s.  
16 790.115.

17 (f) The child is charged with a capital felony, a life  
18 felony, a felony of the first degree, a felony of the second  
19 degree that does not involve a violation of chapter 893, or a  
20 felony of the third degree that is also a crime of violence,  
21 including any such offense involving the use or possession of  
22 a firearm.

23 (g) The child is charged with any second degree or  
24 third degree felony involving a violation of chapter 893 or  
25 any third degree felony that is not also a crime of violence,  
26 and the child:

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

30 2. Has a record of law violations prior to court  
31 hearings;

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

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

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

6           (h) The child is alleged to have violated the  
7 conditions of the child's probation or conditional release  
8 supervision. However, a child detained under this paragraph  
9 may be held only in a consequence unit as provided in s.  
10 985.439 ~~s. 985.231(1)(a)1.c~~. If a consequence unit is not  
11 available, the child shall be placed on home detention with  
12 electronic monitoring.

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

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

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

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

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

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

13  
14 The child may not be held in secure detention under this  
15 subsection for more than 48 hours unless ordered by the court.  
16 After 48 hours, the court shall hold a hearing if the state  
17 attorney or victim requests that secure detention be  
18 continued. The child may continue to be held in detention care  
19 if the court makes a specific, written finding that detention  
20 care is necessary to protect the victim from injury. However,  
21 the child may not be held in detention care beyond the time  
22 limits set forth in this section or s. 985.26.

23 (3)(a) A child who meets any of ~~the~~ ~~these~~ criteria in  
24 subsection (1) and who is ordered to be detained under that  
25 ~~pursuant to this~~ subsection shall be given a hearing within 24  
26 hours after being taken into custody. The purpose of the  
27 detention hearing is to determine the existence of probable  
28 cause that the child has committed the delinquent act or  
29 violation of law ~~that with which~~ he or she is charged with and  
30 the need for continued detention. Unless a child is detained  
31 under paragraph(1)(d) or paragraph(1)(e), the court shall

1 ~~use~~ utilize the results of the risk assessment performed by  
2 the juvenile probation officer and, based on the criteria in  
3 ~~this subsection(1)~~, shall determine the need for continued  
4 detention. A child placed into secure, nonsecure, or home  
5 detention care may continue to be so detained by the court  
6 ~~pursuant to this subsection.~~

7       **(b)** If the court orders a placement more restrictive  
8 than indicated by the results of the risk assessment  
9 instrument, the court shall state, in writing, clear and  
10 convincing reasons for such placement.

11       **(c)** Except as provided in s. 790.22(8) or in s. 985.27  
12 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c),~~  
13 ~~or paragraph (10)(d)~~, when a child is placed into secure or  
14 nonsecure detention care, or into a respite home or other  
15 placement pursuant to a court order following a hearing, the  
16 court order must include specific instructions that direct the  
17 release of the child from such placement no later than 5 p.m.  
18 on the last day of the detention period specified in s. 985.26  
19 ~~or s. 985.27 paragraph (5)(b) or paragraph (5)(c), or~~  
20 ~~subparagraph (10)(a)1.~~, whichever is applicable, unless the  
21 requirements of such applicable provision have been met or an  
22 order of continuance has been granted under s. 985.26(4)  
23 ~~pursuant to paragraph (5)(f).~~

24       Section 35. Paragraphs (c) and (g) of subsection (5)  
25 of section 985.215, Florida Statutes, are renumbered as  
26 subsection (2) of section 985.26, Florida Statutes, paragraphs  
27 (a), (d), (e), and (f) of subsection (5) of section 985.215,  
28 Florida Statutes, are renumbered, respectively, as subsections  
29 (1), (3), (5), and (4) of section 985.26, Florida Statutes,  
30 and subsection (7) of section 985.215, Florida Statutes, is  
31



1 renumbered as subsection (6) of section 985.26, Florida  
2 Statutes, and amended to read:

3 985.26 Length of detention.--

4 ~~(1)(5)(a)~~ A child may not be placed into or held in  
5 secure, nonsecure, or home detention care for longer than 24  
6 hours unless the court orders such detention care, and the  
7 order includes specific instructions that direct the release  
8 of the child from such detention care, in accordance with  
9 ~~985.255 subsection (2)~~. The order shall be a final order,  
10 reviewable by appeal under ~~pursuant to~~ s. ~~985.534~~ ~~985.234~~ and  
11 the Florida Rules of Appellate Procedure. Appeals of such  
12 orders shall take precedence over other appeals and other  
13 pending matters.

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

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

30 ~~(4)(f)~~ The time limits in subsections (2) and (3)  
31 ~~paragraphs (c) and (d)~~ do not include periods of delay

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

10 ~~(5)(e)~~ A child who was not in secure detention at the  
11 time of the adjudicatory hearing, but for whom residential  
12 commitment is anticipated or recommended, may be placed under  
13 a special detention order for a period not to exceed 72 hours,  
14 excluding weekends and legal holidays, for the purpose of  
15 conducting a comprehensive evaluation as provided in s.  
16 985.185 ~~985.229(1)~~. Motions for the issuance of such special  
17 detention order may be made subsequent to a finding of  
18 delinquency. Upon said motion, the court shall conduct a  
19 hearing to determine the appropriateness of such special  
20 detention order and shall order the least restrictive level of  
21 detention necessary to complete the comprehensive evaluation  
22 process that is consistent with public safety. Such special  
23 detention order may be extended for an additional 72 hours  
24 upon further order of the court.

25 ~~(g) Upon good cause being shown that the nature of the~~  
26 ~~charge requires additional time for the prosecution or defense~~  
27 ~~of the case, the court may extend the time limits for~~  
28 ~~detention specified in paragraph (c) an additional 9 days if~~  
29 ~~the child is charged with an offense that would be, if~~  
30 ~~committed by an adult, a capital felony, a life felony, a~~  
31

1 ~~felony of the first degree, or a felony of the second degree~~  
2 ~~involving violence against any individual.~~

3       ~~(6)(7)~~ If a child is detained and a petition for  
4 delinquency is filed, the child shall be arraigned in  
5 accordance with the Florida Rules of Juvenile Procedure within  
6 48 hours after the filing of the petition for delinquency.

7       Section 36. Subsections (4), (8), (9), and (11) of  
8 section 985.215, Florida Statutes, are renumbered,  
9 respectively, as subsections (5), (1), (2), and (3) of section  
10 985.265, Florida Statutes, and subsection (3) of section  
11 985.213, Florida Statutes, is renumbered as subsection (4) of  
12 section 985.265, Florida Statutes, and amended to read:

13       985.265 Detention transfer and release; education;  
14 adult jails.--

15       ~~(1)(8)~~ If a child is detained under ~~pursuant to~~ this  
16 ~~part section~~, the department of ~~Juvenile Justice~~ may transfer  
17 the child from nonsecure or home detention care to secure  
18 detention care only if significantly changed circumstances  
19 warrant such transfer.

20       ~~(2)(9)~~ If a child is on release status and not  
21 detained under ~~pursuant to~~ this ~~part section~~, the child may be  
22 placed into secure, nonsecure, or home detention care only  
23 pursuant to a court hearing in which the original risk  
24 assessment instrument, rescored based on newly discovered  
25 evidence or changed circumstances with the results  
26 recommending detention, is introduced into evidence.

27       ~~(3)(11)(a)~~ When a juvenile sexual offender is placed  
28 in detention, detention staff shall provide appropriate  
29 monitoring and supervision to ensure the safety of other  
30 children in the facility.

31

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

6 ~~(4)(3)~~(a) While a child who is currently enrolled in  
7 school is in nonsecure or home detention care, the child shall  
8 continue to attend school unless otherwise ordered by the  
9 court.

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

13 ~~(5)(4)~~ The court shall order the delivery of a child  
14 to a jail or other facility intended or used for the detention  
15 of adults:

16 (a) When the child has been transferred or indicted  
17 for criminal prosecution as an adult under ~~pursuant to this~~  
18 part X, except that the court may not order or allow a child  
19 alleged to have committed a misdemeanor who is being  
20 transferred for criminal prosecution pursuant to either s.  
21 985.556 ~~985.226~~ or s. 985.557 ~~985.227~~ to be detained or held  
22 in a jail or other facility intended or used for the detention  
23 of adults; however, such child may be held temporarily in a  
24 detention facility; or

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

27  
28 The child shall be housed separately from adult inmates to  
29 prohibit a child from having regular contact with incarcerated  
30 adults, including trustees. "Regular contact" means sight and  
31 sound contact. Separation of children from adults shall permit

1 | no more than haphazard or accidental contact. The receiving  
2 | jail or other facility shall contain a separate section for  
3 | children and shall have an adequate staff to supervise and  
4 | monitor the child's activities at all times. Supervision and  
5 | monitoring of children includes physical observation and  
6 | documented checks by jail or receiving facility supervisory  
7 | personnel at intervals not to exceed 15 minutes. This  
8 | ~~subsection~~ ~~paragraph~~ does not prohibit placing two or more  
9 | children in the same cell. Under no circumstances shall a  
10 | child be placed in the same cell with an adult.

11 |         Section 37. Paragraphs (a) through (d) and paragraph  
12 | (f) of subsection (10) of section 985.215, Florida Statutes,  
13 | are renumbered as section 985.27, Florida Statutes, and  
14 | amended to read:

15 |         985.27 Postcommitment detention while awaiting  
16 | placement.--

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

31 |

1           ~~2-~~ The court must place all children who are  
2 adjudicated and awaiting placement in a commitment program in  
3 detention care. Children who are in home detention care or  
4 nonsecure detention care may be placed on electronic  
5 monitoring.

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

11           ~~(b)~~ A child who is placed in home detention care,  
12 nonsecure detention care, or home or nonsecure detention care  
13 with electronic monitoring, while awaiting placement in a  
14 minimum-risk ~~or~~, low-risk, ~~or moderate risk~~ program, may be  
15 held in secure detention care for 5 days, if the child  
16 violates the conditions of the home detention care, the  
17 nonsecure detention care, or the electronic monitoring  
18 agreement. For any subsequent violation, the court may impose  
19 an additional 5 days in secure detention care.

20           (b) A child who is awaiting placement in a  
21 moderate-risk residential program must be removed from  
22 detention within 5 days, excluding Saturdays, Sundays, and  
23 legal holidays. Any child held in secure detention during the  
24 5 days must meet detention admission criteria under this part.  
25 The department may seek an order from the court authorizing  
26 continued detention for a specific period of time necessary  
27 for the appropriate residential placement of the child.  
28 However, such continued detention in secure detention care may  
29 not exceed 15 days after entry of the commitment order,  
30 excluding Saturdays, Sundays, and legal holidays, and except  
31 as otherwise provided in this section. A child who is placed

1 in home detention care, nonsecure detention care, or home or  
2 nonsecure detention care with electronic monitoring, while  
3 awaiting placement in a moderate-risk program, may be held in  
4 secure detention care for 5 days, if the child violates the  
5 conditions of the home detention care, the nonsecure detention  
6 care, or the electronic monitoring agreement. For any  
7 subsequent violation, the court may impose an additional 5  
8 days in secure detention care.

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

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

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

22 Section 38. Section 985.208, Florida Statutes, is  
23 renumbered as section 985.275, Florida Statutes, and amended  
24 to read:

25 985.275 ~~985.208~~ Detention of escapee or absconder on  
26 authority of the department.--

27 (1) If an authorized agent of the department has  
28 reasonable grounds to believe that any delinquent child  
29 committed to the department has escaped from a residential  
30 commitment facility or from being lawfully transported thereto  
31 or therefrom, or has absconded from a nonresidential

1 | commitment facility, the agent may take the child into active  
2 | custody and may deliver the child to the facility or, if it is  
3 | closer, to a detention center for return to the facility.  
4 | However, a child may not be held in detention longer than 24  
5 | hours, excluding Saturdays, Sundays, and legal holidays,  
6 | unless a special order so directing is made by the judge after  
7 | a detention hearing resulting in a finding that detention is  
8 | required based on the criteria in s. 985.255 ~~985.215(2)~~. The  
9 | order shall state the reasons for such finding. The reasons  
10 | shall be reviewable by appeal or in habeas corpus proceedings  
11 | in the district court of appeal.

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

19 |         Section 39. Section 985.218, Florida Statutes, is  
20 | renumbered as section 985.318, Florida Statutes.

21 |         Section 40. Subsections (1) through (7) and (9)  
22 | through (12) of section 985.219, Florida Statutes, are  
23 | renumbered as subsections (1) through (11) of section 985.319,  
24 | Florida Statutes, and subsection (6) of that section is  
25 | amended to read:

26 |         985.319 ~~985.219~~ Process and service.--

27 |         (6) If the petition alleges that the child has  
28 | committed a delinquent act or violation of law and the judge  
29 | deems it advisable to do so, under ~~pursuant to~~ the criteria of  
30 | s. 985.255 ~~s. 985.215~~, the judge may, by endorsement upon the  
31 | summons and after the entry of an order in which valid reasons



1 are specified, order the child to be taken into custody  
2 immediately, and in such case the person serving the summons  
3 shall immediately take the child into custody.

4 Section 41. Section 985.22, Florida Statutes, is  
5 renumbered as section 985.325, Florida Statutes, and amended  
6 to read:

7 985.325 ~~985.22~~ Threatening or dismissing an employee  
8 prohibited.--

9 (1) An employer, or the employer's agent, may not  
10 dismiss from employment an employee who is summoned to appear  
11 before the court under s. 985.319 ~~985.219~~ solely because of  
12 the nature of the summons or because the employee complies  
13 with the summons.

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

18 Section 42. Sections 985.221, 985.222, and 985.306,  
19 Florida Statutes, are renumbered, respectively, as sections  
20 985.331, 985.335, and 985.345, Florida Statutes.

21 Section 43. Section 985.228, Florida Statutes, is  
22 renumbered as section 985.35, Florida Statutes, and amended to  
23 read:

24 985.35 ~~985.228~~ Adjudicatory hearings; withheld  
25 adjudications; orders of adjudication.--

26 (1) The adjudicatory hearing must be held as soon as  
27 practicable after the petition alleging that a child has  
28 committed a delinquent act or violation of law is filed and in  
29 accordance with the Florida Rules of Juvenile Procedure; but  
30 reasonable delay for the purpose of investigation, discovery,  
31 or procuring counsel or witnesses shall be granted. If the

1 child is being detained, the time limitations ~~provided for~~ in  
2 s. 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

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

9 (a) In a hearing on a petition alleging that a child  
10 has committed a delinquent act or violation of law, the  
11 evidence must establish the findings beyond a reasonable  
12 doubt.

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

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

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

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

29 (a) Upon withholding adjudication of delinquency, the  
30 court may place ~~and placing~~ the child in a probation program  
31 under the supervision of the department or under the

1 supervision of any other person or agency specifically  
2 authorized and appointed by the court. The court may, as a  
3 condition of the program, impose as a penalty component  
4 restitution in money or in kind, community service, a curfew,  
5 urine monitoring, revocation or suspension of the driver's  
6 license of the child, or other nonresidential punishment  
7 appropriate to the offense, and may impose as a rehabilitative  
8 component a requirement of participation in substance abuse  
9 treatment, or school or other educational program attendance.

10 (b) If the child is attending public school and the  
11 court finds that the victim or a sibling of the victim in the  
12 case was assigned to attend or is eligible to attend the same  
13 school as the child, the court order shall include a finding  
14 pursuant to the proceedings described in s. 985.455,  
15 regardless of whether adjudication is withheld 985.23(1)(d).

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

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

31

1           (6) Except as the term "conviction" is used in chapter  
2 322, and except for use in a subsequent proceeding under this  
3 chapter, an adjudication of delinquency by a court with  
4 respect to any child who has committed a delinquent act or  
5 violation of law shall not be deemed a conviction; nor shall  
6 the child be deemed to have been found guilty or to be a  
7 criminal by reason of that adjudication; nor shall that  
8 adjudication operate to impose upon the child any of the civil  
9 disabilities ordinarily imposed by or resulting from  
10 conviction or to disqualify or prejudice the child in any  
11 civil service application or appointment, with the exception  
12 of the use of records of proceedings under this chapter part  
13 as provided in s. 985.045(4) ~~s. 985.05(4)~~.

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

18           Section 44. Subsection (3) of section 985.229, Florida  
19 Statutes, is renumbered as subsection (3) of section 985.43,  
20 Florida Statutes, and section 985.43, Florida Statutes, is  
21 created to read:

22           985.43 Predisposition reports; other evaluations.--

23           (1) Upon a finding that the child has committed a  
24 delinquent act:

25           (a) The court may order the department to prepare a  
26 predisposition report regarding the child's eligibility for  
27 disposition other than by adjudication and commitment to the  
28 department or for disposition of adjudication, commitment to  
29 the department, and, if appropriate, assignment of a  
30 residential commitment level. The predisposition report shall  
31 be the result of the multidisciplinary assessment, when such

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

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

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

25 (2) The court shall consider the child's entire  
26 assessment and predisposition report and shall review the  
27 records of earlier judicial proceedings prior to making a  
28 final disposition of the case. The court may, by order,  
29 require additional evaluations and studies to be performed by  
30 the department, the county school system, or any social,  
31 psychological, or psychiatric agency of the state. The court

1 shall order the educational needs assessment completed under  
2 s. 985.18(2) to be included in the assessment and  
3 predisposition report.

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

16 Section 45. Section 985.23, Florida Statutes, is  
17 renumbered as section 985.433, Florida Statutes, and amended  
18 to read:

19 985.433 ~~985.23~~ Disposition hearings in delinquency  
20 cases.--When a child has been found to have committed a  
21 delinquent act, the following procedures shall be applicable  
22 to the disposition of the case:

23 ~~(1)(7)~~ The court shall notify any victim of the  
24 offense, if such person is known and within the jurisdiction  
25 of the court, of the hearing.

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

1 ~~It is the intent of the Legislature that the criteria set~~  
2 ~~forth in subsection (2) are general guidelines to be followed~~  
3 ~~at the discretion of the court and not mandatory requirements~~  
4 ~~of procedure. It is not the intent of the Legislature to~~  
5 ~~provide for the appeal of the disposition made pursuant to~~  
6 ~~this section.~~

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

14       ~~(4)(1)~~ Before the court determines and announces the  
15 disposition to be imposed, it shall:

16           (a) State clearly, using common terminology, the  
17 purpose of the hearing and the right of persons present as  
18 parties to comment at the appropriate time on the issues  
19 before the court.†

20           (b) Discuss with the child his or her compliance with  
21 any home release plan or other plan imposed since the date of  
22 the offense.†

23           (c) Discuss with the child his or her feelings about  
24 the offense committed, the harm caused to the victim or  
25 others, and what penalty he or she should be required to pay  
26 for such transgression.† ~~and~~

27           (d) Give all parties, as well as the victim or a  
28 representative of the victim, representatives of the school  
29 system, and the law enforcement officers involved in the case  
30 who are present at the hearing an opportunity to comment on  
31 the issue of disposition and any proposed rehabilitative plan.

1 Parties to the case shall include the parents, legal  
2 custodians, or guardians of the child; the child's counsel;  
3 the state attorney; and representatives of the department;  
4 ~~the victim if any, or his or her representative;~~  
5 ~~representatives of the school system; and the law enforcement~~  
6 ~~officers involved in the case. If the child is attending or is~~  
7 ~~eligible to attend public school and the court finds that the~~  
8 ~~victim or a sibling of the victim in the case is attending or~~  
9 ~~may attend the same school as the child, the court shall, on~~  
10 ~~its own motion or upon the request of any party or any parent~~  
11 ~~or legal guardian of the victim, determine whether it is~~  
12 ~~appropriate to enter a no contact order in favor of the victim~~  
13 ~~or a sibling of the victim. If appropriate and acceptable to~~  
14 ~~the victim and the victim's parent or parents or legal~~  
15 ~~guardian, the court may reflect in the written disposition~~  
16 ~~order that the victim or the victim's parent stated in writing~~  
17 ~~or in open court that he or she did not object to the offender~~  
18 ~~being permitted to attend the same school or ride on the same~~  
19 ~~school bus as the victim or a sibling of the victim.~~

20 (5) At the time of disposition, the court may make  
21 recommendations to the department as to specific treatment  
22 approaches to be employed.

