

1 A bill to be entitled

2 An act relating to juvenile justice; reorganizing ch. 985,
3 F.S.; providing new section numbers and part titles;
4 amending s. 985.01, F.S., relating to purposes and intent
5 for the chapter; amending s. 985.02, F.S., relating to the
6 legislative intent for the juvenile justice system;
7 revising a reference and cross-references to conform;
8 amending s. 985.03, F.S., relating to definitions for the
9 chapter; amending, renumbering, and revising references
10 and cross-references to conform; creating s. 985.0301,
11 F.S., relating to the jurisdiction of the juvenile court;
12 amending and renumbering s. 985.201, F.S.; amending and
13 renumbering a provision of s. 985.219, F.S., that relates
14 to such jurisdiction; revising references and cross-
15 references to conform; creating s. 985.032, F.S., relating
16 to legal representation for delinquency cases; renumbering
17 s. 985.202, F.S.; creating s. 985.033, F.S., relating to
18 the right to counsel; amending and renumbering s. 985.203,
19 F.S.; revising references to conform; creating s. 985.035,
20 F.S., relating to open hearings; renumbering s. 985.205,
21 F.S.; creating s. 985.036, F.S., relating to the rights of
22 victims in juvenile proceedings; amending and renumbering
23 s. 985.206, F.S.; providing for the release of certain
24 information to victims; creating s. 985.037, F.S.,
25 relating to punishment for contempt of court and
26 alternative sanctions; amending and renumbering s.
27 985.216, F.S.; revising provisions relating to contempt of
28 court; creating s. 985.039, F.S., relating to cost of

29 supervision and care; amending and renumbering s.
30 985.2311, F.S.; amending and renumbering s. 985.04, F.S.;
31 clarifying a provision relating to the release of certain
32 information; revising references and cross-references to
33 conform; creating s. 985.045, F.S., relating to court
34 records; amending and renumbering s. 985.05, F.S.;
35 revising references and cross-references to conform;
36 creating s. 985.046, F.S., relating to the statewide
37 information-sharing system and interagency workgroup;
38 renumbering s. 985.06, F.S.; creating s. 985.047, F.S.,
39 relating to information systems; renumbering s. 985.08,
40 F.S.; creating s. 985.101, F.S., relating to taking a
41 child into custody; amending and renumbering s. 985.207,
42 F.S.; creating s. 985.105, F.S., relating to intake and
43 case management; renumbering a provision of s. 985.215,
44 F.S., relating to transporting a child who has been taken
45 into custody; revising a reference and cross-references to
46 conform; creating s. 985.105, F.S., relating to youth
47 custody officers; amending and renumbering s. 985.2075,
48 F.S.; creating s. 985.11, F.S., relating to fingerprinting
49 and photographing; amending and renumbering s. 985.212,
50 F.S.; revising a cross-reference to conform; creating s.
51 985.115, F.S., relating to release or delivery from
52 custody; amending and renumbering provisions of s.
53 985.211, F.S., that relate to such release or delivery;
54 revising cross-references to conform; creating s. 985.12,
55 F.S., relating to civil citations; amending and
56 renumbering s. 985.301, F.S.; revising a cross-reference

57 | to conform; creating s. 985.125, F.S., relating to
58 | prearrest or postarrest diversion programs; renumbering s.
59 | 985.3065, F.S.; creating s. 985.13, F.S., relating to
60 | probable cause affidavits; amending and renumbering
61 | provisions of s. 985.211, F.S., that relate to probable
62 | cause affidavits and certain requirements upon the taking
63 | of a child into custody; revising cross-references to
64 | conform; creating s. 985.135, F.S., relating to juvenile
65 | assessment centers; amending and renumbering s. 985.209,
66 | F.S.; creating s. 985.14, F.S., relating to the intake and
67 | case management system; amending, renumbering, and
68 | redesignating provisions of s. 985.21, F.S., that relate
69 | to intake and case management; revising cross-references
70 | to conform; creating s. 985.145, F.S., relating to the
71 | responsibilities of the juvenile probation officer during
72 | intake and to screenings and assessments; amending and
73 | redesignating provisions of s. 985.21, F.S., that relate
74 | to such responsibilities, screenings, and assessments;
75 | revising cross-references to conform; creating s. 985.15,
76 | F.S., relating to filing decisions in juvenile cases;
77 | revising cross-references to conform; creating s. 985.155,
78 | F.S., relating to neighborhood restorative justice;
79 | renumbering s. 985.303, F.S.; creating s. 985.16, F.S.,
80 | relating to community arbitration; amending and
81 | renumbering s. 985.304; F.S.; revising a reference to
82 | conform; creating s. 985.18, F.S., relating to medical,
83 | psychiatric, psychological, substance abuse, and
84 | educational examination and treatment; renumbering s.