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



1 (a) The seriousness of the offense to the community.  
2 If the court determines under chapter 874 that the child was a  
3 member of a criminal street gang at the time of the commission  
4 of the offense, ~~which determination shall be made pursuant to~~  
5 ~~chapter 874~~, the seriousness of the offense to the community  
6 shall be given great weight.

7 (b) Whether the protection of the community requires  
8 adjudication and commitment to the department.

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

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

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

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

17 1. Previous contacts with the department, the former  
18 Department of Health and Rehabilitative Services, the  
19 Department of Children and Family Services, the Department of  
20 Corrections, other law enforcement agencies, and courts.†

21 2. Prior periods of probation.†

22 3. Prior adjudications of delinquency.† ~~and~~

23 4. Prior commitments to institutions.

24 (g) The prospects for adequate protection of the  
25 public and the likelihood of reasonable rehabilitation of the  
26 child if committed to a community services program or  
27 facility.

28 (h) The child's educational status, including, but not  
29 limited to, the child's strengths, abilities, and unmet and  
30 special educational needs. The report shall identify  
31

1 appropriate educational and vocational goals for the child.

2 Examples of appropriate goals include:

- 3 1. Attainment of a high school diploma or its  
4 equivalent.
- 5 2. Successful completion of literacy course(s).
- 6 3. Successful completion of vocational course(s).
- 7 4. Successful attendance and completion of the child's  
8 current grade if enrolled in school.
- 9 5. Enrollment in an apprenticeship or a similar  
10 program.

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

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

28 ~~(a)(b)~~ ~~If the court determines that commitment to the~~  
29 ~~department is appropriate,~~ The juvenile probation officer  
30 shall recommend to the court the most appropriate placement  
31 and treatment plan, specifically identifying the

1 restrictiveness level most appropriate for the child. If the  
2 court has determined that the child was a member of a criminal  
3 street gang, that determination shall be given great weight in  
4 identifying the most appropriate restrictiveness level for the  
5 child. The court shall consider the department's  
6 recommendation in making its commitment decision.

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

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

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

26 ~~(8)(4)~~ If the court determines not to adjudicate and  
27 commit to the department, then the court shall determine what  
28 community-based sanctions it will impose in a probation  
29 program for the child. Community-based sanctions may include,  
30 but are not limited to, participation in substance abuse  
31 treatment, a day-treatment probation program, restitution in

1 money or in kind, a curfew, revocation or suspension of the  
2 driver's license of the child, community service, and  
3 appropriate educational programs as determined by the district  
4 school board.

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

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

16 Section 46. Paragraph (a) of subsection (1) of section  
17 985.231, Florida Statutes, is renumbered as section 985.435,  
18 Florida Statutes, and amended to read:

19 985.435 Probation and postcommitment probation;  
20 community service.--

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

25 ~~+~~ place the child in a probation program or a  
26 postcommitment probation program. Such placement must be under  
27 the supervision of an authorized agent of the department or of  
28 any other person or agency specifically authorized and  
29 appointed by the court, whether in the child's own home, in  
30 the home of a relative of the child, or in some other suitable  
31

1 place under such reasonable conditions as the court may  
2 direct.

3       (2) A probation program for an adjudicated delinquent  
4 child must include a penalty component such as:

5           (a) Restitution in money or in kind;~~7~~

6           (b) Community service;~~7~~

7           (c) A curfew;~~7~~

8           (d) Revocation or suspension of the driver's license  
9 of the child;~~7~~ or

10          (e) Other nonresidential punishment appropriate to the  
11 offense.

12       (3) A probation program ~~and~~ must also include a  
13 rehabilitative program component such as a requirement of  
14 participation in substance abuse treatment or in school or  
15 other educational program. The nonconsent of the child to  
16 treatment in a substance abuse treatment program in no way  
17 precludes the court from ordering such treatment ~~If the child~~  
18 ~~is attending or is eligible to attend public school and the~~  
19 ~~court finds that the victim or a sibling of the victim in the~~  
20 ~~case is attending or may attend the same school as the child,~~  
21 ~~the court placement order shall include a finding pursuant to~~  
22 ~~the proceedings described in s. 985.23(1)(d).~~ Upon the  
23 recommendation of the department at the time of disposition,  
24 or subsequent to disposition pursuant to the filing of a  
25 petition alleging a violation of the child's conditions of  
26 postcommitment probation, the court may order the child to  
27 submit to random testing for the purpose of detecting and  
28 monitoring the use of alcohol or controlled substances.

29       (4)~~a.~~ A classification scale for levels of supervision  
30 shall be provided by the department, taking into account the  
31 child's needs and risks relative to probation supervision

1 requirements to reasonably ensure the public safety. Probation  
2 programs for children shall be supervised by the department or  
3 by any other person or agency specifically authorized by the  
4 court. These programs must include, but are not limited to,  
5 structured or restricted activities as described in this  
6 section and s. 985.439 ~~subparagraph~~, and shall be designed to  
7 encourage the child toward acceptable and functional social  
8 behavior.

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

24       (6)~~b~~. The court may conduct judicial review hearings  
25 for a child placed on probation for the purpose of fostering  
26 accountability to the judge and compliance with other  
27 requirements, such as restitution and community service. The  
28 court may allow early termination of probation for a child who  
29 has substantially complied with the terms and conditions of  
30 probation.

31

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

1 ~~probation. In each such case, the court shall enter a new~~  
2 ~~disposition order and, in addition to the sanctions set forth~~  
3 ~~in this paragraph, may impose any sanction the court could~~  
4 ~~have imposed at the original disposition hearing. If the child~~  
5 ~~is found to have violated the conditions of probation or~~  
6 ~~postcommitment probation, the court may:~~

7 ~~(I) Place the child in a consequence unit in that~~  
8 ~~judicial circuit, if available, for up to 5 days for a first~~  
9 ~~violation, and up to 15 days for a second or subsequent~~  
10 ~~violation.~~

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

14 ~~(III) Modify or continue the child's probation program~~  
15 ~~or postcommitment probation program.~~

16 ~~(IV) Revoke probation or postcommitment probation and~~  
17 ~~commit the child to the department.~~

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

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

27 ~~3. Commit the child to the department at a~~  
28 ~~restrictiveness level defined in s. 985.03. Such commitment~~  
29 ~~must be for the purpose of exercising active control over the~~  
30 ~~child, including, but not limited to, custody, care, training,~~  
31 ~~urine monitoring, and treatment of the child and release of~~



1 ~~the child from residential commitment into the community in a~~  
2 ~~postcommitment nonresidential conditional release program. If~~  
3 ~~the child is eligible to attend public school following~~  
4 ~~commitment and the court finds that the victim or a sibling of~~  
5 ~~the victim in the case is or may be attending the same school~~  
6 ~~as the child, the commitment order shall include a finding~~  
7 ~~pursuant to the proceedings described in s. 985.23(1)(d). If~~  
8 ~~the child is not successful in the conditional release~~  
9 ~~program, the department may use the transfer procedure under~~  
10 ~~s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and~~  
11 ~~except as provided in s. 985.31, the term of the commitment~~  
12 ~~must be until the child is discharged by the department or~~  
13 ~~until he or she reaches the age of 21.~~

14 ~~4. Revoke or suspend the driver's license of the~~  
15 ~~child.~~

16 ~~5. Require the child and, if the court finds it~~  
17 ~~appropriate, the child's parent or guardian together with the~~  
18 ~~child, to render community service in a public service~~  
19 ~~program.~~

20 ~~6. As part of the probation program to be implemented~~  
21 ~~by the department, or, in the case of a committed child, as~~  
22 ~~part of the community based sanctions ordered by the court at~~  
23 ~~the disposition hearing or before the child's release from~~  
24 ~~commitment, order the child to make restitution in money,~~  
25 ~~through a promissory note cosigned by the child's parent or~~  
26 ~~guardian, or in kind for any damage or loss caused by the~~  
27 ~~child's offense in a reasonable amount or manner to be~~  
28 ~~determined by the court. The clerk of the circuit court shall~~  
29 ~~be the receiving and dispensing agent. In such case, the court~~  
30 ~~shall order the child or the child's parent or guardian to pay~~  
31 ~~to the office of the clerk of the circuit court an amount not~~

1 ~~to exceed the actual cost incurred by the clerk as a result of~~  
2 ~~receiving and dispensing restitution payments. The clerk shall~~  
3 ~~notify the court if restitution is not made, and the court~~  
4 ~~shall take any further action that is necessary against the~~  
5 ~~child or the child's parent or guardian. A finding by the~~  
6 ~~court, after a hearing, that the parent or guardian has made~~  
7 ~~diligent and good faith efforts to prevent the child from~~  
8 ~~engaging in delinquent acts absolves the parent or guardian of~~  
9 ~~liability for restitution under this subparagraph.~~

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

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

25 ~~9. In addition to the sanctions imposed on the child,~~  
26 ~~order the parent or guardian of the child to perform community~~  
27 ~~service if the court finds that the parent or guardian did not~~  
28 ~~make a diligent and good faith effort to prevent the child~~  
29 ~~from engaging in delinquent acts. The court may also order the~~  
30 ~~parent or guardian to make restitution in money or in kind for~~  
31 ~~any damage or loss caused by the child's offense. The court~~

1 ~~shall determine a reasonable amount or manner of restitution,~~  
2 ~~and payment shall be made to the clerk of the circuit court as~~  
3 ~~provided in subparagraph 6.~~

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

15 Section 47. Section 985.437, Florida Statutes, is  
16 created to read:

17 985.437 Restitution.--

18 (1) The court that has jurisdiction over an  
19 adjudicated delinquent child may, by an order stating the  
20 facts upon which a determination of a sanction and  
21 rehabilitative program was made at the disposition hearing,  
22 order the child to make restitution in the manner provided in  
23 this section. This order shall be part of the probation  
24 program to be implemented by the department or, in the case of  
25 a committed child, as part of the community-based sanctions  
26 ordered by the court at the disposition hearing or before the  
27 child's release from commitment.

28 (2) The court may order the child to make restitution  
29 in money, through a promissory note cosigned by the child's  
30 parent or guardian, or in kind for any damage or loss caused  
31 by the child's offense in a reasonable amount or manner to be

1 determined by the court. When restitution is ordered by the  
2 court, the amount of restitution may not exceed an amount the  
3 child and the parent or guardian could reasonably be expected  
4 to pay or make.

5 (3) The clerk of the circuit court shall be the  
6 receiving and dispensing agent. In such case, the court shall  
7 order the child or the child's parent or guardian to pay to  
8 the office of the clerk of the circuit court an amount not to  
9 exceed the actual cost incurred by the clerk as a result of  
10 receiving and dispensing restitution payments. The clerk shall  
11 notify the court if restitution is not made, and the court  
12 shall take any further action that is necessary against the  
13 child or the child's parent or guardian.

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

19 (5) The court may retain jurisdiction over a child and  
20 the child's parent or legal guardian whom the court has  
21 ordered to pay restitution until the restitution order is  
22 satisfied or until the court orders otherwise, as provided in  
23 s. 985.0301.

24 Section 48. Section 985.439, Florida Statutes, is  
25 created to read:

26 985.439 Violation of probation or postcommitment  
27 probation.--

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

30 (b) If the conditions of the probation program or the  
31 postcommitment probation program are violated, the department

1 or the state attorney may bring the child before the court on  
2 a petition alleging a violation of the program. Any child who  
3 violates the conditions of probation or postcommitment  
4 probation must be brought before the court if sanctions are  
5 sought.

6 (2) A child taken into custody under s. 985.101 for  
7 violating the conditions of probation or postcommitment  
8 probation shall be held in a consequence unit if such a unit  
9 is available. The child shall be afforded a hearing within 24  
10 hours after being taken into custody to determine the  
11 existence of probable cause that the child violated the  
12 conditions of probation or postcommitment probation. A  
13 consequence unit is a secure facility specifically designated  
14 by the department for children who are taken into custody  
15 under s. 985.101 for violating probation or postcommitment  
16 probation, or who have been found by the court to have  
17 violated the conditions of probation or postcommitment  
18 probation. If the violation involves a new charge of  
19 delinquency, the child may be detained under part V in a  
20 facility other than a consequence unit. If the child is not  
21 eligible for detention for the new charge of delinquency, the  
22 child may be held in the consequence unit pending a hearing  
23 and is subject to the time limitations specified in part V.

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

27 (4) Upon the child's admission, or if the court finds  
28 after a hearing that the child has violated the conditions of  
29 probation or postcommitment probation, the court shall enter  
30 an order revoking, modifying, or continuing probation or  
31 postcommitment probation. In each such case, the court shall

1 enter a new disposition order and, in addition to the  
2 sanctions set forth in this section, may impose any sanction  
3 the court could have imposed at the original disposition  
4 hearing. If the child is found to have violated the conditions  
5 of probation or postcommitment probation, the court may:

6 (a) Place the child in a consequence unit in that  
7 judicial circuit, if available, for up to 5 days for a first  
8 violation and up to 15 days for a second or subsequent  
9 violation.

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

13 (c) Modify or continue the child's probation program  
14 or postcommitment probation program.

15 (d) Revoke probation or postcommitment probation and  
16 commit the child to the department.

17 (5) Upon the recommendation of the department at the  
18 time of disposition, or subsequent to disposition pursuant to  
19 the filing of a petition alleging a violation of the child's  
20 conditions of postcommitment probation, the court may order  
21 the child to submit to random testing for the purpose of  
22 detecting and monitoring the use of alcohol or controlled  
23 substances.

24 Section 49. Section 985.441, Florida Statutes, is  
25 created to read:

26 985.441 Commitment.--

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

31

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

5       (b) Commit the child to the department at a  
6 restrictiveness level defined in s. 985.03. Such commitment  
7 must be for the purpose of exercising active control over the  
8 child, including, but not limited to, custody, care, training,  
9 urine monitoring, and treatment of the child and release of  
10 the child from residential commitment into the community in a  
11 postcommitment nonresidential conditional release program. If  
12 the child is not successful in the conditional release  
13 program, the department may use the transfer procedure under  
14 subsection (3).

15       (c) Commit the child to the department for placement  
16 in a program or facility for serious or habitual juvenile  
17 offenders in accordance with s. 985.47.

18       1. Following a delinquency adjudicatory hearing under  
19 s. 985.35 and a delinquency disposition hearing under s.  
20 985.433 that results in a commitment determination, the court  
21 shall, on its own or upon request by the state or the  
22 department, determine whether the protection of the public  
23 requires that the child be placed in a program for serious or  
24 habitual juvenile offenders and whether the particular needs  
25 of the child would be best served by a program for serious or  
26 habitual juvenile offenders as provided in s. 985.47. The  
27 determination shall be made under ss. 985.47(1) and  
28 985.433(7).

29       2. Any commitment of a child to a program or facility  
30 for serious or habitual juvenile offenders must be for an  
31 indeterminate period of time, but the time may not exceed the

1 maximum term of imprisonment that an adult may serve for the  
2 same offense.

3 (d) Commit the child to the department for placement  
4 in a program or facility for juvenile sexual offenders in  
5 accordance with s. 985.48, subject to specific appropriation  
6 for such a program or facility.

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

10 2. Any commitment of a juvenile sexual offender to a  
11 program or facility for juvenile sexual offenders must be for  
12 an indeterminate period of time, but the time may not exceed  
13 the maximum term of imprisonment that an adult may serve for  
14 the same offense.

15 (2) The nonconsent of the child to commitment or  
16 treatment in a substance abuse treatment program in no way  
17 precludes the court from ordering such commitment or  
18 treatment.

19 (3) The department may transfer a child, when  
20 necessary to appropriately administer the child's commitment,  
21 from one facility or program to another facility or program  
22 operated, contracted, subcontracted, or designated by the  
23 department, including a postcommitment nonresidential  
24 conditional release program. The department shall notify the  
25 court that committed the child to the department and any  
26 attorney of record for the child, in writing, of its intent to  
27 transfer the child from a commitment facility or program to  
28 another facility or program of a higher or lower  
29 restrictiveness level. The court that committed the child may  
30 agree to the transfer or may set a hearing to review the  
31 transfer. If the court does not respond within 10 days after



1 receipt of the notice, the transfer of the child shall be  
2 deemed granted.

3 Section 50. Section 985.232, Florida Statutes, is  
4 renumbered as section 985.442, Florida Statutes.

5 Section 51. Paragraph (j) of subsection (1) of section  
6 985.231, Florida Statutes, is renumbered as section 985.445,  
7 Florida Statutes, and amended to read:

8 985.445 985.231 Powers of disposition in delinquency  
9 Cases involving grand theft of a motor vehicle.--

10 ~~(1)~~

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

13 ~~(1)1-~~ Upon a first adjudication for a grand theft of a  
14 motor vehicle, may place the youth in a boot camp, unless the  
15 child is ineligible under ~~pursuant to~~ s. ~~985.489 985.309~~, and  
16 shall order the youth to complete a minimum of 50 hours of  
17 community service.

18 ~~(2)2-~~ Upon a second adjudication for grand theft of a  
19 motor vehicle which is separate and unrelated to the previous  
20 adjudication, may place the youth in a boot camp, unless the  
21 child is ineligible under ~~pursuant to~~ s. ~~985.489 985.309~~, and  
22 shall order the youth to complete a minimum of 100 hours of  
23 community service.

24 ~~(3)3-~~ Upon a third adjudication for grand theft of a  
25 motor vehicle which is separate and unrelated to the previous  
26 adjudications, shall place the youth in a boot camp or other  
27 treatment program, unless the child is ineligible under  
28 ~~pursuant to~~ s. ~~985.489 985.309~~, and shall order the youth to  
29 complete a minimum of 250 hours of community service.

30  
31

1           Section 52. Paragraph (g) of subsection (1) of section  
2 985.231, Florida Statutes, is renumbered as section 985.45,  
3 Florida Statutes, and amended to read:

4           985.45 Liability and remuneration for work.--

5           (1)~~(g)~~ Whenever a child is required by the court to  
6 participate in any work program under this part or whenever a  
7 child volunteers to work in a specified state, county,  
8 municipal, or community service organization supervised work  
9 program or to work for the victim, either as an alternative to  
10 monetary restitution or as a part of the rehabilitative or  
11 probation program, the child is an employee of the state for  
12 the purposes of liability.

13           (2) In determining the child's average weekly wage  
14 unless otherwise determined by a specific funding program, all  
15 remuneration received from the employer is a gratuity, and the  
16 child is not entitled to any benefits otherwise payable under  
17 s. 440.15, regardless of whether the child may be receiving  
18 wages and remuneration from other employment with another  
19 employer and regardless of the child's future wage-earning  
20 capacity.

21           Section 53. Paragraph (d) of subsection (1) of section  
22 985.231, Florida Statutes, is amended and renumbered as  
23 subsection (3) of section 985.455, Florida Statutes, and  
24 paragraph (h) of subsection (1) of section 985.231, Florida  
25 Statutes, is renumbered as subsection (4) of section 985.455,  
26 Florida Statutes, which is created to read:

27           985.455 Other dispositional issues.--

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

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

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

9           (c) Revoke or suspend the driver's license of the  
10 child.

11           (2) If the child is attending or is eligible to attend  
12 public school and the court finds that the victim or a sibling  
13 of the victim in the case is attending or may attend the same  
14 school as the child, the court shall, on its own motion or  
15 upon the request of any party or any parent or legal guardian  
16 of the victim, determine whether it is appropriate to enter a  
17 no contact order in favor of the victim or a sibling of the  
18 victim. If appropriate and acceptable to the victim and the  
19 victim's parent or parents or legal guardian, the court may  
20 reflect in the written disposition order that the victim or  
21 the victim's parent or parents or legal guardian stated in  
22 writing or in open court that he or she did not object to the  
23 offender being permitted to attend the same school or ride on  
24 the same school bus as the victim or a sibling of the victim.  
25 If applicable, the court placement or commitment order shall  
26 include a finding under this subsection.

27           ~~(1)~~

28           ~~(3)~~~~(d)~~ Any commitment of a delinquent child to the  
29 department must be for an indeterminate period of time, which  
30 may include periods of temporary release; however, the period  
31 of time may not exceed the maximum term of imprisonment that

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

1 section does not limit the department's authority to revoke a  
2 child's temporary release status and return the child to a  
3 commitment facility for any violation of the terms and  
4 conditions of the temporary release.

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

14 Section 54. Section 985.316, Florida Statutes, is  
15 renumbered as section 985.46, Florida Statutes, and subsection  
16 (4) of that section is amended to read:

17 985.46 ~~985.316~~ Conditional release.--

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

21 Section 55. Section 985.313, Florida Statutes, is  
22 renumbered as section 985.465, Florida Statutes, and amended  
23 to read:

24 985.465 ~~985.313~~ Juvenile correctional facilities or  
25 juvenile prison.--A juvenile correctional facility or juvenile  
26 prison is a physically secure residential commitment program  
27 with a designated length of stay from 18 months to 36 months,  
28 primarily serving children 13 years of age to 19 years of age,  
29 or until the jurisdiction of the court expires. ~~The court may~~  
30 ~~retain jurisdiction over the child until the child reaches the~~  
31 ~~age of 21, specifically for the purpose of the child~~

1 ~~completing the program.~~ Each child committed to this level  
2 must meet one of the following criteria:  
3       (1) The child youth is at least 13 years of age at the  
4 time of the disposition for the current offense and has been  
5 adjudicated on the current offense for:  
6       (a) Arson;  
7       (b) Sexual battery;  
8       (c) Robbery;  
9       (d) Kidnapping;  
10       (e) Aggravated child abuse;  
11       (f) Aggravated assault;  
12       (g) Aggravated stalking;  
13       (h) Murder;  
14       (i) Manslaughter;  
15       (j) Unlawful throwing, placing, or discharging of a  
16 destructive device or bomb;  
17       (k) Armed burglary;  
18       (l) Aggravated battery;  
19       (m) Carjacking;  
20       (n) Home-invasion robbery;  
21       (o) Burglary with an assault or battery;  
22       (p) Any lewd or lascivious offense committed upon or  
23 in the presence of a person less than 16 years of age; or  
24       (q) Carrying, displaying, using, threatening to use,  
25 or attempting to use a weapon or firearm during the commission  
26 of a felony.  
27       (2) The child youth is at least 13 years of age at the  
28 time of the disposition, the current offense is a felony, and  
29 the child has previously been committed three or more times to  
30 a delinquency commitment program.  
31

1           (3) 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           (4) The child youth is at least 13 years of age at the  
5 time of the disposition for the current offense, the child  
6 youth is eligible for prosecution as an adult for the current  
7 offense, and the current offense is ranked at level 7 or  
8 higher on the Criminal Punishment Code offense severity  
9 ranking chart pursuant to s. 921.0022.

10           Section 56. Subsection (49) of section 985.03, Florida  
11 Statutes, is amended and renumbered as subsection (1) of  
12 section 985.47, Florida Statutes, subsections (2), (4), and  
13 (5) of section 985.31, Florida Statutes are amended and  
14 renumbered, respectively, as subsections (9), (11), and (12)  
15 of section 985.47, Florida Statutes, paragraphs (e) through  
16 (i) and (k) of subsection (3) of section 985.31, Florida  
17 Statutes, are amended and renumbered, respectively, as  
18 subsections (2) through (6) and (7) of section 985.47, Florida  
19 Statutes, subsection (1) of section 985.31, Florida Statutes,  
20 is renumbered as subsection (8) of section 985.47, Florida  
21 Statutes, and paragraphs (a) through (d) and (j) of subsection  
22 (3) of section 985.31, Florida Statutes, are renumbered,  
23 respectively, as paragraphs (a) through (d) and (e) of  
24 subsection (10) of section 985.47, Florida Statutes, and  
25 amended to read:

26           985.47 ~~985.31~~ Serious or habitual juvenile offender.--  
27           ~~(1)(49)~~ CRITERIA.--A "serious or habitual juvenile  
28 offender," for purposes of commitment to a residential  
29 facility and for purposes of records retention, means a child  
30 who has been found to have committed a delinquent act or a  
31

1 violation of law, in the case currently before the court, and  
2 who meets at least one of the following criteria:

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

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

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

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

31



1           ~~(2)(3)(e)~~ DETERMINATION.--After a child has been  
2 adjudicated delinquent under ~~pursuant to~~ s. ~~985.35~~ 985.228,  
3 the court shall determine whether the child meets the criteria  
4 for a serious or habitual juvenile offender under subsection  
5 ~~(1)~~ ~~pursuant to s. 985.03(49)~~. If the court determines that  
6 the child does not meet such criteria, ss. 985.435, 985.437,  
7 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions~~  
8 ~~of s. 985.231(1)~~ shall apply.

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

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

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

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

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

7  
8 If treatment provided by a serious or habitual juvenile  
9 offender program or facility is determined to be appropriate  
10 and needed and placement is available, the juvenile probation  
11 officer and the court shall identify the appropriate serious  
12 or habitual juvenile offender program or facility best suited  
13 to the needs of the child.

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

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

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

28           ~~(7)(k)~~ DURATION OF COMMITMENT.--Any commitment of a  
29 child to the department for placement in a serious or habitual  
30 juvenile offender program or facility shall be for an  
31 indeterminate period of time, but the time shall not exceed

1 | the maximum term of imprisonment that ~~which~~ an adult may serve  
2 | for the same offense. ~~Notwithstanding the provisions of ss.~~  
3 | ~~743.07 and 985.231(1)(d), a serious or habitual juvenile~~  
4 | ~~offender shall not be held under commitment from a court~~  
5 | ~~pursuant to this section, s. 985.231, or s. 985.233 after~~  
6 | ~~becoming 21 years of age. This provision shall apply only for~~  
7 | ~~the purpose of completing the serious or habitual juvenile~~  
8 | ~~offender program pursuant to this chapter and shall be used~~  
9 | ~~solely for the purpose of treatment.~~

10 |       ~~(8)(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
11 | ~~the provisions of~~ this chapter and the establishment of  
12 | appropriate program guidelines and standards, contractual  
13 | instruments, which shall include safeguards of all  
14 | constitutional rights, shall be developed as follows:

15 |           (a) The department shall provide for:

16 |           1. The oversight of implementation of assessment and  
17 | treatment approaches.

18 |           2. The identification and prequalification of  
19 | appropriate individuals or not-for-profit organizations,  
20 | including minority individuals or organizations when possible,  
21 | to provide assessment and treatment services to serious or  
22 | habitual delinquent children.

23 |           3. The monitoring and evaluation of assessment and  
24 | treatment services for compliance with ~~the provisions of~~ this  
25 | chapter and all applicable rules and guidelines pursuant  
26 | thereto.

27 |           4. The development of an annual report on the  
28 | performance of assessment and treatment to be presented to the  
29 | Governor, the Attorney General, the President of the Senate,  
30 | the Speaker of the House of Representatives, and the Auditor  
31 | General no later than January 1 of each year.

1 (b) Assessment shall generally comprise the first 30  
2 days of treatment and be provided by the same provider as  
3 treatment, but assessment and treatment services may be  
4 provided by separate providers, where warranted. Providers  
5 shall be selected who have the capacity to assess and treat  
6 the unique problems presented by children with different  
7 racial and ethnic backgrounds. The department shall retain  
8 contractual authority to reject any assessment or treatment  
9 provider for lack of qualification.

10 ~~(9)(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER  
11 PROGRAM.--

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

- 18 1. Diagnostic evaluation services.
- 19 2. Appropriate treatment modalities, including  
20 substance abuse intervention, mental health services, and  
21 sexual behavior dysfunction interventions and gang-related  
22 behavior interventions.
- 23 3. Prevocational and vocational services.
- 24 4. Job training, job placement, and  
25 employability-skills training.
- 26 5. Case management services.
- 27 6. Educational services, including special education  
28 and pre-GED literacy.
- 29 7. Self-sufficiency planning.
- 30 8. Independent living skills.
- 31 9. Parenting skills.

1           10. Recreational and leisure time activities.

2           11. Community involvement opportunities commencing,  
3 where appropriate, with the direct and timely payment of  
4 restitution to the victim.

5           12. Intensive conditional release supervision.

6           13. Graduated reentry into the community.

7           14. A diversity of forms of individual and family  
8 treatment appropriate to and consistent with the child's  
9 needs.

10          15. Consistent and clear consequences for misconduct.

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

14           (c) The department shall involve local law enforcement  
15 agencies, the judiciary, school board personnel, the office of  
16 the state attorney, the office of the public defender, and  
17 community service agencies interested in or currently working  
18 with juveniles, in planning and developing this program.

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

22          ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT  
23 AND TREATMENT.--

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

28           (b) Treatment provided to children in designated  
29 facilities shall be suited to the assessed needs of each  
30 individual child and shall be administered safely and  
31 humanely, with respect for human dignity.

1 (c) The department may promulgate rules for the  
2 implementation and operation of programs and facilities for  
3 serious or habitual juvenile offenders.

4 (d) Any provider who acts in good faith is immune from  
5 civil or criminal liability for his or her actions in  
6 connection with the assessment, treatment, or transportation  
7 of a serious or habitual juvenile offender under ~~the~~  
8 ~~provisions of~~ this chapter.

9 ~~(e)(j)~~ The following provisions shall apply to  
10 children in serious or habitual juvenile offender programs and  
11 facilities:

12 1. A child shall begin participation in the  
13 conditional release component of the program based upon a  
14 determination made by the treatment provider and approved by  
15 the department.

16 2. A child shall begin participation in the community  
17 supervision component of conditional release based upon a  
18 determination made by the treatment provider and approved by  
19 the department. The treatment provider shall give written  
20 notice of the determination to the circuit court having  
21 jurisdiction over the child. If the court does not respond  
22 with a written objection within 10 days, the child shall begin  
23 the conditional release component.

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

27 4. In situations where the department does not agree  
28 with the decision of the treatment provider, a reassessment  
29 shall be performed, and the department shall use ~~utilize~~ the  
30 reassessment determination to resolve the disagreement and  
31 make a final decision.

1           ~~(11)(4)~~ ASSESSMENTS, TESTING, RECORDS, AND  
2 INFORMATION.--

3           (a) Pursuant to ~~the provisions of~~ this section, the  
4 department shall implement the comprehensive assessment  
5 instrument for the treatment needs of serious or habitual  
6 juvenile offenders and for the assessment, which assessment  
7 shall include the criteria under subsection (1) ~~s. 985.03(49)~~  
8 and shall also include, but not be limited to, evaluation of  
9 the child's:

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

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

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

1           (d) Serologic blood test and urinalysis results  
2 obtained under ~~pursuant to~~ paragraph (c) are confidential,  
3 except that they may be shared with employees or officers of  
4 the department, the court, and any assessment or treatment  
5 provider and designated facility treating the child. No person  
6 to whom the results of a test have been disclosed under this  
7 section may disclose the test results to another person not  
8 authorized under this section.

9           (e) The results of any serologic blood or urine test  
10 on a serious or habitual juvenile offender shall become a part  
11 of that child's medical file. Upon transfer of the child to  
12 any other designated treatment facility, such file shall be  
13 transferred in an envelope marked confidential. The results of  
14 any test designed to identify the human immunodeficiency  
15 virus, or its antigen or antibody, shall be accessible only to  
16 persons designated by rule of the department. The provisions  
17 of such rule shall be consistent with the guidelines  
18 established by the Centers for Disease Control and Prevention.

19           (f) A record of the assessment and treatment of each  
20 serious or habitual juvenile offender shall be maintained by  
21 the provider, which shall include data pertaining to the  
22 child's treatment and such other information as may be  
23 required under rules of the department. Unless waived by  
24 express and informed consent by the child or the guardian or,  
25 if the child is deceased, by the child's personal  
26 representative or by the person who stands next in line of  
27 intestate succession, the privileged and confidential status  
28 of the clinical assessment and treatment record shall not be  
29 lost by either authorized or unauthorized disclosure to any  
30 person, organization, or agency.

31



1 (g) The assessment and treatment record shall not be a  
2 public record, and no part of it shall be released, except  
3 that:

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

6 2. The record shall be released to persons authorized  
7 by order of court, excluding matters privileged by other  
8 provisions of law.

9 3. The record or any part thereof shall be disclosed  
10 to a qualified researcher, as defined by rule; a staff member  
11 of the designated treatment facility; or an employee of the  
12 department when the administrator of the facility or the  
13 Secretary of Juvenile Justice deems it necessary for treatment  
14 of the child, maintenance of adequate records, compilation of  
15 treatment data, or evaluation of programs.

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

20 (h) Notwithstanding other provisions of this section,  
21 the department may request, receive, and provide assessment  
22 and treatment information to facilitate treatment,  
23 rehabilitation, and continuity of care of any serious or  
24 habitual juvenile offender from any of the following:

25 1. The Social Security Administration and the United  
26 States Department of Veterans Affairs.

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

29 3. Personnel in any facility in which the child may be  
30 placed.

31

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

3           (i) Any law enforcement agency, designated treatment  
4 facility, governmental or community agency, or other entity  
5 that receives information under ~~pursuant to~~ this section shall  
6 maintain such information as a nonpublic record as otherwise  
7 provided herein.

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

12           (k) Assessment and treatment records are confidential  
13 as described in this paragraph and exempt from ~~the provisions~~  
14 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
15 Constitution.

16           1. The department shall have full access to the  
17 assessment and treatment records to ensure coordination of  
18 services to the child.

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

22           (1) For purposes of effective administration, accurate  
23 tracking and recordkeeping, and optimal treatment decisions,  
24 each assessment and treatment provider shall maintain a  
25 central identification file on the serious or habitual  
26 juvenile offenders it treats.

27           (m) The file of each serious or habitual juvenile  
28 offender shall contain, but is not limited to, pertinent  
29 children-in-need-of-services and delinquency record  
30 information maintained by the department; pertinent school  
31 records information on behavior, attendance, and achievement;

1 and pertinent information on delinquency or children in need  
2 of services maintained by law enforcement agencies and the  
3 state attorney.

4 (n) All providers under this section shall, as part of  
5 their contractual duties, collect, maintain, and report to the  
6 department all information necessary to comply with mandatory  
7 reporting pursuant to the promulgation of rules by the  
8 department for the implementation of serious or habitual  
9 juvenile offender programs and the monitoring and evaluation  
10 thereof.

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

14 ~~(12)~~~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

15 (a) Designated facilities shall be sited and  
16 constructed by the department, directly or by contract,  
17 pursuant to departmental rules, to ensure that facility design  
18 is compatible with treatment. The department is authorized to  
19 contract for the construction of the facilities and may also  
20 lease facilities. The number of beds per facility shall not  
21 exceed 25. An assessment of need for additional facilities  
22 shall be conducted prior to the siting or construction of more  
23 than one facility in any judicial circuit.

24 (b) Designated facilities for serious or habitual  
25 juvenile offenders shall be separate and secure facilities  
26 established under the authority of the department for the  
27 treatment of such children.

28 (c) Security for designated facilities for serious or  
29 habitual juvenile offenders shall be determined by the  
30 department. The department is authorized to contract for the  
31 provision of security.

1 (d) With respect to the treatment of serious or  
2 habitual juvenile offenders under this section, designated  
3 facilities shall be immune from liability for civil damages  
4 except in instances when the failure to act in good faith  
5 results in serious injury or death, in which case liability  
6 shall be governed by s. 768.28.

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

10 Section 57. Subsection (32) of section 985.03, Florida  
11 Statutes, is amended and renumbered as subsection (1) of  
12 section 985.475, Florida Statutes, and subsection (3) of  
13 section 985.231, Florida Statutes, is amended and renumbered  
14 as subsection (2) of section 985.475, Florida Statutes, to  
15 read:

16 985.475 Juvenile sexual offenders.--

17 ~~(1)~~ ~~(32)~~ CRITERIA.--A "juvenile sexual offender" means:

18 (a) A juvenile who has been found by the court under  
19 s. 985.35 ~~985.228~~ to have committed a violation of chapter  
20 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

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

27 1. "Coercion" means the exploitation of authority, use  
28 of bribes, threats of force, or intimidation to gain  
29 cooperation or compliance.  
30  
31

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

4           3. "Consent" means an agreement including all of the  
5 following:

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

8           b. Knowledge of societal standards for what is being  
9 proposed.

10          c. Awareness of potential consequences and  
11 alternatives.

12          d. Assumption that agreement or disagreement will be  
13 accepted equally.

14          e. Voluntary decision.

15          f. Mental competence.

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

23          ~~(2)(3)~~ Following a delinquency adjudicatory hearing  
24 under s. 985.35 ~~985.228~~, the court may on its own or upon  
25 request by the state or the department and subject to specific  
26 appropriation, determine whether a juvenile sexual offender  
27 placement is required for the protection of the public and  
28 what would be the best approach to address the treatment needs  
29 of the juvenile sexual offender. When the court determines  
30 that a juvenile has no history of a recent comprehensive  
31 assessment focused on sexually deviant behavior, the court

1 | may, subject to specific appropriation, order the department  
2 | to conduct or arrange for an examination to determine whether  
3 | the juvenile sexual offender is amenable to community-based  
4 | treatment.

5 |         (a) The report of the examination shall include, at a  
6 | minimum, the following:

7 |             1. The juvenile sexual offender's account of the  
8 | incident and the official report of the investigation.

9 |             2. The juvenile sexual offender's offense history.

10 |            3. A multidisciplinary assessment of the sexually  
11 | deviant behaviors, including an assessment by a certified  
12 | psychologist, therapist, or psychiatrist.

13 |            4. An assessment of the juvenile sexual offender's  
14 | family, social, educational, and employment situation. The  
15 | report shall set forth the sources of the evaluator's  
16 | information.

17 |         (b) The report shall assess the juvenile sexual  
18 | offender's amenability to treatment and relative risk to the  
19 | victim and the community.

20 |         (c) The department shall provide a proposed plan to  
21 | the court that shall include, at a minimum:

22 |             1. The frequency and type of contact between the  
23 | offender and therapist.

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

26 |             3. Monitoring plans, including any requirements  
27 | regarding living conditions, school attendance and  
28 | participation, lifestyle, and monitoring by family members,  
29 | legal guardians, or others.

30 |             4. Anticipated length of treatment.

31 |             5. Recommended crime-related prohibitions and curfew.

1           6. Reasonable restrictions on the contact between the  
2 juvenile sexual offender and either the victim or alleged  
3 victim.

4           (d) After receipt of the report on the proposed plan  
5 of treatment, the court shall consider whether the community  
6 and the offender will benefit from use of juvenile sexual  
7 offender community-based treatment alternative disposition and  
8 consider the opinion of the victim or the victim's family as  
9 to whether the offender should receive a community-based  
10 treatment alternative disposition under this subsection.

11           (e) If the court determines that this juvenile sexual  
12 offender community-based treatment alternative is appropriate,  
13 the court may place the offender on community supervision for  
14 up to 3 years. As a condition of community treatment and  
15 supervision, the court may order the offender to:

16           1. Undergo available outpatient juvenile sexual  
17 offender treatment for up to 3 years. A program or provider  
18 may not be used for such treatment unless it has an  
19 appropriate program designed for sexual offender treatment.  
20 The department shall not change the treatment provider without  
21 first notifying the state attorney's office.

22           2. Remain within described geographical boundaries and  
23 notify the court or the department counselor prior to any  
24 change in the offender's address, educational program, or  
25 employment.