85 985.224, F.S.; redesignating a provision of s. 985.215,
86 F.S., that relates to comprehensive evaluations of certain
87 youth; creating s. 985.185, F.S., relating to evaluations
88 for dispositions; amending and renumbering provisions of
89 s. 985.229, F.S., that relate to such evaluations;
90 creating s. 985.19, F.S., relating to incompetency in
91 juvenile delinquency cases; renumbering s. 985.223, F.S.;
92 creating s. 985.195, F.S., relating to transfer to other
93 treatment services; renumbering s. 985.418, F.S.; creating
94 s. 985.24, F.S., relating to the use of detention and to
95 prohibitions on the use of detention; renumbering
96 provisions of s. 985.213, F.S., that relate to the use of
97 detention; renumbering s. 985.214, F.S.; creating s.
98 985.245, F.S., relating to the risk assessment instrument;
99 amending and renumbering a provision of s. 985.213, F.S.,
100 that relates to such instrument; revising cross-references
101 to conform; creating s. 985.25, F.S., relating to
102 detention intake; amending, renumbering, and redesignating
103 provisions of s. 985.215, F.S., that relate to detention
104 intake; revising cross-references to conform; creating s.
105 985.255, F.S., relating to detention criteria and
106 detention hearings; amending and renumbering a provision
107 of s. 985.215, F.S., that relates to such criteria and
108 hearings; revising cross-references to conform; revising a
109 cross-reference to conform; creating s. 985.26, F.S.,
110 relating to length of detention; amending, renumbering,
111 and redesignating provisions of s. 985.215, F.S., that
112 relate to length of detention; revising cross-references

113 to conform; creating s. 985.265, F.S., relating to
114 detention transfer and release, education of juvenile
115 offenders while in detention or on detention status, and
116 holding of juvenile offenders in adult jails; amending and
117 renumbering provisions of s. 985.215, F.S., that relate to
118 transfer, release, and holding juvenile offenders in adult
119 jails; renumbering a provision of s. 985.213, F.S., that
120 relates to education of juvenile offenders while in
121 detention or on detention status; revising references and
122 cross-references to conform; creating s. 985.27, F.S.,
123 relating to postcommitment detention of juvenile offenders
124 while such offenders are awaiting residential placement;
125 amending and redesignating provisions of s. 985.215, F.S.,
126 that relate to such detention; limiting the use of such
127 detention; revising references to "detention" to clarify
128 that such term means "secure detention" in certain
129 circumstances; creating s. 985.275, F.S., relating to the
130 detention of an escapee; amending and renumbering s.
131 985.208, F.S.; revising a cross-reference to conform;
132 creating s. 985.318, F.S., relating to petitions;
133 renumbering s. 985.218, F.S.; creating s. 985.319, F.S.,
134 relating to process and service; renumbering provisions of
135 s. 985.219, F.S., that relate to process and service;
136 creating s. 985.325, relating to prohibitions against
137 threatening or dismissing employees; amending and
138 renumbering s. 985.22, F.S.; revising cross-references to
139 conform; creating s. 985.331, F.S., relating to court and
140 witness fees; renumbering s. 985.221, F.S.; creating s.