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

27           (f) The juvenile sexual offender treatment provider  
28 shall submit quarterly reports on the respondent's progress in  
29 treatment to the court and the parties to the proceedings. The  
30 juvenile sexual offender reports shall reference the treatment  
31 plan and include, at a minimum, the following:

- 1           1. Dates of attendance.
- 2           2. The juvenile sexual offender's compliance with the  
3 requirements of treatment.
- 4           3. A description of the treatment activities.
- 5           4. The sexual offender's relative progress in  
6 treatment.
- 7           5. The offender's family support of the treatment  
8 objectives.
- 9           6. Any other material specified by the court at the  
10 time of the disposition.
- 11           (g) At the disposition hearing, the court may set case  
12 review hearings as the court considers appropriate.
- 13           (h) If the juvenile sexual offender violates any  
14 condition of the disposition or the court finds that the  
15 juvenile sexual offender is failing to make satisfactory  
16 progress in treatment, the court may revoke the  
17 community-based treatment alternative and order commitment to  
18 the department under s. 985.441 ~~pursuant to subsection (1)~~.
- 19           (i) If the court determines that the juvenile sexual  
20 offender is not amenable to community-based treatment, the  
21 court shall proceed with a juvenile sexual offender  
22 disposition hearing under s. 985.441 ~~pursuant to subsection~~  
23 ~~(1)~~.
- 24           Section 58. Section 985.308, Florida Statutes, is  
25 renumbered as section 985.48, Florida Statutes.
- 26           Section 59. Subsection (7) of section 985.03, Florida  
27 Statutes, is amended and renumbered as subsection (1) of  
28 section 985.483, Florida Statutes, subsections (2), (4), and  
29 (5) of section 985.311, Florida Statutes, are amended and  
30 renumbered, respectively, as subsections (9), (11), and (12)  
31 of section 985.483, Florida Statutes, paragraphs (e) through



1 (i) and (k) of subsection (3) of section 985.311, Florida  
2 Statutes, are amended and renumbered, respectively, as  
3 subsections (2) through (6) and (7) of section 985.483,  
4 Florida Statutes, subsection (1) of section 985.311, Florida  
5 Statutes, is renumbered as subsection (8) of section 985.483,  
6 Florida Statutes, and paragraphs (a) through (d) and (j) of  
7 subsection (3) of section 985.311, Florida Statutes, are  
8 renumbered as paragraphs (a) through (d) and (e) of subsection  
9 (10) of section 985.483, Florida Statutes, and amended to  
10 read:

11 985.483 ~~985.311~~ Intensive residential treatment  
12 program for offenders less than 13 years of age.--

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

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

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

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

3           11. Armed burglary;

4           12. Aggravated battery;

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

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

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

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

17           ~~(2)(3)(e)~~ DETERMINATION.--After a child has been  
18 adjudicated delinquent under ~~pursuant to~~ s. ~~985.35~~ 985.228  
19 (5), the court shall determine whether the child is eligible  
20 for an intensive residential treatment program for offenders  
21 less than 13 years of age under subsection (1) ~~pursuant to s.~~  
22 ~~985.03(7)~~. If the court determines that the child does not  
23 meet the criteria, ss. 985.435, 985.437, 985.439, 985.441,  
24 985.445, 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~  
25 shall apply.

26           ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has  
27 been transferred for criminal prosecution, a circuit court  
28 judge may direct a juvenile probation officer to consult with  
29 designated staff from an appropriate intensive residential  
30 treatment program for offenders less than 13 years of age for  
31

1 the purpose of making recommendations to the court regarding  
2 the child's placement in such program.

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

10 ~~(5)(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the  
11 recommendations of the multidisciplinary assessment, the  
12 juvenile probation officer shall make the following  
13 recommendations to the court:

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

18 ~~(b)2-~~ For each child who has been transferred for  
19 criminal prosecution, the juvenile probation officer shall  
20 recommend whether the most appropriate placement for the child  
21 is a juvenile justice system program, including a child who is  
22 eligible for an intensive residential treatment program for  
23 offenders less than 13 years of age, or placement in the adult  
24 correctional system.

25  
26 If treatment provided by an intensive residential treatment  
27 program for offenders less than 13 years of age is determined  
28 to be appropriate and needed and placement is available, the  
29 juvenile probation officer and the court shall identify the  
30 appropriate intensive residential treatment program for  
31

1 offenders less than 13 years of age best suited to the needs  
2 of the child.

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

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

13 ~~(b)2-~~ If it is recommended that placement in an  
14 intensive residential treatment program for offenders less  
15 than 13 years of age is appropriate, the court may commit the  
16 child to the department for placement in the restrictiveness  
17 level designated for intensive residential treatment program  
18 for offenders less than 13 years of age.

19 ~~(7)(3)(k)~~ DURATION OF COMMITMENT.--Any commitment of a  
20 child to the department for placement in an intensive  
21 residential treatment program for offenders less than 13 years  
22 of age shall be for an indeterminate period of time, but the  
23 time shall not exceed the maximum term of imprisonment that  
24 ~~which~~ an adult may serve for the same offense. Any child who  
25 has not completed the residential portion of the intensive  
26 residential treatment program for offenders less than 13 years  
27 of age by his or her fourteenth birthday may be transferred to  
28 another program for committed delinquent offenders.

29 ~~(8)(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to  
30 ~~the provisions of~~ this chapter and the establishment of  
31 appropriate program guidelines and standards, contractual

1 instruments, which shall include safeguards of all  
2 constitutional rights, shall be developed for intensive  
3 residential treatment programs for offenders less than 13  
4 years of age as follows:

5 (a) The department shall provide for:

6 1. The oversight of implementation of assessment and  
7 treatment approaches.

8 2. The identification and prequalification of  
9 appropriate individuals or not-for-profit organizations,  
10 including minority individuals or organizations when possible,  
11 to provide assessment and treatment services to intensive  
12 offenders less than 13 years of age.

13 3. The monitoring and evaluation of assessment and  
14 treatment services for compliance with ~~the provisions of this~~  
15 chapter and all applicable rules and guidelines pursuant  
16 thereto.

17 4. The development of an annual report on the  
18 performance of assessment and treatment to be presented to the  
19 Governor, the Attorney General, the President of the Senate,  
20 the Speaker of the House of Representatives, the Auditor  
21 General, and the Office of Program Policy Analysis and  
22 Government Accountability no later than January 1 of each  
23 year.

24 (b) Assessment shall generally comprise the first 30  
25 days of treatment and be provided by the same provider as  
26 treatment, but assessment and treatment services may be  
27 provided by separate providers, where warranted. Providers  
28 shall be selected who have the capacity to assess and treat  
29 the unique problems presented by children with different  
30 racial and ethnic backgrounds. The department shall retain  
31

1 contractual authority to reject any assessment or treatment  
2 provider for lack of qualification.

3 ~~(9)(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR  
4 OFFENDERS UNDER AGE ~~LESS THAN 13 YEARS OF AGE~~.--

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

- 12 1. Diagnostic evaluation services.
- 13 2. Appropriate treatment modalities, including  
14 substance abuse intervention, mental health services, and  
15 sexual behavior dysfunction interventions and gang-related  
16 behavior interventions.
- 17 3. Life skills.
- 18 4. Values clarification.
- 19 5. Case management services.
- 20 6. Educational services, including special and  
21 remedial education.
- 22 7. Recreational and leisure time activities.
- 23 8. Community involvement opportunities commencing,  
24 where appropriate, with the direct and timely payment of  
25 restitution to the victim.
- 26 9. Intensive conditional release supervision.
- 27 10. Graduated reentry into the community.
- 28 11. A diversity of forms of individual and family  
29 treatment appropriate to and consistent with the child's  
30 needs.
- 31 12. Consistent and clear consequences for misconduct.

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

4 (c) The department shall involve local law enforcement  
5 agencies, the judiciary, school board personnel, the office of  
6 the state attorney, the office of the public defender, and  
7 community service agencies interested in or currently working  
8 with juveniles, in planning and developing this program.

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

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

19 ~~(10)(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT  
20 AND TREATMENT.--

21 (a) Assessment and treatment shall be conducted by  
22 treatment professionals with expertise in specific treatment  
23 procedures. These, ~~which~~ professionals shall exercise all  
24 professional judgment independently of the department.

25 (b) Treatment provided to children in designated  
26 facilities shall be suited to the assessed needs of each  
27 individual child and shall be administered safely and  
28 humanely, with respect for human dignity.

29 (c) The department may promulgate rules for the  
30 implementation and operation of programs and facilities for  
31 children who are eligible for an intensive residential

1 treatment program for offenders less than 13 years of age. The  
2 department must involve the following groups in the  
3 promulgation of rules for services for this population: local  
4 law enforcement agencies, the judiciary, school board  
5 personnel, the office of the state attorney, the office of the  
6 public defender, and community service agencies interested in  
7 or currently working with juveniles. When promulgating these  
8 rules, the department must consider program principles,  
9 components, standards, procedures for intake, diagnostic and  
10 assessment activities, treatment modalities, and case  
11 management.

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

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

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

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



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

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

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

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 child who is eligible for an intensive residential  
20 treatment program for offenders less than 13 years of age  
21 shall become a part of that child's permanent medical file.  
22 Upon transfer of the child to any other designated treatment  
23 facility, such file shall be transferred in an envelope marked  
24 confidential. The results of any test designed to identify the  
25 human immunodeficiency virus, or its antigen or antibody,  
26 shall be accessible only to persons authorized ~~designated~~ by  
27 rule of the department. The provisions of such rule shall be  
28 consistent with the guidelines established by the Centers for  
29 Disease Control and Prevention.

30 (f) A record of the assessment and treatment of each  
31 child who is eligible for an intensive residential treatment

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

12 (g) The assessment and treatment record shall not be a  
13 public record, and no part of it shall be released, except  
14 that:

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

17 2. The record shall be released to persons authorized  
18 by order of court, excluding matters privileged by other  
19 provisions of law.

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

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

31

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

7 1. The Social Security Administration and the United  
8 States Department of Veterans Affairs.

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

11 3. Personnel in any facility in which the child may be  
12 placed.

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

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

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

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

28 1. The department shall have full access to the  
29 assessment and treatment records to ensure coordination of  
30 services to the child.  
31

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

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

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

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

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

1           ~~(12)~~~~(5)~~ DESIGNATED TREATMENT FACILITIES.--  
2           (a) Designated facilities shall be sited and  
3 constructed by the department, directly or by contract,  
4 pursuant to departmental rules, to ensure that facility design  
5 is compatible with treatment. The department is authorized to  
6 contract for the construction of the facilities and may also  
7 lease facilities. The number of beds per facility shall not  
8 exceed 25. An assessment of need for additional facilities  
9 shall be conducted prior to the siting or construction of more  
10 than one facility in any judicial circuit.  
11           (b) Designated facilities for an intensive residential  
12 treatment program for offenders less than 13 years of age  
13 shall be separate and secure facilities established under the  
14 authority of the department for the treatment of such  
15 children.  
16           (c) Security for designated facilities for children  
17 who are eligible for an intensive residential treatment  
18 program for offenders less than 13 years of age shall be  
19 determined by the department. The department is authorized to  
20 contract for the provision of security.  
21           (d) With respect to the treatment of children who are  
22 eligible for an intensive residential treatment program for  
23 offenders less than 13 years of age under this section,  
24 designated facilities shall be immune from liability for civil  
25 damages except in instances when the failure to act in good  
26 faith results in serious injury or death, in which case  
27 liability shall be governed by s. 768.28.  
28           (e) Minimum standards and requirements for designated  
29 treatment facilities shall be contractually prescribed under  
30 ~~pursuant to subsection~~~~(8)~~~~(1)~~.  
31

1           Section 60. Section 985.312, Florida Statutes, is  
2 renumbered as section 985.486, Florida Statutes, and amended  
3 to read:

4           985.486 ~~985.312~~ Intensive residential treatment  
5 programs for offenders less than 13 years of age; prerequisite  
6 for commitment.--No child who is eligible for commitment to an  
7 intensive residential treatment program for offenders less  
8 than 13 years of age as established in s. 985.483(1)  
9 ~~985.03(7)~~, may be committed to any intensive residential  
10 treatment program for offenders less than 13 years of age as  
11 established in s. 985.483 ~~985.311~~, unless such program has  
12 been established by the department through existing resources  
13 or specific appropriation, for such program.

14           Section 61. Section 985.309, Florida Statutes, is  
15 renumbered as section 985.489, Florida Statutes, and  
16 subsection (6) of that section is amended to read:

17           985.489 ~~985.309~~ Boot camp for children.--

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

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

25           (b) A participant in a moderate-risk residential  
26 program must spend at least 4 months in the boot camp  
27 component of the program. Conditional release assessment and  
28 services shall be provided in accordance with s. 985.46  
29 ~~985.316~~.

30  
31

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

6 Section 62. Section 985.314, Florida Statutes, is  
7 renumbered as section 985.494, Florida Statutes, and amended  
8 to read:

9 985.494 ~~985.314~~ Commitment programs for juvenile  
10 felony offenders.--

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

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

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

24 (c) A maximum-risk residential program, if the child  
25 has participated in an early delinquency intervention program,  
26 has completed a boot camp program, and has completed a program  
27 for serious or habitual juvenile offenders or an intensive  
28 residential treatment program for offenders less than 13 years  
29 of age. The commitment of a child to a maximum-risk  
30 residential program must be for an indeterminate period, but  
31



1 may not exceed the maximum term of imprisonment that an adult  
2 may serve for the same offense.

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

7 Section 63. Section 985.511, Florida Statutes, is  
8 created to read:

9 985.511 Costs of representation.--The responsibilities  
10 of the parents or legal guardian of the child to pay costs  
11 associated with the representation of the child are prescribed  
12 under s. 985.033.

13 Section 64. Section 985.204, Florida Statutes, is  
14 renumbered as section 985.512, Florida Statutes.

15 Section 65. Paragraph (e) of subsection (1) of section  
16 985.231, Florida Statutes, is amended and renumbered as  
17 subsection (2) of section 985.513, Florida Statutes, which is  
18 created to read:

19 985.513 Powers of the court over parent or guardian at  
20 disposition.--

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

25 (a) Order the child's parent or guardian together with  
26 the child to render community service in a public service  
27 program or to participate in a community work project. In  
28 addition to the sanctions imposed on the child, the court may  
29 order the child's parent or guardian to perform community  
30 service if the court finds that the parent or guardian did not  
31

1 make a diligent and good faith effort to prevent the child  
2 from engaging in delinquent acts.

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

15 ~~(1)~~

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

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

31 985.514 Responsibility for cost of care; fees.--

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

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

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

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

21           985.534 ~~985.234~~ Appeal.--

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

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

29           (b) The state, which may appeal from:

30           1. An order dismissing a petition or any section  
31 thereof;

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

12  
13 In the case of an appeal by the state, the notice of appeal  
14 shall be filed by the appropriate state attorney or his or her  
15 authorized assistant under ~~pursuant to the provisions of s.~~  
16 27.18. Such an appeal shall embody all assignments of error in  
17 each preadjudicatory hearing order that the state seeks to  
18 have reviewed. The state shall pay all costs of the appeal  
19 except for the child's attorney's fee.

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

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

26           985.556 985.226 Waiver of juvenile court jurisdiction;  
27 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~  
28 ~~hearing on motion to transfer for prosecution as an adult.--~~

29           (1) VOLUNTARY WAIVER.--The court shall transfer and  
30 certify a child's criminal case for trial as an adult if the  
31 child is alleged to have committed a violation of law and,

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

11 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

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

18 (3) INVOLUNTARY MANDATORY WAIVER.--

19 ~~(b) Mandatory waiver.~~

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

29 ~~(b)2-~~ If the child was 14 years of age or older at the  
30 time of commission of a fourth or subsequent alleged felony  
31 offense and the child was previously adjudicated delinquent or

1 had adjudication withheld for or was found to have committed,  
2 or to have attempted or conspired to commit, three offenses  
3 that are felony offenses if committed by an adult, and one or  
4 more of such felony offenses involved the use or possession of  
5 a firearm or violence against a person;

6  
7 the state attorney shall request the court to transfer and  
8 certify the child for prosecution as an adult or shall provide  
9 written reasons to the court for not making such request, or  
10 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the  
11 state attorney's request, the court shall either enter an  
12 order transferring the case and certifying the case for trial  
13 as if the child were an adult or provide written reasons for  
14 not issuing such an order.

15 ~~(4)~~~~(3)~~ WAIVER HEARING.--

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

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

29 (c) The court shall conduct a hearing on all transfer  
30 request motions for the purpose of determining whether a child  
31

1 should be transferred. In making its determination, the court  
2 shall consider:

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

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

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

11 4. The probable cause as found in the report,  
12 affidavit, or complaint.

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

17 6. The sophistication and maturity of the child.

18 7. The record and previous history of the child,  
19 including:

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

24 b. Prior periods of probation;

25 c. Prior adjudications that the child committed a  
26 delinquent act or violation of law, greater weight being given  
27 if the child has previously been found by a court to have  
28 committed a delinquent act or violation of law involving an  
29 offense classified as a felony or has twice previously been  
30 found to have committed a delinquent act or violation of law  
31 involving an offense classified as a misdemeanor; and

1           d. Prior commitments to institutions.

2           8. The prospects for adequate protection of the public  
3 and the likelihood of reasonable rehabilitation of the child,  
4 if the child is found to have committed the alleged offense,  
5 by the use of procedures, services, and facilities currently  
6 available to the court.

7           (d) Prior to a hearing on the transfer request motion  
8 by the state attorney, a study and report to the court  
9 relevant to the factors in paragraph (c) must be made in  
10 writing by an authorized agent of the department. The child  
11 and the child's parents or legal guardians and counsel and the  
12 state attorney shall have the right to examine these reports  
13 and to question the parties responsible for them at the  
14 hearing.

15           (e) Any decision to transfer a child for criminal  
16 prosecution must be in writing and include consideration of,  
17 and findings of fact with respect to, all criteria in  
18 paragraph (c). The court shall render an order including a  
19 specific finding of fact and the reasons for a decision to  
20 impose adult sanctions. The order shall be reviewable on  
21 appeal under s. 985.534 ~~985.234~~ and the Florida Rules of  
22 Appellate Procedure.

23           ~~(5)(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

24           (a) Once a child has been transferred for criminal  
25 prosecution pursuant to an involuntary waiver hearing and has  
26 been found to have committed the presenting offense or a  
27 lesser included offense, the child shall thereafter be handled  
28 in every respect as an adult for any subsequent violation of  
29 state law, unless the court imposes juvenile sanctions under  
30 s. 985.565 ~~985.233~~.

31



1           (b) When a child is transferred for criminal  
2 prosecution as an adult, the court shall immediately transfer  
3 and certify to the adult circuit court all felony cases  
4 pertaining to the child, for prosecution of the child as an  
5 adult, which have not yet resulted in a plea of guilty or nolo  
6 contendere or in which a finding of guilt has not been made.  
7 If the child is acquitted of all charged offenses or lesser  
8 included offenses contained in the original case transferred  
9 to adult court, all felony cases that were transferred to  
10 adult court under ~~pursuant to~~ this paragraph shall be subject  
11 to the same penalties such cases were subject to before being  
12 transferred to adult court.

13           Section 70. Section 985.227, Florida Statutes, is  
14 renumbered as section 985.557, Florida Statutes, and amended  
15 to read:

16           985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by~~  
17 ~~the~~ Direct filing of an information ~~in the criminal division~~  
18 ~~of the circuit court;~~ discretionary and ~~criteria;~~ mandatory  
19 criteria.--

20           (1) DISCRETIONARY DIRECT FILE; ~~CRITERIA~~.--

21           (a) With respect to any child who was 14 or 15 years  
22 of age at the time the alleged offense was committed, the  
23 state attorney may file an information when in the state  
24 attorney's judgment and discretion the public interest  
25 requires that adult sanctions be considered or imposed and  
26 when the offense charged is for the commission of, attempt to  
27 commit, or conspiracy to commit:

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

- 1 5. Aggravated child abuse;
- 2 6. Aggravated assault;
- 3 7. Aggravated stalking;
- 4 8. Murder;
- 5 9. Manslaughter;
- 6 10. Unlawful throwing, placing, or discharging of a  
7 destructive device or bomb;
- 8 11. Armed burglary in violation of s. 810.02(2)(b) or  
9 specified burglary of a dwelling or structure in violation of  
10 s. 810.02(2)(c), or burglary with an assault or battery in  
11 violation of s. 810.02(2)(a);
- 12 12. Aggravated battery;
- 13 13. Any lewd or lascivious offense committed upon or  
14 in the presence of a person less than 16 years of age;
- 15 14. Carrying, displaying, using, threatening, or  
16 attempting to use a weapon or firearm during the commission of  
17 a felony;
- 18 15. Grand theft in violation of s. 812.014(2)(a);
- 19 16. Possessing or discharging any weapon or firearm on  
20 school property in violation of s. 790.115;
- 21 17. Home invasion robbery;
- 22 18. Carjacking; or
- 23 19. Grand theft of a motor vehicle in violation of s.  
24 812.014(2)(c)6. or grand theft of a motor vehicle valued at  
25 \$20,000 or more in violation of s. 812.014(2)(b) if the child  
26 has a previous adjudication for grand theft of a motor vehicle  
27 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 28 (b) With respect to any child who was 16 or 17 years  
29 of age at the time the alleged offense was committed, the  
30 state attorney may file an information when in the state  
31 attorney's judgment and discretion the public interest

1 requires that adult sanctions be considered or imposed.  
2 However, the state attorney may not file an information on a  
3 child charged with a misdemeanor, unless the child has had at  
4 least two previous adjudications or adjudications withheld for  
5 delinquent acts, one of which involved an offense classified  
6 as a felony under state law.

7 (2) MANDATORY DIRECT FILE.--

8 (a) With respect to any child who was 16 or 17 years  
9 of age at the time the alleged offense was committed, the  
10 state attorney shall file an information if the child has been  
11 previously adjudicated delinquent for an act classified as a  
12 felony, which adjudication was for the commission of, attempt  
13 to commit, or conspiracy to commit murder, sexual battery,  
14 armed or strong-armed robbery, carjacking, home-invasion  
15 robbery, aggravated battery, or aggravated assault, and the  
16 child is currently charged with a second or subsequent violent  
17 crime against a person.

18 (b) With respect to any child 16 or 17 years of age at  
19 the time an offense classified as a forcible felony, as  
20 defined in s. 776.08, was committed, the state attorney shall  
21 file an information if the child has previously been  
22 adjudicated delinquent or had adjudication withheld for three  
23 acts classified as felonies each of which occurred at least 45  
24 days apart from each other. This paragraph does not apply when  
25 the state attorney has good cause to believe that exceptional  
26 circumstances exist which preclude the just prosecution of the  
27 juvenile in adult court.

28 (c) The state attorney must file an information if a  
29 child, regardless of the child's age at the time the alleged  
30 offense was committed, is alleged to have committed an act  
31 that would be a violation of law if the child were an adult,

1 that involves stealing a motor vehicle, including, but not  
2 limited to, a violation of s. 812.133, relating to carjacking,  
3 or s. 812.014(2)(c)6., relating to grand theft of a motor  
4 vehicle, and while the child was in possession of the stolen  
5 motor vehicle the child caused serious bodily injury to or the  
6 death of a person who was not involved in the underlying  
7 offense. For purposes of this section, the driver and all  
8 willing passengers in the stolen motor vehicle at the time  
9 such serious bodily injury or death is inflicted shall also be  
10 subject to mandatory transfer to adult court. "Stolen motor  
11 vehicle," for the purposes of this section, means a motor  
12 vehicle that has been the subject of any criminal wrongful  
13 taking. For purposes of this section, "willing passengers"  
14 means all willing passengers who have participated in the  
15 underlying offense.

16 (d)1. With respect to any child who was 16 or 17 years  
17 of age at the time the alleged offense was committed, the  
18 state attorney shall file an information if the child has been  
19 charged with committing or attempting to commit an offense  
20 listed in s. 775.087(2)(a)1.a.-q., and, during the commission  
21 of or attempt to commit the offense, the child:

22 a. Actually possessed a firearm or destructive device,  
23 as those terms are defined in s. 790.001.

24 b. Discharged a firearm or destructive device, as  
25 described in s. 775.087(2)(a)2.

26 c. Discharged a firearm or destructive device, as  
27 described in s. 775.087(2)(a)3., and, as a result of the  
28 discharge, death or great bodily harm was inflicted upon any  
29 person.

30 2. Upon transfer, any child who is:  
31

1 a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and  
2 who has been previously adjudicated or had adjudication  
3 withheld for a forcible felony offense or any offense  
4 involving a firearm, or who has been previously placed in a  
5 residential commitment program, shall be subject to sentencing  
6 under s. 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

7 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or  
8 sub-subparagraph 1.c., shall be subject to sentencing under s.  
9 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

10 3. Upon transfer, any child who is charged under  
11 ~~pursuant to~~ this paragraph, but who does not meet the  
12 requirements specified in subparagraph 2., shall be sentenced  
13 under ~~pursuant to~~ s. 985.565 ~~985.233~~; however, if the court  
14 imposes a juvenile sanction, the court must commit the child  
15 to a high-risk or maximum-risk juvenile facility.

16 4. This paragraph shall not apply if the state  
17 attorney has good cause to believe that exceptional  
18 circumstances exist that ~~which~~ preclude the just prosecution  
19 of the child in adult court.

20 5. The Department of Corrections shall make every  
21 reasonable effort to ensure that any child 16 or 17 years of  
22 age who is convicted and sentenced under this paragraph be  
23 completely separated such that there is no physical contact  
24 with adult offenders in the facility, to the extent that it is  
25 consistent with chapter 958.

26 (3) EFFECT OF DIRECT FILE.--

27 (a) Once a child has been transferred for criminal  
28 prosecution pursuant to an information and has been found to  
29 have committed the presenting offense or a lesser included  
30 offense, the child shall be handled thereafter in every  
31 respect as if an adult for any subsequent violation of state

1 law, unless the court imposes juvenile sanctions under s.  
2 985.565 ~~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 a 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 as a result of this paragraph shall be subject to  
13 the same penalties to which such cases would have been subject  
14 before being transferred to adult court.

15 (c) When a child has been transferred for criminal  
16 prosecution as an adult and has been found to have committed a  
17 violation of state law, the disposition of the case may be  
18 made under s. 985.565 ~~985.233~~ and may include the enforcement  
19 of any restitution ordered in any juvenile proceeding.

20 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state  
21 attorney shall develop written policies and guidelines to  
22 govern determinations for filing an information on a juvenile,  
23 to be submitted to the Executive Office of the Governor, the  
24 President of the Senate, and the Speaker of the House of  
25 Representatives not later than January 1 of each year.

26 (5) An information filed pursuant to this section may  
27 include all charges that are based on the same act, criminal  
28 episode, or transaction as the primary offenses.

29 Section 71. Section 985.225, Florida Statutes, is  
30 renumbered as section 985.56, Florida Statutes, and amended to  
31 read:

1           985.56 ~~985.225~~ Indictment of a juvenile.--

2           (1) A child of any age who is charged with a violation  
3 of state law punishable by death or by life imprisonment is  
4 subject to the jurisdiction of the court as set forth in s.  
5 985.0301(2) ~~985.219(8)~~ unless and until an indictment on the  
6 charge is returned by the grand jury. When such indictment is  
7 returned, the petition for delinquency, if any, must be  
8 dismissed and the child must be tried and handled in every  
9 respect as an adult:

10           (a) On the offense punishable by death or by life  
11 imprisonment; and

12           (b) On all other felonies or misdemeanors charged in  
13 the indictment which are based on the same act or transaction  
14 as the offense punishable by death or by life imprisonment or  
15 on one or more acts or transactions connected with the offense  
16 punishable by death or by life imprisonment.

17           (2) An adjudicatory hearing may not be held until 21  
18 days after the child is taken into custody and charged with  
19 having committed an offense punishable by death or by life  
20 imprisonment, unless the state attorney advises the court in  
21 writing that he or she does not intend to present the case to  
22 the grand jury, or has presented the case to the grand jury  
23 and the grand jury has not returned an indictment. If the  
24 court receives such a notice from the state attorney, or if  
25 the grand jury fails to act within the 21-day period, the  
26 court may proceed as otherwise authorized under this part.

27           (3) If the child is found to have committed the  
28 offense punishable by death or by life imprisonment, the child  
29 shall be sentenced as an adult. If the juvenile is not found  
30 to have committed the indictable offense but is found to have  
31 committed a lesser included offense or any other offense for

1 | which he or she was indicted as a part of the criminal  
2 | episode, the court may sentence under ~~pursuant to~~ s. 985.565  
3 | ~~985.233~~.

4 |       (4)(a) Once a child has been indicted pursuant to this  
5 | section ~~subsection~~ and has been found to have committed any  
6 | offense for which he or she was indicted as a part of the  
7 | criminal episode, the child shall be handled thereafter in  
8 | every respect as if an adult for any subsequent violation of  
9 | state law, unless the court imposes juvenile sanctions under  
10 | s. 985.565 ~~985.233~~.

11 |       (b) When a child has been indicted pursuant to this  
12 | section, ~~subsection~~ the court shall immediately transfer and  
13 | certify to the adult circuit court all felony cases pertaining  
14 | to the child, for prosecution of the child as an adult, which  
15 | have not yet resulted in a plea of guilty or nolo contendere  
16 | or in which a finding of guilt has not been made. If the child  
17 | is acquitted of all charged offenses or lesser included  
18 | offenses contained in the indictment case, all felony cases  
19 | that were transferred to adult court pursuant to this  
20 | paragraph shall be subject to the same penalties such cases  
21 | were subject to before being transferred to adult court.

22 |       Section 72. Subsections (1) through (4) of section  
23 | 985.233, Florida Statutes, are renumbered, respectively, as  
24 | subsections (1) through (3) and paragraphs (c) and (d) of  
25 | subsection (4) of section 985.565, Florida Statutes, and  
26 | paragraphs (a), (b), (c), (e), and (f) of subsection (4) of  
27 | section 985.233, Florida Statutes, are amended and renumbered,  
28 | respectively, as paragraphs (a), (b), and (e) of subsection  
29 | (4) of section 985.565, Florida Statutes, to read:

30 |       985.565 ~~985.233~~ Sentencing powers; procedures;  
31 | alternatives for juveniles prosecuted as adults.--



1           (4) SENTENCING ALTERNATIVES.--  
2           (a) ~~Sentencing to~~ Adult sanctions.--  
3           1. Cases prosecuted on indictment.--If the child is  
4 found to have committed the offense punishable by death or  
5 life imprisonment, the child shall be sentenced as an adult.  
6 If the juvenile is not found to have committed the indictable  
7 offense but is found to have committed a lesser included  
8 offense or any other offense for which he or she was indicted  
9 as a part of the criminal episode, the court may sentence as  
10 follows:  
11           a. As an adult;  
12           b. Under ~~Pursuant to~~ chapter 958; or  
13           c. As a juvenile under ~~pursuant to~~ this section.  
14           2. Other cases.--If a child who has been transferred  
15 for criminal prosecution pursuant to information or waiver of  
16 juvenile court jurisdiction is found to have committed a  
17 violation of state law or a lesser included offense for which  
18 he or she was charged as a part of the criminal episode, the  
19 court may sentence as follows:  
20           a. As an adult;  
21           b. Under ~~Pursuant to~~ chapter 958; or  
22           c. As a juvenile under ~~pursuant to~~ this section.  
23           3. Notwithstanding any other provision to the  
24 contrary, if the state attorney is required to file a motion  
25 to transfer and certify the juvenile for prosecution as an  
26 adult under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that  
27 motion is granted, or if the state attorney is required to  
28 file an information under ~~pursuant to~~ s. 985.557 ~~985.227(2)(a)~~  
29 or (b), the court must impose adult sanctions.  
30           4. Any sentence imposing adult sanctions is presumed  
31 appropriate, and the court is not required to set forth

1 specific findings or enumerate the criteria in this subsection  
2 as any basis for its decision to impose adult sanctions.

3           5. When a child has been transferred for criminal  
4 prosecution as an adult and has been found to have committed a  
5 violation of state law, the disposition of the case may  
6 include the enforcement of any restitution ordered in any  
7 juvenile proceeding.

8           (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles  
9 transferred to adult court but who do not qualify for such  
10 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.  
11 985.557 ~~985.227(2)(a)~~ or (b), the court may impose juvenile  
12 sanctions under this paragraph. If juvenile sentences are  
13 imposed, the court shall, under ~~pursuant to~~ this paragraph,  
14 adjudge the child to have committed a delinquent act.  
15 Adjudication of delinquency shall not be deemed a conviction,  
16 nor shall it operate to impose any of the civil disabilities  
17 ordinarily resulting from a conviction. The court shall impose  
18 an adult sanction or a juvenile sanction and may not sentence  
19 the child to a combination of adult and juvenile punishments.  
20 An adult sanction or a juvenile sanction may include  
21 enforcement of an order of restitution or probation previously  
22 ordered in any juvenile proceeding. However, if the court  
23 imposes a juvenile sanction and the department determines that  
24 the sanction is unsuitable for the child, the department shall  
25 return custody of the child to the sentencing court for  
26 further proceedings, including the imposition of adult  
27 sanctions. Upon adjudicating a child delinquent under  
28 subsection (1), the court may:

29           1. Place the child in a probation program under the  
30 supervision of the department for an indeterminate period of  
31

1 time until the child reaches the age of 19 years or sooner if  
2 discharged by order of the court.

3 2. Commit the child to the department for treatment in  
4 an appropriate program for children for an indeterminate  
5 period of time until the child is 21 or sooner if discharged  
6 by the department. The department shall notify the court of  
7 its intent to discharge no later than 14 days prior to  
8 discharge. Failure of the court to timely respond to the  
9 department's notice shall be considered approval for  
10 discharge.

11 3. Order disposition under ss. 985.435, 985.437,  
12 985.439, 985.441, 985.445, 985.45, and 985.455 pursuant to s.  
13 985.231 as an alternative to youthful offender or adult  
14 sentencing if the court determines not to impose youthful  
15 offender or adult sanctions.

16 (c) ~~Imposition of~~ Adult sanctions upon failure of  
17 juvenile sanctions.--If a child proves not to be suitable to a  
18 commitment program, in a juvenile probation program, or  
19 treatment program under ~~the provisions of~~ paragraph (b), the  
20 department shall provide the sentencing court with a written  
21 report outlining the basis for its objections to the juvenile  
22 sanction and shall simultaneously provide a copy of the report  
23 to the state attorney and the defense counsel. The department  
24 shall schedule a hearing within 30 days. Upon hearing, the  
25 court may revoke the previous adjudication, impose an  
26 adjudication of guilt, and impose any sentence which it may  
27 lawfully impose, giving credit for all time spent by the child  
28 in the department. The court may also classify the child as a  
29 youthful offender under ~~pursuant to~~ s. 958.04, if appropriate.  
30 For purposes of this paragraph, a child may be found not  
31 suitable to a commitment program, community control program,

1 or treatment program under ~~the provisions of~~ paragraph (b) if  
2 the child commits a new violation of law while under juvenile  
3 sanctions, if the child commits any other violation of the  
4 conditions of juvenile sanctions, or if the child's actions  
5 are otherwise determined by the court to demonstrate a failure  
6 of juvenile sanctions.

7 ~~(d)(e)~~ Further proceedings heard in adult court.--When  
8 a child is sentenced to juvenile sanctions, further  
9 proceedings involving those sanctions shall continue to be  
10 heard in the adult court.

11 ~~(e)(f)~~ School attendance.--If the child is attending  
12 or is eligible to attend public school and the court finds  
13 that the victim or a sibling of the victim in the case is  
14 attending or may attend the same school as the child, the  
15 court placement order shall include a finding pursuant to the  
16 proceeding described in s. 985.455(2), regardless of whether  
17 adjudication is withheld ~~985.23(1)(d)~~.

18  
19 It is the intent of the Legislature that the criteria and  
20 guidelines in this subsection are mandatory and that a  
21 determination of disposition under this subsection is subject  
22 to the right of the child to appellate review under s. 985.534  
23 ~~985.234~~.

24 Section 73. Section 985.417, Florida Statutes, is  
25 renumbered as section 985.57, Florida Statutes.

26 Section 74. Subsections (1) through (3) and (6)  
27 through (11) of section 985.404, Florida Statutes, are  
28 renumbered as subsections (1) through (3) and (5) through (10)  
29 of section 985.601, Florida Statutes, and subsections (4),  
30 (5), and (9) of that section are amended to read:  
31

1           985.601 ~~985.404~~ Administering the juvenile justice  
2 continuum.--

3           ~~(4) The department may transfer a child, when~~  
4 ~~necessary to appropriately administer the child's commitment,~~  
5 ~~from one facility or program to another facility or program~~  
6 ~~operated, contracted, subcontracted, or designated by the~~  
7 ~~department, including a postcommitment nonresidential~~  
8 ~~conditional release program. The department shall notify the~~  
9 ~~court that committed the child to the department and any~~  
10 ~~attorney of record, in writing, of its intent to transfer the~~  
11 ~~child from a commitment facility or program to another~~  
12 ~~facility or program of a higher or lower restrictiveness~~  
13 ~~level. The court that committed the child may agree to the~~  
14 ~~transfer or may set a hearing to review the transfer. If the~~  
15 ~~court does not respond within 10 days after receipt of the~~  
16 ~~notice, the transfer of the child shall be deemed granted.~~

17           ~~(4)(5)~~ The department shall maintain continuing  
18 cooperation with the Department of Education, the Department  
19 of Children and Family Services, the Agency for Workforce  
20 Innovation ~~Department of Labor and Employment Security~~, and  
21 the Department of Corrections for the purpose of participating  
22 in agreements with respect to dropout prevention and the  
23 reduction of suspensions, expulsions, and truancy; increased  
24 access to and participation in GED, vocational, and  
25 alternative education programs; and employment training and  
26 placement assistance. The cooperative agreements between the  
27 departments shall include an interdepartmental plan to  
28 cooperate in accomplishing the reduction of inappropriate  
29 transfers of children into the adult criminal justice and  
30 correctional systems.

31

1           ~~(8)(9)~~ The department shall ensure that personnel  
2 responsible for the care, supervision, and individualized  
3 treatment of children are appropriately apprised of the  
4 requirements of this chapter ~~part~~ and trained in the  
5 specialized areas required to comply with standards  
6 established by rule.

7           Section 75. Section 985.4043, Florida Statutes, is  
8 renumbered as section 985.6015, Florida Statutes, and  
9 subsection (1) of that section is amended to read:

10           985.6015 ~~985.4043~~ Shared County/State Juvenile  
11 Detention Trust Fund.--

12           (1) The Shared County/State Juvenile Detention Trust  
13 Fund is created within the department ~~of Juvenile Justice~~.

14           Section 76. Section 985.3045, Florida Statutes, is  
15 renumbered as section 985.605, Florida Statutes, and  
16 subsections (2) and (3) of that section are amended to read:

17           985.605 ~~985.3045~~ Prevention service program;  
18 monitoring; ~~report~~; uniform performance measures.--

19           ~~(2) No later than January 31, 2001, the prevention~~  
20 ~~service program shall submit a report to the Governor, the~~  
21 ~~Speaker of the House, and the President of the Senate~~  
22 ~~concerning the implementation of a statewide multiagency plan~~  
23 ~~to coordinate the efforts of all state funded programs,~~  
24 ~~grants, appropriations, or activities that are designed to~~  
25 ~~prevent juvenile crime, delinquency, gang membership, or~~  
26 ~~status offense behaviors and all state funded programs,~~  
27 ~~grants, appropriations, or activities that are designed to~~  
28 ~~prevent a child from becoming a "child in need of services,"~~  
29 ~~as defined in chapter 984. The report shall include a proposal~~  
30 ~~for a statewide coordinated multiagency juvenile delinquency~~  
31 ~~prevention policy. In preparing the report, the department~~

1 ~~shall coordinate with and receive input from each state agency~~  
2 ~~or entity that receives or uses state appropriations to fund~~  
3 ~~programs, grants, appropriations, or activities that are~~  
4 ~~designed to prevent juvenile crime, delinquency, gang~~  
5 ~~membership, status offense, or that are designed to prevent a~~  
6 ~~child from becoming a "child in need of services," as defined~~  
7 ~~in chapter 984. The report shall identify whether legislation~~  
8 ~~will be needed to effect a statewide plan to coordinate the~~  
9 ~~efforts of all state funded programs, grants, appropriations,~~  
10 ~~or activities that are designed to prevent juvenile crime,~~  
11 ~~delinquency, gang membership, or status offense behaviors and~~  
12 ~~all state funded programs, grants, appropriations, or~~  
13 ~~activities that are designed to prevent a child from becoming~~  
14 ~~a "child in need of services," as defined in chapter 984. The~~  
15 ~~report shall consider the potential impact of requiring such~~  
16 ~~state funded efforts to target at least one of the following~~  
17 ~~strategies designed to prevent youth from entering or~~  
18 ~~reentering the juvenile justice system and track the~~  
19 ~~associated outcome data:~~

20       ~~(a) Encouraging youth to attend school, which may~~  
21 ~~include special assistance and tutoring to address~~  
22 ~~deficiencies in academic performance; outcome data to reveal~~  
23 ~~the number of days youth attended school while participating~~  
24 ~~in the program.~~

25       ~~(b) Engaging youth in productive and wholesome~~  
26 ~~activities during nonschool hours that build positive~~  
27 ~~character or instill positive values, or that enhance~~  
28 ~~educational experiences; outcome data to reveal the number of~~  
29 ~~youth who are arrested during nonschool hours while~~  
30 ~~participating in the program.~~

31

1           ~~(c) Encouraging youth to avoid the use of violence;~~  
2 ~~outcome data to reveal the number of youth who are arrested~~  
3 ~~for crimes involving violence while participating in the~~  
4 ~~program.~~

5           ~~(d) Assisting youth to acquire skills needed to find~~  
6 ~~meaningful employment, which may include assistance in finding~~  
7 ~~a suitable employer for the youth; outcome data to reveal the~~  
8 ~~number of youth who obtain and maintain employment for at~~  
9 ~~least 180 days.~~

10  
11 ~~The department is encouraged to identify additional strategies~~  
12 ~~which may be relevant to preventing youth from becoming~~  
13 ~~children in need of services and to preventing juvenile crime,~~  
14 ~~delinquency, gang membership and status offense behaviors. The~~  
15 ~~report shall consider the feasibility of developing uniform~~  
16 ~~performance measures and methodology for collecting such~~  
17 ~~outcome data to be utilized by all state funded programs,~~  
18 ~~grants, appropriations, or activities that are designed to~~  
19 ~~prevent juvenile crime, delinquency, gang membership, or~~  
20 ~~status offense behaviors and all state funded programs,~~  
21 ~~grants, appropriations, or activities that are designed to~~  
22 ~~prevent a child from becoming a "child in need of services,"~~  
23 ~~as defined in chapter 984. The prevention service program is~~  
24 ~~encouraged to identify other issues that may be of critical~~  
25 ~~importance to preventing a child from becoming a child in need~~  
26 ~~of services, as defined in chapter 984, or to preventing~~  
27 ~~juvenile crime, delinquency, gang membership, or status~~  
28 ~~offense behaviors.~~

29           ~~(2)(3)~~ The department shall expend funds related to  
30 the prevention of juvenile delinquency in a manner consistent  
31 with the policies expressed in ss. 984.02 and 985.02. The



1 department shall expend said funds in a manner that maximizes  
2 public accountability and ensures the documentation of  
3 outcomes.