141 985.335, F.S., relating to answering a petition;
142 renumbering s. 985.222, F.S.; creating s. 985.345, F.S.,
143 relating to delinquency pretrial intervention programs;
144 renumbering s. 985.306, F.S.; creating s. 985.35, F.S.,
145 relating to adjudicatory hearings, withholding of
146 adjudication, and orders of adjudication; amending and
147 renumbering s. 985.228, F.S.; repealing a provision
148 prohibiting a person from possessing a firearm in certain
149 circumstances; revising a reference and cross-references
150 to conform; creating s. 985.43, F.S., relating to
151 predisposition reports and other evaluations; amending and
152 renumbering provisions of s. 985.229, F.S., that relate to
153 such reports and evaluations; revising cross-references to
154 conform; creating s. 985.433, F.S., relating to
155 disposition hearings in delinquency cases; amending and
156 renumbering s. 985.23, F.S.; clarifying who is considered
157 a party to a juvenile case; specifying who must be given
158 an opportunity to comment on the issue of disposition;
159 revising cross-references to conform; amending a provision
160 of s. 985.231, F.S., relating to requirement of written
161 disposition orders; creating s. 985.435, F.S., relating to
162 probation, postcommitment probation, and community
163 service; amending and redesignating a provision of s.
164 985.231, F.S., relating to probation, postcommitment
165 probation, and community control; creating s. 985.437,
166 F.S., relating to restitution; revising a reference and
167 cross-reference to conform; creating s. 985.439, F.S.,
168 relating to violations of probation or postcommitment

169 probation; revising cross-references to conform; creating
170 s. 985.441, F.S., relating to commitment; providing a
171 requirement for commitment of a child as a juvenile sexual
172 offender; revising cross-references to conform; creating
173 s. 985.442, F.S., relating to the form of commitment;
174 renumbering s. 985.232, F.S.; creating s. 985.445, F.S.,
175 relating to disposition of delinquency cases involving
176 grand theft of a motor vehicle; amending and redesignating
177 a provision of s. 985.231, F.S., that relates to
178 disposition in such cases; creating s. 985.45, F.S.,
179 relating to liability and remuneration for work; amending
180 and redesignating a provision of s. 985.231, F.S., that
181 relates to liability and remuneration; creating s.
182 985.455, F.S., relating to other dispositional issues;
183 amending and redesignating provisions of s. 985.231, F.S.,
184 that relate to determination of sanctions, rehabilitation
185 programs, and certain contact with the victim subsequent
186 to disposition; redesignating provisions of s. 985.231,
187 F.S., that specify the duration of commitment and
188 suspension of disposition; revising a cross-reference to
189 conform; creating s. 985.46, F.S., relating to conditional
190 release; amending and renumbering s. 985.316, F.S.;
191 revising a cross-reference to conform; creating s.
192 985.465, F.S., relating to juvenile correctional
193 facilities and juvenile prisons; amending and renumbering
194 s. 985.313, F.S.; creating s. 985.47, F.S., relating to
195 serious and habitual juvenile offenders; amending and
196 renumbering a provision of s. 985.03, F.S., that relates

197 to such offenders; amending and renumbering s. 985.31,
198 F.S.; revising a reference and cross-references to
199 conform; creating s. 985.475, F.S., relating to juvenile
200 sexual offenders; amending and renumbering a provision of
201 s. 985.03, F.S., that relates to such offenders; revising
202 a cross-reference to conform; amending and renumbering a
203 provision of s. 985.231, F.S., that relates to such
204 offenders; revising cross-references to conform; creating
205 s. 985.48, F.S., relating to juvenile sexual offender
206 commitment programs and sexual abuse intervention
207 networks; renumbering s. 985.308, F.S.; creating s.
208 985.483, F.S., relating to intensive residential treatment
209 programs for juvenile offenders less than 13 years of age;
210 amending and renumbering a provision of s. 985.03, F.S.,
211 that relates to such offenders; amending and renumbering
212 s. 985.311, F.S.; revising cross-references to conform;
213 creating s. 985.486, F.S., relating to the prerequisites
214 for commitment of juvenile offenders less than 13 years of
215 age to intensive residential treatment programs; amending
216 and renumbering s. 985.312, F.S.; revising cross-
217 references to conform; creating s. 985.489, F.S., relating
218 to boot camp for children; amending and renumbering s.
219 985.309, F.S.; revising cross-references to conform;
220 creating s. 985.494, F.S., relating to commitment programs
221 for juvenile felony offenders; amending and renumbering s.
222 985.314, F.S.; revising cross-references to conform;
223 creating s. 985.511, F.S., relating to the child's right
224 to counsel and the cost of representation; creating s.