4 (a) All entities that receive or use state moneys to  
5 fund juvenile delinquency prevention services through  
6 contracts or grants with the department shall design the  
7 programs providing such services to further one or more of the  
8 following strategies: ~~specified in paragraphs (2)(a)-(d).~~

9 1. Encouraging youth to attend school, which may  
10 include special assistance and tutoring to address  
11 deficiencies in academic performance and collecting outcome  
12 data to reveal the number of days youth attended school while  
13 participating in the program.

14 2. Engaging youth in productive and wholesome  
15 activities during nonschool hours that build positive  
16 character, instill positive values, or enhance educational  
17 experiences and collecting outcome data to reveal the number  
18 of youths who are arrested during nonschool hours while  
19 participating in the program.

20 3. Encouraging youth to avoid the use of violence and  
21 collecting outcome data to reveal the number of youths who are  
22 arrested for crimes involving violence while participating in  
23 the program.

24 4. Assisting youth to acquire skills needed to find  
25 meaningful employment, which may include assistance in finding  
26 a suitable employer for the youth and collecting outcome data  
27 to reveal the number of youths who obtain and maintain  
28 employment for at least 180 days.

29 (b) The department shall develop an outcome measure  
30 for each program strategy specified in paragraph (a)  
31

1 ~~paragraphs (2)(a)-(d)~~ that logically relates to the risk  
2 factor addressed by the strategy.

3 (c) All entities that receive or use state moneys to  
4 fund the juvenile delinquency prevention services through  
5 contracts or grants with the department shall, as a condition  
6 of receipt of state funds, provide the department with  
7 personal demographic information concerning all participants  
8 in the service sufficient to allow the department to verify  
9 criminal or delinquent history information, school attendance  
10 or academic information, employment information, or other  
11 requested performance information.

12 Section 77. Section 985.3046, Florida Statutes, is  
13 renumbered as section 985.606, Florida Statutes, and amended  
14 to read:

15 985.606 ~~985.3046~~ ~~Agencies and entities providing~~  
16 Prevention services providers; ~~collection of performance data~~  
17 collection; reporting ~~requirements~~.--Each state agency or  
18 entity that receives or uses state appropriations to fund  
19 programs, grants, appropriations, or activities that are  
20 designed to prevent juvenile crime, delinquency, gang  
21 membership, status offense, or that are designed to prevent a  
22 child from becoming a "child in need of services," as defined  
23 in chapter 984, shall collect data relative to the performance  
24 of such activities and shall provide said data to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House no later than January 31st of each year for the  
27 preceding fiscal year, ~~beginning in 2002. Further, each state~~  
28 ~~agency or entity that receives or uses state appropriations to~~  
29 ~~fund programs, grants, appropriations, or activities that are~~  
30 ~~designed to prevent juvenile crime, delinquency, gang~~  
31 ~~membership, status offense, or that are designed to prevent a~~

1 ~~child from becoming a "child in need of services," as defined~~  
2 ~~in chapter 984, shall cooperate with the Department of~~  
3 ~~Juvenile Justice with regard to the report described in s.~~  
4 ~~985.3045(2).~~

5 Section 78. Section 985.305, Florida Statutes, is  
6 renumbered as section 985.61, Florida Statutes.

7 Section 79. Section 985.2066, Florida Statutes, is  
8 renumbered as section 985.614, Florida Statutes, and amended  
9 to read:

10 985.614 ~~985.2066~~ Children locked out of the home;  
11 interagency cooperation.--The department ~~of Juvenile Justice~~  
12 and the Department of Children and Family Services shall  
13 encourage interagency cooperation within each circuit and  
14 shall develop comprehensive agreements between the staff and  
15 providers for each department in order to coordinate the  
16 services provided to children who are locked out of the home  
17 and the families of those children.

18 Section 80. Section 985.315, Florida Statutes, is  
19 renumbered as section 985.618, Florida Statutes, and paragraph  
20 (b) of subsection (4) of that section is amended to read:

21 985.618 ~~985.315~~ Educational and career-related  
22 programs.--

23 (4)

24 (b) Evaluations of juvenile educational and  
25 career-related programs shall be conducted according to the  
26 following guidelines:

27 1. Systematic evaluations and quality assurance  
28 monitoring shall be implemented, in accordance with s. 985.632  
29 ~~985.412~~(1), (2), and (5), to determine whether the programs  
30 are related to successful postrelease adjustments.

31

1           2. Operations and policies of the programs shall be  
2 reevaluated to determine if they are consistent with their  
3 primary objectives.

4           Section 81. Section 985.3155, Florida Statutes, is  
5 renumbered as section 985.622, Florida Statutes.

6           Section 82. Section 985.317, Florida Statutes, is  
7 renumbered as section 985.625, Florida Statutes, and  
8 subsection (3) of that section is amended to read:

9           985.625 ~~985.317~~ Literacy programs for juvenile  
10 offenders.--

11           (3) INITIAL ASSESSMENT.--When an offender is admitted  
12 to a residential commitment facility, the department or a  
13 provider under contract with the department shall immediately  
14 assess whether the offender has achieved a sixth-grade or  
15 higher reading and writing level. An assessment may be  
16 conducted at a juvenile assessment center as provided in s.  
17 985.135 ~~985.209~~ as a part of the intake process. If the  
18 department or a provider determines that an offender has not  
19 achieved a sixth-grade or higher reading and writing level,  
20 the offender shall participate in a program if the offender  
21 meets the criteria for participation.

22           Section 83. Section 985.419, Florida Statutes, is  
23 renumbered as section 985.629, Florida Statutes.

24           Section 84. Section 985.412, Florida Statutes, is  
25 renumbered as section 985.632, Florida Statutes.

26           Section 85. Section 985.42, Florida Statutes, is  
27 renumbered as section 985.636, Florida Statutes.

28           Section 86. Section 985.405, Florida Statutes, is  
29 renumbered as section 985.64, Florida Statutes, and that  
30 section is amended to read:

31

1           985.64 ~~985.405~~ Rulemaking Rules for  
2 ~~implementation.~~--The department of ~~Juvenile Justice~~ shall  
3 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
4 the provisions of this chapter. Such rules may not conflict  
5 with the Florida Rules of Juvenile Procedure. All rules and  
6 policies must conform to accepted standards of care and  
7 treatment.

8           Section 87. Subsection (2) of section 985.01, Florida  
9 Statutes, is renumbered as subsection (1) of section 985.644,  
10 Florida Statutes, and subsections (1) through (5) of section  
11 985.407, Florida Statutes, are renumbered as subsections (2)  
12 through (6) of section 985.644, Florida Statutes.

13           Section 88. Section 985.408, Florida Statutes, is  
14 renumbered as section 985.648, Florida Statutes, and amended  
15 to read:

16           985.648 ~~985.408~~ Consultants.--The department may hire  
17 consultants to advise and confer with the judges of the  
18 circuit courts upon request of any such court and for the  
19 purpose of advising the department on programs, facilities,  
20 institutions, care, supervision, and all other services and  
21 treatment for children committed to the department's care  
22 ~~under pursuant to this chapter part.~~

23           Section 89. Section 985.409, Florida Statutes, is  
24 renumbered as section 985.652, Florida Statutes.

25           Section 90. Section 985.406, Florida Statutes, is  
26 renumbered as section 985.66, Florida Statutes, and paragraph  
27 (a) of subsection (3) of that section is amended to read:

28           985.66 ~~985.406~~ Juvenile justice training academies  
29 ~~established~~; Juvenile Justice Standards and Training  
30 Commission ~~created~~; Juvenile Justice Training Trust Fund  
31 ~~created.~~--

1           (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission  
2 shall establish a certifiable program for juvenile justice  
3 training pursuant to this section, and all department ~~of~~  
4 ~~Juvenile Justice~~ program staff and providers who deliver  
5 direct care services pursuant to contract with the department  
6 shall be required to participate in and successfully complete  
7 the commission-approved program of training pertinent to their  
8 areas of responsibility. Judges, state attorneys, and public  
9 defenders, law enforcement officers, and school district  
10 personnel may participate in such training program. For the  
11 juvenile justice program staff, the commission shall, based on  
12 a job-task analysis:

13           (a) Design, implement, maintain, evaluate, and revise  
14 a basic training program, including a competency-based  
15 examination, for the purpose of providing minimum employment  
16 training qualifications for all juvenile justice personnel.  
17 All program staff of the department ~~of Juvenile Justice~~ and  
18 providers who deliver direct-care services who are hired after  
19 October 1, 1999, must meet the following minimum requirements:

- 20           1. Be at least 19 years of age.
- 21           2. Be a high school graduate or its equivalent as  
22 determined by the commission.
- 23           3. Not have been convicted of any felony or a  
24 misdemeanor involving perjury or a false statement, or have  
25 received a dishonorable discharge from any of the Armed Forces  
26 of the United States. Any person who, after September 30,  
27 1999, pleads guilty or nolo contendere to or is found guilty  
28 of any felony or a misdemeanor involving perjury or false  
29 statement is not eligible for employment, notwithstanding  
30 suspension of sentence or withholding of adjudication.  
31 Notwithstanding this subparagraph, any person who pled ~~pleads~~

1 nolo contendere to a misdemeanor involving a false statement  
2 before October 1, 1999, and who has had such record of that  
3 plea sealed or expunged is not ineligible for employment for  
4 that reason.

5 4. Abide by all the provisions of s. 985.644(1)  
6 ~~985.01(2)~~ regarding fingerprinting and background  
7 investigations and other screening requirements for personnel.

8 5. Execute and submit to the department an  
9 affidavit-of-application form, adopted by the department,  
10 attesting to his or her compliance with subparagraphs 1.-4.  
11 The affidavit must be executed under oath and constitutes an  
12 official statement under s. 837.06. The affidavit must include  
13 conspicuous language that the intentional false execution of  
14 the affidavit constitutes a misdemeanor of the second degree.  
15 The employing agency shall retain the affidavit.

16 Section 91. Section 985.4135, Florida Statutes, is  
17 renumbered as section 985.664, Florida Statutes, and  
18 subsection (5) of that section is amended to read:

19 985.664 ~~985.4135~~ Juvenile justice circuit boards and  
20 juvenile justice county councils.--

21 (5) Juvenile justice circuit boards and county  
22 councils shall advise and assist the department in the  
23 evaluation and award of prevention and early intervention  
24 grant programs, including the Community Juvenile Justice  
25 Partnership Grant program established in s. 985.676 ~~985.415~~  
26 and proceeds from the Invest in Children license plate annual  
27 use fees.

28 Section 92. Sections 985.416 and 985.4145, Florida  
29 Statutes, are renumbered, respectively, as sections 985.668  
30 and 985.672, Florida Statutes.

31

1           Section 93. Section 985.415, Florida Statutes, is  
2 renumbered as section 985.676, Florida Statutes, and paragraph  
3 (a) of subsection (1) and paragraphs (a) and (e) of subsection  
4 (2) of that section are amended to read:

5           985.676 ~~985.415~~ Community juvenile justice partnership  
6 grants.--

7           (1) GRANTS; CRITERIA.--

8           (a) In order to encourage the development of county  
9 and circuit juvenile justice plans and the development and  
10 implementation of county and circuit interagency agreements  
11 under ~~pursuant to~~ s. 985.664 ~~985.4135~~, the community juvenile  
12 justice partnership grant program is established, and shall be  
13 administered by the department ~~of Juvenile Justice~~.

14           (2) GRANT APPLICATION PROCEDURES.--

15           (a) Each entity wishing to apply for an annual  
16 community juvenile justice partnership grant, which may be  
17 renewed for a maximum of 2 additional years for the same  
18 provision of services, shall submit a grant proposal for  
19 funding or continued funding to the department. The department  
20 shall establish the grant application procedures. In order to  
21 be considered for funding, the grant proposal shall include  
22 the following assurances and information:

23           1. A letter from the chair of the juvenile justice  
24 circuit board confirming that the grant application has been  
25 reviewed and found to support one or more purposes or goals of  
26 the juvenile justice plan as developed by the board.

27           2. A rationale and description of the program and the  
28 services to be provided, including goals and objectives.

29           3. A method for identification of the juveniles most  
30 likely to be involved in the juvenile justice system who will  
31 be the focus of the program.



1           4. Provisions for the participation of parents and  
2 guardians in the program.

3           5. Coordination with other community-based and social  
4 service prevention efforts, including, but not limited to,  
5 drug and alcohol abuse prevention and dropout prevention  
6 programs, that serve the target population or neighborhood.

7           6. An evaluation component to measure the  
8 effectiveness of the program in accordance with ~~the provisions~~  
9 ~~of s. 985.632 ~~985.412~~.~~

10           7. A program budget, including the amount and sources  
11 of local cash and in-kind resources committed to the budget.  
12 The proposal must establish to the satisfaction of the  
13 department that the entity will make a cash or in-kind  
14 contribution to the program of a value that is at least equal  
15 to 20 percent of the amount of the grant.

16           8. The necessary program staff.

17           (e) Each entity that is awarded a grant as provided  
18 for in this section shall submit an annual evaluation report  
19 to the department, the circuit juvenile justice manager, the  
20 juvenile justice circuit board, and the juvenile justice  
21 county council, by a date subsequent to the end of the  
22 contract period established by the department, documenting the  
23 extent to which the program objectives have been met, the  
24 effect of the program on the juvenile arrest rate, and any  
25 other information required by the department. The department  
26 shall coordinate and incorporate all such annual evaluation  
27 reports with ~~the provisions of s. 985.632 ~~985.412~~~~. Each entity  
28 is also subject to a financial audit and a performance audit.

29           Section 94. Section 985.41, Florida Statutes, is  
30 renumbered as section 985.682, Florida Statutes, and  
31 subsection (1) of that section is amended to read:

1           985.682 ~~985.41~~ Siting of facilities; study;  
2 criteria.--

3           (1) The department is directed to conduct or contract  
4 for a statewide comprehensive study to determine current and  
5 future needs for all types of facilities for children  
6 committed to the custody, care, or supervision of the  
7 department under ~~pursuant to~~ this chapter ~~part~~.

8           Section 95. Section 985.2155, Florida Statutes, is  
9 renumbered as section 985.686, Florida Statutes.

10           Section 96. Section 985.411, Florida Statutes, is  
11 renumbered as section 985.688, Florida Statutes, and paragraph  
12 (b) of subsection (10) of that section is amended to read:

13           985.688 ~~985.411~~ Administering county and municipal  
14 delinquency programs and facilities.--

15           (10)

16           (b) The department may institute proceedings against a  
17 county or municipality to terminate the operation of a  
18 facility when any of the following conditions exist:

19           1. The facility fails to take preventive or corrective  
20 measures in accordance with any order of the department.

21           2. The facility fails to abide by any final order of  
22 the department once it has become effective and binding.

23           3. The facility commits any violation of this section  
24 constituting an emergency requiring immediate action as  
25 provided in this chapter.

26           4. The facility has willfully and knowingly refused to  
27 comply with the screening requirement for personnel under  
28 ~~pursuant to~~ s. 985.644(1) ~~985.01~~ or has refused to dismiss  
29 personnel found to be in noncompliance with the requirements  
30 for good moral character.

31

1           Section 97. Sections 985.4075, 985.4041, and 985.4042,  
2 Florida Statutes, are renumbered, respectively, as sections  
3 985.69, 985.692, and 985.694, Florida Statutes.

4           Section 98. Sections 985.4045 and 985.4046, Florida  
5 Statutes, are renumbered, respectively, as sections 985.701  
6 and 985.711, Florida Statutes.

7           Section 99. Section 985.3141, Florida Statutes, is  
8 renumbered as section 985.721, Florida Statutes, and  
9 subsection (2) of that section is amended to read:

10           985.721 ~~985.3141~~ Escapes from secure detention or  
11 residential commitment facility.--An escape from:

12           (2) Any residential commitment facility described in  
13 s. 985.03(~~44~~)(~~46~~), maintained for the custody, treatment,  
14 punishment, or rehabilitation of children found to have  
15 committed delinquent acts or violations of law; or  
16  
17 constitutes escape within the intent and meaning of s. 944.40  
18 and is a felony of the third degree, punishable as provided in  
19 s. 775.082, s. 775.083, or s. 775.084.

20           Section 100. Section 985.2065, Florida Statutes, is  
21 renumbered as section 985.731, Florida Statutes, and paragraph  
22 (a) of subsection (1) of that section is amended to read:

23           985.731 ~~985.2065~~ Sheltering unmarried minors; aiding  
24 unmarried minor runaways; violations.--

25           (1)(a) A person who is not an authorized agent of the  
26 department ~~of Juvenile Justice~~ or the Department of Children  
27 and Family Services may not knowingly shelter an unmarried  
28 minor for more than 24 hours without the consent of the  
29 minor's parent or guardian or without notifying a law  
30 enforcement officer of the minor's name and the fact that the  
31 minor is being provided shelter.

1           Section 101. Sections 985.501, 985.502, 985.503,  
2 985.504, 985.505, 985.506, and 985.507, Florida Statutes, are  
3 renumbered, respectively, as sections 985.801, 985.802,  
4 985.803, 985.804, 985.805, 985.806, and 985.807, Florida  
5 Statutes.

6           Section 102. Section 985.5025, Florida Statutes, is  
7 renumbered as section 985.8025, Florida Statutes, and  
8 subsection (1) of that section is amended to read:

9           985.8025 ~~985.5025~~ State Council for Interstate  
10 Juvenile Offender Supervision.--

11           (1) Pursuant to Article IX of the Interstate Compact  
12 for Juveniles in s. 985.802 ~~985.502~~, the State Council for  
13 Interstate Juvenile Offender Supervision is created. The  
14 purpose of the council is to oversee state participation in  
15 the activities of the Interstate Commission for Juveniles.

16           Section 103. Subsection (6) of section 985.215,  
17 Florida Statutes, paragraphs (b), (c), (f), and (i) of  
18 subsection (1) and subsection (2) of section 985.231, Florida  
19 Statutes, and paragraph (d) of subsection (4) of section  
20 985.233, Florida Statutes, are repealed.

21           Section 104. Subsection (11) of section 29.004,  
22 Florida Statutes, is amended to read:

23           29.004 State courts system.--For purposes of  
24 implementing s. 14, Art. V of the State Constitution, the  
25 elements of the state courts system to be provided from state  
26 revenues appropriated by general law are as follows:

27           (11) Mediation and arbitration, limited to trial court  
28 referral of a pending judicial case to a mediator or a  
29 court-related mediation program, or to an arbitrator or a  
30 court-related arbitration program, for the limited purpose of  
31 encouraging and assisting the litigants in partially or

1 completely settling the case prior to adjudication on the  
2 merits by the court. This does not include citizen dispute  
3 settlement centers under s. 44.201 and community arbitration  
4 programs under s. 985.16 ~~985.304~~.

5 Section 105. Paragraph (b) of subsection (3) of  
6 section 29.008, Florida Statutes, is amended to read:

7 29.008 County funding of court-related functions.--

8 (3) The following shall be considered a local  
9 requirement pursuant to subparagraph (2)(a)1.:

10 (b) Alternative sanctions coordinators pursuant to ss.  
11 984.09 and 985.037 ~~985.216~~.

12 Section 106. Subsection (17) of section 253.025,  
13 Florida Statutes, is amended to read:

14 253.025 Acquisition of state lands for purposes other  
15 than preservation, conservation, and recreation.--

16 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of  
17 Juvenile Justice is responsible for obtaining appraisals and  
18 entering into option agreements and agreements for the  
19 purchase of state juvenile justice facility sites. An option  
20 agreement or agreement for purchase is not binding upon the  
21 state until it is approved by the Board of Trustees of the  
22 Internal Improvement Trust Fund. The provisions of paragraphs  
23 (6)(b), (c), and (d) and (7)(b), (c), and (d) apply to all  
24 appraisals, offers, and counteroffers of the Department of  
25 Juvenile Justice for state juvenile justice facility sites.

26 Section 107. Subsection (1) of section 318.21, Florida  
27 Statutes, is amended to read:

28 318.21 Disposition of civil penalties by county  
29 courts.--All civil penalties received by a county court  
30 pursuant to the provisions of this chapter shall be  
31 distributed and paid monthly as follows:

1 (1) One dollar from every civil penalty shall be  
2 remitted to the Department of Revenue for deposit into the  
3 Child Welfare Training Trust Fund for child welfare training  
4 purposes pursuant to s. 402.40. One dollar from every civil  
5 penalty shall be remitted to the Department of Revenue for  
6 deposit into the Juvenile Justice Training Trust Fund for  
7 juvenile justice purposes pursuant to s. 985.66 ~~985.406~~.

8 Section 108. Subsection (3) of section 397.334,  
9 Florida Statutes, is amended to read:

10 397.334 Treatment-based drug court programs.--

11 (3) Treatment-based drug court programs may include  
12 pretrial intervention programs as provided in ss. 948.08,  
13 948.16, and 985.345 ~~985.306~~.

14 Section 109. Subsection (3) of section 400.953,  
15 Florida Statutes, is amended to read:

16 400.953 Background screening of home medical equipment  
17 provider personnel.--The agency shall require employment  
18 screening as provided in chapter 435, using the level 1  
19 standards for screening set forth in that chapter, for home  
20 medical equipment provider personnel.

21 (3) Proof of compliance with the screening  
22 requirements of s. 110.1127, s. 393.0655, s. 394.4572, s.  
23 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s.  
24 985.644 ~~985.407~~ or this part must be accepted in lieu of the  
25 requirements of this section if the person has been  
26 continuously employed in the same type of occupation for which  
27 he or she is seeking employment without a breach in service  
28 that exceeds 180 days, the proof of compliance is not more  
29 than 2 years old, and the person has been screened by the  
30 Department of Law Enforcement. An employer or contractor shall  
31 directly provide proof of compliance to another employer or

1 contractor, and a potential employer or contractor may not  
2 accept any proof of compliance directly from the person  
3 requiring screening. Proof of compliance with the screening  
4 requirements of this section shall be provided, upon request,  
5 to the person screened by the home medical equipment provider.

6 Section 110. Paragraph (d) of subsection (1) of  
7 section 419.001, Florida Statutes, is amended to read:

8 419.001 Site selection of community residential  
9 homes.--

10 (1) For the purposes of this section, the following  
11 definitions shall apply:

12 (d) "Resident" means any of the following: a frail  
13 elder as defined in s. 400.618; a physically disabled or  
14 handicapped person as defined in s. 760.22(7)(a); a  
15 developmentally disabled person as defined in s. 393.063; a  
16 nondangerous mentally ill person as defined in s. 394.455(18);  
17 or a child as defined in s. 39.01(14), s. 984.03(9) or (12),  
18 or s. 985.03~~(8)~~.

19 Section 111. Paragraphs (tt) and (uu) of subsection  
20 (2) of section 435.04, Florida Statutes, are amended to read:

21 435.04 Level 2 screening standards.--

22 (2) The security background investigations under this  
23 section must ensure that no persons subject to the provisions  
24 of this section have been found guilty of, regardless of  
25 adjudication, or entered a plea of nolo contendere or guilty  
26 to, any offense prohibited under any of the following  
27 provisions of the Florida Statutes or under any similar  
28 statute of another jurisdiction:

29 (tt) Section 985.701 ~~985.4045~~, relating to sexual  
30 misconduct in juvenile justice programs.

31

1 (uu) Section 985.711 ~~985.4046~~, relating to contraband  
2 introduced into detention facilities.

3 Section 112. Subsection (4) of section 790.115,  
4 Florida Statutes, is amended to read:

5 790.115 Possessing or discharging weapons or firearms  
6 at a school-sponsored event or on school property prohibited;  
7 penalties; exceptions.--

8 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245  
9 ~~985.214~~, or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years  
10 of age who is charged under this section with possessing or  
11 discharging a firearm on school property shall be detained in  
12 secure detention, unless the state attorney authorizes the  
13 release of the minor, and shall be given a probable cause  
14 hearing within 24 hours after being taken into custody. At the  
15 hearing, the court may order that the minor continue to be  
16 held in secure detention for a period of 21 days, during which  
17 time the minor shall receive medical, psychiatric,  
18 psychological, or substance abuse examinations pursuant to s.  
19 985.18 ~~985.224~~, and a written report shall be completed.

20 Section 113. Subsections (8) and (9) of section  
21 790.22, Florida Statutes, are amended to read:

22 790.22 Use of BB guns, air or gas-operated guns, or  
23 electric weapons or devices by minor under 16; limitation;  
24 possession of firearms by minor under 18 prohibited;  
25 penalties.--

26 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)  
27 ~~985.215(1)~~, if a minor under 18 years of age is charged with  
28 an offense that involves the use or possession of a firearm,  
29 as defined in s. 790.001, including a violation of subsection  
30 (3), or is charged for any offense during the commission of  
31 which the minor possessed a firearm, the minor shall be



1 detained in secure detention, unless the state attorney  
2 authorizes the release of the minor, and shall be given a  
3 hearing within 24 hours after being taken into custody. At the  
4 hearing, the court may order that the minor continue to be  
5 held in secure detention in accordance with the applicable  
6 time periods specified in s. 985.26(1)-(5) ~~985.215(5)~~, if the  
7 court finds that the minor meets the criteria specified in s.  
8 985.255 ~~985.215(2)~~, or if the court finds by clear and  
9 convincing evidence that the minor is a clear and present  
10 danger to himself or herself or the community. The Department  
11 of Juvenile Justice shall prepare a form for all minors  
12 charged under this subsection that states the period of  
13 detention and the relevant demographic information, including,  
14 but not limited to, the sex, age, and race of the minor;  
15 whether or not the minor was represented by private counsel or  
16 a public defender; the current offense; and the minor's  
17 complete prior record, including any pending cases. The form  
18 shall be provided to the judge to be considered when  
19 determining whether the minor should be continued in secure  
20 detention under this subsection. An order placing a minor in  
21 secure detention because the minor is a clear and present  
22 danger to himself or herself or the community must be in  
23 writing, must specify the need for detention and the benefits  
24 derived by the minor or the community by placing the minor in  
25 secure detention, and must include a copy of the form provided  
26 by the department. The Department of Juvenile Justice must  
27 send the form, including a copy of any order, without  
28 client-identifying information, to the Office of Economic and  
29 Demographic Research.

30 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor  
31 is found to have committed an offense that involves the use or

1 possession of a firearm, as defined in s. 790.001, other than  
2 a violation of subsection (3), or an offense during the  
3 commission of which the minor possessed a firearm, and the  
4 minor is not committed to a residential commitment program of  
5 the Department of Juvenile Justice, in addition to any other  
6 punishment provided by law, the court shall order:

7 (a) For a first offense, that the minor shall serve a  
8 minimum period of detention of 15 days in a secure detention  
9 facility; and

- 10 1. Perform 100 hours of community service; and may  
11 2. Be placed on community control or in a  
12 nonresidential commitment program.

13 (b) For a second or subsequent offense, that the minor  
14 shall serve a mandatory period of detention of at least 21  
15 days in a secure detention facility; and

- 16 1. Perform not less than 100 nor more than 250 hours  
17 of community service; and may  
18 2. Be placed on community control or in a  
19 nonresidential commitment program.

20  
21 The minor shall not receive credit for time served before  
22 adjudication. For the purposes of this subsection, community  
23 service shall be performed, if possible, in a manner involving  
24 a hospital emergency room or other medical environment that  
25 deals on a regular basis with trauma patients and gunshot  
26 wounds.

27 Section 114. Paragraph (c) of subsection (3) of  
28 section 921.0022, Florida Statutes, is amended to read:

29 921.0022 Criminal Punishment Code; offense severity  
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1			
2	Florida	Felony	
3	Statute	Degree	Description
4			
5			
6			(c) LEVEL 3
7	119.10(2)(b)	3rd	Unlawful use of confidential
8			information from police reports.
9	316.066(3)		
10	(d)-(f)	3rd	Unlawfully obtaining or using
11			confidential crash reports.
12	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
13	316.1935(2)	3rd	Fleeing or attempting to elude
14			law enforcement officer in patrol
15			vehicle with siren and lights
16			activated.
17	319.30(4)	3rd	Possession by junkyard of motor
18			vehicle with identification
19			number plate removed.
20	319.33(1)(a)	3rd	Alter or forge any certificate of
21			title to a motor vehicle or
22			mobile home.
23	319.33(1)(c)	3rd	Procure or pass title on stolen
24			vehicle.
25	319.33(4)	3rd	With intent to defraud, possess,
26			sell, etc., a blank, forged, or
27			unlawfully obtained title or
28			registration.
29	327.35(2)(b)	3rd	Felony BUI.
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)		
13	(a) & (b)	3rd	Representing an unauthorized
14			insurer.
15	697.08	3rd	Equity skimming.
16	790.15(3)	3rd	Person directs another to
17			discharge firearm from a vehicle.
18	796.05(1)	3rd	Live on earnings of a prostitute.
19	806.10(1)	3rd	Maliciously injure, destroy, or
20			interfere with vehicles or
21			equipment used in firefighting.
22	806.10(2)	3rd	Interferes with or assaults
23			firefighter in performance of
24			duty.
25	810.09(2)(c)	3rd	Trespass on property other than
26			structure or conveyance armed
27			with firearm or dangerous weapon.
28	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
29			less than \$10,000.
30			
31			

1	812.0145(2)(c)	3rd	Theft from person 65 years of age
2			or older; \$300 or more but less
3			than \$10,000.
4	815.04(4)(b)	2nd	Computer offense devised to
5			defraud or obtain property.
6	817.034(4)(a)3.	3rd	Engages in scheme to defraud
7			(Florida Communications Fraud
8			Act), property valued at less
9			than \$20,000.
10	817.233	3rd	Burning to defraud insurer.
11	817.234(8)		
12	(b)-(c)	3rd	Unlawful solicitation of persons
13			involved in motor vehicle
14			accidents.
15	817.234(11)(a)	3rd	Insurance fraud; property value
16			less than \$20,000.
17	817.236	3rd	Filing a false motor vehicle
18			insurance application.
19	817.2361	3rd	Creating, marketing, or
20			presenting a false or fraudulent
21			motor vehicle insurance card.
22	817.413(2)	3rd	Sale of used goods as new.
23	817.505(4)	3rd	Patient brokering.
24	828.12(2)	3rd	Tortures any animal with intent
25			to inflict intense pain, serious
26			physical injury, or death.
27	831.28(2)(a)	3rd	Counterfeiting a payment
28			instrument with intent to defraud
29			or possessing a counterfeit
30			payment instrument.
31			

1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses
3			or identification cards.
4	838.021(3)(b)	3rd	Threatens unlawful harm to public
5			servant.
6	843.19	3rd	Injure, disable, or kill police
7			dog or horse.
8	860.15(3)	3rd	Overcharging for repairs and
9			parts.
10	870.01(2)	3rd	Riot; inciting or encouraging.
11	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
12			cannabis (or other 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).
17	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
18			893.03(1)(c), (2)(c)1., (2)(c)2.,
19			(2)(c)3., (2)(c)5., (2)(c)6.,
20			(2)(c)7., (2)(c)8., (2)(c)9.,
21			(3), or (4) drugs within 1,000
22			feet of university.
23	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
24			893.03(1)(c), (2)(c)1., (2)(c)2.,
25			(2)(c)3., (2)(c)5., (2)(c)6.,
26			(2)(c)7., (2)(c)8., (2)(c)9.,
27			(3), or (4) drugs within 1,000
28			feet of public housing facility.
29	893.13(6)(a)	3rd	Possession of any controlled
30			substance other than felony
31			possession of cannabis.

1	893.13(7)(a)8.	3rd	Withhold information from
2			practitioner regarding previous
3			receipt of or prescription for a
4			controlled substance.
5	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
6			controlled substance by fraud,
7			forgery, misrepresentation, etc.
8	893.13(7)(a)10.	3rd	Affix false or forged label to
9			package of controlled substance.
10	893.13(7)(a)11.	3rd	Furnish false or fraudulent
11			material information on any
12			document or record required by
13			chapter 893.
14	893.13(8)(a)1.	3rd	Knowingly assist a patient, other
15			person, or owner of an animal in
16			obtaining a controlled substance
17			through deceptive, untrue, or
18			fraudulent representations in or
19			related to the practitioner's
20			practice.
21	893.13(8)(a)2.	3rd	Employ a trick or scheme in the
22			practitioner's practice to assist
23			a patient, other person, or owner
24			of an animal in obtaining a
25			controlled substance.
26	893.13(8)(a)3.	3rd	Knowingly write a prescription
27			for a controlled substance for a
28			fictitious person.
29			
30			
31			



1 893.13(8)(a)4. 3rd Write a prescription for a  
2 controlled substance for a  
3 patient, other person, or an  
4 animal if the sole purpose of  
5 writing the prescription is a  
6 monetary benefit for the  
7 practitioner.  
8 918.13(1)(a) 3rd Alter, destroy, or conceal  
9 investigation evidence.  
10 944.47  
11 (1)(a)1.-2. 3rd Introduce contraband to  
12 correctional facility.  
13 944.47(1)(c) 2nd Possess contraband while upon the  
14 grounds of a correctional  
15 institution.  
16 985.721 ~~985.3141~~ 3rd Escapes from a juvenile facility  
17 (secure detention or residential  
18 commitment facility).  
19 Section 115. Subsection (1) of section 938.10, Florida  
20 Statutes, is amended to read:  
21 938.10 Additional court cost imposed in cases of  
22 certain crimes against minors.--  
23 (1) If a person pleads guilty or nolo contendere to,  
24 or is found guilty of, regardless of adjudication, any offense  
25 against a minor in violation of s. 784.085, chapter 787,  
26 chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145,  
27 or s. 985.701 ~~985.4045~~, the court shall impose a court cost of  
28 \$101 against the offender in addition to any other cost or  
29 penalty required by law.  
30 Section 116. Subsection (9) of section 943.053,  
31 Florida Statutes, is amended to read:

1           943.053 Dissemination of criminal justice information;  
2 fees.--

3           (9) Notwithstanding the provisions of s. 943.0525 and  
4 any user agreements adopted pursuant thereto, and  
5 notwithstanding the confidentiality of sealed records as  
6 provided for in s. 943.059, the Department of Juvenile Justice  
7 or any other state or local criminal justice agency may  
8 provide copies of the Florida criminal history records for  
9 juvenile offenders currently or formerly detained or housed in  
10 a contracted juvenile assessment center or detention facility  
11 or serviced in a contracted treatment program and for  
12 employees or other individuals who will have access to these  
13 facilities, only to the entity under direct contract with the  
14 Department of Juvenile Justice to operate these facilities or  
15 programs pursuant to the provisions of s. 985.688 ~~985.411~~. The  
16 criminal justice agency providing such data may assess a  
17 charge for the Florida criminal history records pursuant to  
18 the provisions of chapter 119. Sealed records received by the  
19 private entity under this section remain confidential and  
20 exempt from the provisions of s. 119.07(1). Information  
21 provided under this section shall be used only for the  
22 criminal justice purpose for which it was requested and may  
23 not be further disseminated.

24           Section 117. Subsection (1) of section 943.0582,  
25 Florida Statutes, is amended to read:

26           943.0582 Prearrest, postarrest, or teen court  
27 diversion program expunction.--

28           (1) Notwithstanding any law dealing generally with the  
29 preservation and destruction of public records, the department  
30 may provide, by rule adopted pursuant to chapter 120, for the  
31 expunction of any nonjudicial record of the arrest of a minor

1 | who has successfully completed a prearrest or postarrest  
2 | diversion program for minors as authorized by s. 985.125  
3 | ~~985.3065~~.

4 |           Section 118. Paragraph (a) of subsection (4) of  
5 | section 943.0585, Florida Statutes, is amended to read:

6 |           943.0585 Court-ordered expunction of criminal history  
7 | records.--The courts of this state have jurisdiction over  
8 | their own procedures, including the maintenance, expunction,  
9 | and correction of judicial records containing criminal history  
10 | information to the extent such procedures are not inconsistent  
11 | with the conditions, responsibilities, and duties established  
12 | by this section. Any court of competent jurisdiction may order  
13 | a criminal justice agency to expunge the criminal history  
14 | record of a minor or an adult who complies with the  
15 | requirements of this section. The court shall not order a  
16 | criminal justice agency to expunge a criminal history record  
17 | until the person seeking to expunge a criminal history record  
18 | has applied for and received a certificate of eligibility for  
19 | expunction pursuant to subsection (2). A criminal history  
20 | record that relates to a violation of s. 393.135, s. 394.4593,  
21 | s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.  
22 | 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135,  
23 | s. 847.0145, s. 893.135, s. 916.1075, or a violation  
24 | enumerated in s. 907.041 may not be expunged, without regard  
25 | to whether adjudication was withheld, if the defendant was  
26 | found guilty of or pled guilty or nolo contendere to the  
27 | offense, or if the defendant, as a minor, was found to have  
28 | committed, or pled guilty or nolo contendere to committing,  
29 | the offense as a delinquent act. The court may only order  
30 | expunction of a criminal history record pertaining to one  
31 | arrest or one incident of alleged criminal activity, except as

1 provided in this section. The court may, at its sole  
2 discretion, order the expunction of a criminal history record  
3 pertaining to more than one arrest if the additional arrests  
4 directly relate to the original arrest. If the court intends  
5 to order the expunction of records pertaining to such  
6 additional arrests, such intent must be specified in the  
7 order. A criminal justice agency may not expunge any record  
8 pertaining to such additional arrests if the order to expunge  
9 does not articulate the intention of the court to expunge a  
10 record pertaining to more than one arrest. This section does  
11 not prevent the court from ordering the expunction of only a  
12 portion of a criminal history record pertaining to one arrest  
13 or one incident of alleged criminal activity. Notwithstanding  
14 any law to the contrary, a criminal justice agency may comply  
15 with laws, court orders, and official requests of other  
16 jurisdictions relating to expunction, correction, or  
17 confidential handling of criminal history records or  
18 information derived therefrom. This section does not confer  
19 any right to the expunction of any criminal history record,  
20 and any request for expunction of a criminal history record  
21 may be denied at the sole discretion of the court.

22 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
23 criminal history record of a minor or an adult which is  
24 ordered expunged by a court of competent jurisdiction pursuant  
25 to this section must be physically destroyed or obliterated by  
26 any criminal justice agency having custody of such record;  
27 except that any criminal history record in the custody of the  
28 department must be retained in all cases. A criminal history  
29 record ordered expunged that is retained by the department is  
30 confidential and exempt from the provisions of s. 119.07(1)  
31 and s. 24(a), Art. I of the State Constitution and not

1 available to any person or entity except upon order of a court  
2 of competent jurisdiction. A criminal justice agency may  
3 retain a notation indicating compliance with an order to  
4 expunge.

5 (a) The person who is the subject of a criminal  
6 history record that is expunged under this section or under  
7 other provisions of law, including former s. 893.14, former s.  
8 901.33, and former s. 943.058, may lawfully deny or fail to  
9 acknowledge the arrests covered by the expunged record, except  
10 when the subject of the record:

11 1. Is a candidate for employment with a criminal  
12 justice agency;

13 2. Is a defendant in a criminal prosecution;

14 3. Concurrently or subsequently petitions for relief  
15 under this section or s. 943.059;

16 4. Is a candidate for admission to The Florida Bar;

17 5. Is seeking to be employed or licensed by or to  
18 contract with the Department of Children and Family Services  
19 or the Department of Juvenile Justice or to be employed or  
20 used by such contractor or licensee in a sensitive position  
21 having direct contact with children, the developmentally  
22 disabled, the aged, or the elderly as provided in s.  
23 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.

24 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
25 916.106(10) and (13), s. 985.644 ~~985.407~~, or chapter 400; or

26 6. Is seeking to be employed or licensed by the  
27 Department of Education, any district school board, any  
28 university laboratory school, any charter school, any private  
29 or parochial school, or any local governmental entity that  
30 licenses child care facilities.

31

1           Section 119. Paragraph (a) of subsection (4) of  
2 section 943.059, Florida Statutes, is amended to read:

3           943.059 Court-ordered sealing of criminal history  
4 records.--The courts of this state shall continue to have  
5 jurisdiction over their own procedures, including the  
6 maintenance, sealing, and correction of judicial records  
7 containing criminal history information to the extent such  
8 procedures are not inconsistent with the conditions,  
9 responsibilities, and duties established by this section. Any  
10 court of competent jurisdiction may order a criminal justice  
11 agency to seal the criminal history record of a minor or an  
12 adult who complies with the requirements of this section. The  
13 court shall not order a criminal justice agency to seal a  
14 criminal history record until the person seeking to seal a  
15 criminal history record has applied for and received a  
16 certificate of eligibility for sealing pursuant to subsection  
17 (2). A criminal history record that relates to a violation of  
18 s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03,  
19 s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839,  
20 s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
21 916.1075, or a violation enumerated in s. 907.041 may not be  
22 sealed, without regard to whether adjudication was withheld,  
23 if the defendant was found guilty of or pled guilty or nolo  
24 contendere to the offense, or if the defendant, as a minor,  
25 was found to have committed or pled guilty or nolo contendere  
26 to committing the offense as a delinquent act. The court may  
27 only order sealing of a criminal history record pertaining to  
28 one arrest or one incident of alleged criminal activity,  
29 except as provided in this section. The court may, at its sole  
30 discretion, order the sealing of a criminal history record  
31 pertaining to more than one arrest if the additional arrests

1 | directly relate to the original arrest. If the court intends  
2 | to order the sealing of records pertaining to such additional  
3 | arrests, such intent must be specified in the order. A  
4 | criminal justice agency may not seal any record pertaining to  
5 | such additional arrests if the order to seal does not  
6 | articulate the intention of the court to seal records  
7 | pertaining to more than one arrest. This section does not  
8 | prevent the court from ordering the sealing of only a portion  
9 | of a criminal history record pertaining to one arrest or one  
10 | incident of alleged criminal activity. Notwithstanding any law  
11 | to the contrary, a criminal justice agency may comply with  
12 | laws, court orders, and official requests of other  
13 | jurisdictions relating to sealing, correction, or confidential  
14 | handling of criminal history records or information derived  
15 | therefrom. This section does not confer any right to the  
16 | sealing of any criminal history record, and any request for  
17 | sealing a criminal history record may be denied at the sole  
18 | discretion of the court.

19 |       (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
20 | criminal history record of a minor or an adult which is  
21 | ordered sealed by a court of competent jurisdiction pursuant  
22 | to this section is confidential and exempt from the provisions  
23 | of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
24 | and is available only to the person who is the subject of the  
25 | record, to the subject's attorney, to criminal justice  
26 | agencies for their respective criminal justice purposes, or to  
27 | those entities set forth in subparagraphs (a)1., 4., 5., and  
28 | 6. for their respective licensing and employment purposes.

29 |       (a) The subject of a criminal history record sealed  
30 | under this section or under other provisions of law, including  
31 | former s. 893.14, former s. 901.33, and former s. 943.058, may

1 lawfully deny or fail to acknowledge the arrests covered by  
2 the sealed record, except 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. 943.0585;

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.  
17 415.103, s. 916.106(10) and (13), s. 985.644 ~~985.407~~, or  
18 chapter 400; or

19 6. Is seeking to be employed or licensed by the  
20 Department of Education, any district school board, any  
21 university laboratory school, any charter school, any private  
22 or parochial school, or any local governmental entity that  
23 licenses child care facilities.

24 Section 120. Subsection (2) of section 948.51, Florida  
25 Statutes, is amended to read:

26 948.51 Community corrections assistance to counties or  
27 county consortiums.--

28 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A  
29 county, or a consortium of two or more counties, may contract  
30 with the Department of Corrections for community corrections  
31 funds as provided in this section. In order to enter into a



1 | community corrections partnership contract, a county or county  
2 | consortium must have a public safety coordinating council  
3 | established under s. 951.26 and must designate a county  
4 | officer or agency to be responsible for administering  
5 | community corrections funds received from the state. The  
6 | public safety coordinating council shall prepare, develop, and  
7 | implement a comprehensive public safety plan for the county,  
8 | or the geographic area represented by the county consortium,  
9 | and shall submit an annual report to the Department of  
10 | Corrections concerning the status of the program. In preparing  
11 | the comprehensive public safety plan, the public safety  
12 | coordinating council shall cooperate with the juvenile justice  
13 | circuit board and the juvenile justice county council,  
14 | established under s. 985.664 ~~985.4135~~, in order to include  
15 | programs and services for juveniles in the plan. To be  
16 | eligible for community corrections funds under the contract,  
17 | the initial public safety plan must be approved by the  
18 | governing board of the county, or the governing board of each  
19 | county within the consortium, and the Secretary of Corrections  
20 | based on the requirements of this section. If one or more  
21 | other counties develop a unified public safety plan, the  
22 | public safety coordinating council shall submit a single  
23 | application to the department for funding. Continued contract  
24 | funding shall be pursuant to subsection (5). The plan for a  
25 | county or county consortium must cover at least a 5-year  
26 | period and must include:

27 |       (a) A description of programs offered for the job  
28 | placement and treatment of offenders in the community.

29 |       (b) A specification of community-based intermediate  
30 | sentencing options to be offered and the types and number of  
31 | offenders to be included in each program.

1 (c) Specific goals and objectives for reducing the  
2 projected percentage of commitments to the state prison system  
3 of persons with low total sentencing scores pursuant to the  
4 Criminal Punishment Code.

5 (d) Specific evidence of the population status of all  
6 programs which are part of the plan, which evidence  
7 establishes that such programs do not include offenders who  
8 otherwise would have been on a less intensive form of  
9 community supervision.

10 (e) The assessment of population status by the public  
11 safety coordinating council of all correctional facilities  
12 owned or contracted for by the county or by each county within  
13 the consortium.

14 (f) The assessment of bed space that is available for  
15 substance abuse intervention and treatment programs and the  
16 assessment of offenders in need of treatment who are committed  
17 to each correctional facility owned or contracted for by the  
18 county or by each county within the consortium.

19 (g) A description of program costs and sources of  
20 funds for each community corrections program, including  
21 community corrections funds, loans, state assistance, and  
22 other financial assistance.

23 Section 121. Section 958.046, Florida Statutes, is  
24 amended to read:

25 958.046 Placement in county-operated boot camp  
26 programs for youthful offenders.--In counties where there are  
27 county-operated youthful offender boot camp programs, other  
28 than boot camps described in s. 958.04 or s. 985.489 ~~985.309~~,  
29 the court may sentence a youthful offender to such a boot  
30 camp. In county-operated youthful offender boot camp programs,  
31

1 juvenile offenders shall not be commingled with youthful  
2 offenders.

3 Section 122. Paragraphs (b) and (j) of subsection (1)  
4 of section 960.001, Florida Statutes, are amended to read:

5 960.001 Guidelines for fair treatment of victims and  
6 witnesses in the criminal justice and juvenile justice  
7 systems.--

8 (1) The Department of Legal Affairs, the state  
9 attorneys, the Department of Corrections, the Department of  
10 Juvenile Justice, the Parole Commission, the State Courts  
11 Administrator and circuit court administrators, the Department  
12 of Law Enforcement, and every sheriff's department, police  
13 department, or other law enforcement agency as defined in s.  
14 943.10(4) shall develop and implement guidelines for the use  
15 of their respective agencies, which guidelines are consistent  
16 with the purposes of this act and s. 16(b), Art. I of the  
17 State Constitution and are designed to implement the  
18 provisions of s. 16(b), Art. I of the State Constitution and  
19 to achieve the following objectives:

20 (b) Information for purposes of notifying victim or  
21 appropriate next of kin of victim or other designated contact  
22 of victim.--In the case of a homicide, pursuant to chapter  
23 782; or a sexual offense, pursuant to chapter 794; or an  
24 attempted murder or sexual offense, pursuant to chapter 777;  
25 or stalking, pursuant to s. 784.048; or domestic violence,  
26 pursuant to s. 25.385:

27 1. The arresting law enforcement officer or personnel  
28 of an organization that provides assistance to a victim or to  
29 the appropriate next of kin of the victim or other designated  
30 contact must request that the victim or appropriate next of  
31 kin of the victim or other designated contact complete a

1 victim notification card. However, the victim or appropriate  
2 next of kin of the victim or other designated contact may  
3 choose not to complete the victim notification card.

4         2. Unless the victim or the appropriate next of kin of  
5 the victim or other designated contact waives the option to  
6 complete the victim notification card, a copy of the victim  
7 notification card must be filed with the incident report or  
8 warrant in the sheriff's office of the jurisdiction in which  
9 the incident report or warrant originated. The notification  
10 card shall, at a minimum, consist of:

11             a. The name, address, and phone number of the victim;  
12 or

13             b. The name, address, and phone number of the  
14 appropriate next of kin of the victim; or

15             c. The name, address, and phone number of a designated  
16 contact other than the victim or appropriate next of kin of  
17 the victim; and

18             d. Any relevant identification or case numbers  
19 assigned to the case.

20         3. The chief administrator, or a person designated by  
21 the chief administrator, of a county jail, municipal jail,  
22 juvenile detention facility, or residential commitment  
23 facility shall make a reasonable attempt to notify the alleged  
24 victim or appropriate next of kin of the alleged victim or  
25 other designated contact within 4 hours following the release  
26 of the defendant on bail or, in the case of a juvenile  
27 offender, upon the release from residential detention or  
28 commitment. If the chief administrator, or designee, is unable  
29 to contact the alleged victim or appropriate next of kin of  
30 the alleged victim or other designated contact by telephone,  
31 the chief administrator, or designee, must send to the alleged

1 | victim or appropriate next of kin of the alleged victim or  
2 | other designated contact a written notification of the  
3 | defendant's release.

4 |         4. Unless otherwise requested by the victim or the  
5 | appropriate next of kin of the victim or other designated  
6 | contact, the information contained on the victim notification  
7 | card must be sent by the chief administrator, or designee, of  
8 | the appropriate facility to the subsequent correctional or  
9 | residential commitment facility following the sentencing and  
10 | incarceration of the defendant, and unless otherwise requested  
11 | by the victim or the appropriate next of kin of the victim or  
12 | other designated contact, he or she must be notified of the  
13 | release of the defendant from incarceration as provided by  
14 | law.

15 |         5. If the defendant was arrested pursuant to a warrant  
16 | issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in  
17 | a jurisdiction other than the jurisdiction in which the  
18 | defendant is being released, and the alleged victim or  
19 | appropriate next of kin of the alleged victim or other  
20 | designated contact does not waive the option for notification  
21 | of release, the chief correctional officer or chief  
22 | administrator of the facility releasing the defendant shall  
23 | make a reasonable attempt to immediately notify the chief  
24 | correctional officer of the jurisdiction in which the warrant  
25 | was issued or the juvenile was taken into custody pursuant to  
26 | s. 985.101 ~~985.207~~, and the chief correctional officer of that  
27 | jurisdiction shall make a reasonable attempt to notify the  
28 | alleged victim or appropriate next of kin of the alleged  
29 | victim or other designated contact, as provided in this  
30 | paragraph, that the defendant has been or will be released.

31 |

1 (j) Notification of right to request restitution.--Law  
2 enforcement agencies and the state attorney shall inform the  
3 victim of the victim's right to request and receive  
4 restitution pursuant to s. 775.089 or s. 985.437  
5 ~~985.231(1)(a)1-~~, and of the victim's rights of enforcement  
6 under ss. 775.089(6) and 985.0301 ~~985.201~~ in the event an  
7 offender does not comply with a restitution order. The state  
8 attorney shall seek the assistance of the victim in the  
9 documentation of the victim's losses for the purpose of  
10 requesting and receiving restitution. In addition, the state  
11 attorney shall inform the victim if and when restitution is  
12 ordered. If an order of restitution is converted to a civil  
13 lien or civil judgment against the defendant, the clerks shall  
14 make available at their office, as well as on their website,  
15 information provided by the Secretary of State, the court, or  
16 The Florida Bar on enforcing the civil lien or judgment.

17 Section 123. Subsection (48) of section 984.03,  
18 Florida Statutes, is amended to read:

19 984.03 Definitions.--When used in this chapter, the  
20 term:

21 (48) "Serious or habitual juvenile offender program"  
22 means the program established in s. 985.47 ~~985.31~~.

23 Section 124. Section 984.05, Florida Statutes, is  
24 amended to read:

25 984.05 Rules relating to habitual truants; adoption by  
26 State Board of Education and Department of Juvenile  
27 Justice.--The Department of Juvenile Justice and the State  
28 Board of Education shall work together on the development of,  
29 and shall adopt, rules as necessary for the implementation of  
30 ss. 984.03(27), 985.03(25)(~~26~~), and 1003.27.

31

1 Section 125. Paragraph (b) of subsection (4) of  
2 section 984.09, Florida Statutes, is amended to read:

3 984.09 Punishment for contempt of court; alternative  
4 sanctions.--

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

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

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

14 2. Right to an explanation of the nature and the  
15 consequences of the proceedings.

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

19 4. Right to confront witnesses.

20 5. Right to present witnesses.

21 6. Right to have a transcript or record of the  
22 proceeding.

23 7. Right to appeal to an appropriate court.  
24

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

29 Section 126. Subsections (2) and (6) of section  
30 984.226, Florida Statutes, are amended to read:

31 984.226 Physically secure setting.--

1           (2) When a petition is filed alleging that a child is  
2 a child in need of services, the child must be represented by  
3 counsel at each court appearance unless the record in that  
4 proceeding affirmatively demonstrates by clear and convincing  
5 evidence that the child knowingly and intelligently waived the  
6 right to counsel after being fully advised by the court of the  
7 nature of the proceedings and the dispositional alternatives  
8 available to the court under this section. If the court  
9 decides to appoint counsel for the child and if the child is  
10 indigent, the court shall appoint an attorney to represent the  
11 child as provided under s. 985.033 ~~985.203~~. Nothing precludes  
12 the court from requesting reimbursement of attorney's fees and  
13 costs from the nonindigent parent or legal guardian.

14           (6) Prior to being ordered to a physically secure  
15 setting, the child must be afforded all rights of due process  
16 required under s. 985.037 ~~985.216~~. While in the physically  
17 secure setting, the child shall receive appropriate  
18 assessment, treatment, and educational services that are  
19 designed to eliminate or reduce the child's truant,  
20 ungovernable, or runaway behavior. The child and family shall  
21 be provided with family counseling and other support services  
22 necessary for reunification.

23           Section 127. Subsection (22) of section 1003.52,  
24 Florida Statutes, is amended to read:

25           1003.52 Educational services in Department of Juvenile  
26 Justice programs.--

27           (22) The Department of Juvenile Justice and the  
28 Department of Education, in consultation with Workforce  
29 Florida, Inc., the statewide Workforce Development Youth  
30 Council, district school boards, community colleges,  
31 providers, and others, shall jointly develop a multiagency



1 | plan for career education which describes the funding,  
2 | curriculum, transfer of credits, goals, and outcome measures  
3 | for career education programming in juvenile commitment  
4 | facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be  
5 | reviewed annually.

6 |         Section 128. Subsection (2) of section 1006.08,  
7 | Florida Statutes, is amended to read:

8 |             1006.08 District school superintendent duties relating  
9 | to student discipline and school safety.--

10 |             (2) Notwithstanding the provisions of s. 985.04~~(7)~~~~(4)~~  
11 | or any other provision of law to the contrary, the court  
12 | shall, within 48 hours of the finding, notify the appropriate  
13 | district school superintendent of the name and address of any  
14 | student found to have committed a delinquent act, or who has  
15 | had adjudication of a delinquent act withheld which, if  
16 | committed by an adult, would be a felony, or the name and  
17 | address of any student found guilty of a felony. Notification  
18 | shall include the specific delinquent act found to have been  
19 | committed or for which adjudication was withheld, or the  
20 | specific felony for which the student was found guilty.

21 |         Section 129. Paragraph (a) of subsection (5) of  
22 | section 1006.13, Florida Statutes, is amended to read:

23 |             1006.13 Policy of zero tolerance for crime and  
24 | victimization.--

25 |             (5)(a) Notwithstanding any provision of law  
26 | prohibiting the disclosure of the identity of a minor,  
27 | whenever any student who is attending public school is  
28 | adjudicated guilty of or delinquent for, or is found to have  
29 | committed, regardless of whether adjudication is withheld, or  
30 | pleads guilty or nolo contendere to, a felony violation of:

31 |             1. Chapter 782, relating to homicide;

1           2. Chapter 784, relating to assault, battery, and  
2 culpable negligence;  
3           3. Chapter 787, relating to kidnapping, false  
4 imprisonment, luring or enticing a child, and custody  
5 offenses;  
6           4. Chapter 794, relating to sexual battery;  
7           5. Chapter 800, relating to lewdness and indecent  
8 exposure;  
9           6. Chapter 827, relating to abuse of children;  
10          7. Section 812.13, relating to robbery;  
11          8. Section 812.131, relating to robbery by sudden  
12 snatching;  
13          9. Section 812.133, relating to carjacking; or  
14          10. Section 812.135, relating to home-invasion  
15 robbery,  
16  
17 and, before or at the time of such adjudication, withholding  
18 of adjudication, or plea, the offender was attending a school  
19 attended by the victim or a sibling of the victim of the  
20 offense, the Department of Juvenile Justice shall notify the  
21 appropriate district school board of the adjudication or plea,  
22 the requirements of this paragraph, and whether the offender  
23 is prohibited from attending that school or riding on a school  
24 bus whenever the victim or a sibling of the victim is  
25 attending the same school or riding on the same school bus,  
26 except as provided pursuant to a written disposition order  
27 under s. 985.455(2) ~~985.23(1)(d)~~. Upon receipt of such notice,  
28 the district school board shall take appropriate action to  
29 effectuate the provisions of paragraph (b).  
30          Section 130. Subsection (1) of section 1012.797,  
31 Florida Statutes, is amended to read:

1           1012.797 Notification of district school  
2 superintendent of certain charges against or convictions of  
3 employees.--  
4           (1) Notwithstanding the provisions of s. 985.04~~(7)~~(4)  
5 or any other provision of law to the contrary, a law  
6 enforcement agency shall, within 48 hours, notify the  
7 appropriate district school superintendent of the name and  
8 address of any employee of the school district who is charged  
9 with a felony or with a misdemeanor involving the abuse of a  
10 minor child or the sale or possession of a controlled  
11 substance. The notification shall include the specific charge  
12 for which the employee of the school district was arrested.  
13 Such notification shall include other education providers such  
14 as the Florida School for the Deaf and the Blind, university  
15 lab schools, and private elementary and secondary schools.  
16           Section 131. This act shall take effect January 1,  
17 2007.