225 985.512, F.S., relating to the powers of the court with
 226 respect to certain children; renumbering s. 985.204, F.S.;
 227 creating s. 985.513, F.S., relating to the powers of the
 228 court over parents or guardians at disposition of the
 229 child's case; amending and redesignating provisions of s.
 230 985.231, F.S., that relate to such powers; revising cross-
 231 references to conform; creating s. 985.514, F.S., relating
 232 to the responsibilities of the parents or guardians of a
 233 child for certain fees related to the cost of care;
 234 revising a cross-reference to conform; creating s.
 235 985.534, F.S., relating to appeals in juvenile cases;
 236 renumbering s. 985.234, F.S.; creating s. 985.535, F.S.,
 237 relating to time for taking appeal by the state;
 238 renumbering s. 985.235, F.S.; creating s. 985.536, F.S.,
 239 relating to orders or decisions when the state appeals;
 240 renumbering s. 985.236, F.S.; creating s. 985.556, F.S.,
 241 relating to voluntary and involuntary waivers of juvenile
 242 court jurisdiction and hearings for such waivers; amending
 243 and renumbering s. 985.226, F.S.; revising cross-
 244 references to conform; creating s. 985.557, F.S., relating
 245 to discretionary and mandatory criteria for the direct
 246 filing of an information against a juvenile offender in
 247 the criminal division of the circuit court; amending and
 248 renumbering s. 985.227, F.S.; revising cross-references to
 249 conform; creating s. 985.56, F.S., relating to indictment
 250 of juvenile offenders; amending and renumbering s.
 251 985.225, F.S.; revising a reference and cross-references
 252 to conform; creating s. 985.565, F.S., relating to powers,

253 procedures, and alternatives available to the court when
254 sentencing juvenile offenders prosecuted as adults;
255 amending, renumbering, and redesignating provisions of s.
256 985.233, F.S., that relate to such powers, procedures, and
257 alternatives; revising cross-references to conform;
258 creating s. 985.57, F.S., relating to the transfer of
259 children from the Department of Corrections to the
260 Department of Juvenile Justice; renumbering s. 985.417;
261 creating s. 985.601, F.S., relating to administering the
262 juvenile justice continuum; renumbering provisions of s.
263 985.404, F.S., that relate to such administration;
264 amending and renumbering s. 985.4043, F.S.; creating s.
265 985.6015, F.S., relating to the Shared County/State
266 Juvenile Detention Trust Fund; creating s. 985.605, F.S.,
267 relating to requirements for prevention service programs;
268 amending and renumbering s. 985.3045, F.S.; revising
269 cross-references to conform; creating s. 985.606, F.S.,
270 relating to requirements for agencies and entities
271 providing prevention services; amending and renumbering s.
272 985.3046, F.S.; revising a cross-reference to conform;
273 creating s. 985.61, F.S., relating to criteria for early
274 delinquency intervention programs; renumbering s. 985.305,
275 F.S.; creating s. 985.614, F.S., relating to interagency
276 cooperation for children who are locked out of their
277 homes; amending and renumbering s. 985.2066, F.S.;
278 creating s. 985.618, F.S., relating to educational and
279 career-related programs; amending and renumbering s.
280 985.315, F.S.; revising a cross-reference to conform;

281 creating s. 985.622, F.S., relating to a multiagency plan
282 for vocational education; renumbering s. 985.3155, F.S.;
283 creating s. 985.625, F.S., relating to literacy programs
284 for juvenile offenders; amending and renumbering s.
285 985.317, F.S.; revising a cross-reference to conform;
286 creating s. 985.629, F.S., relating to contracts for the
287 transfer of Florida children in federal custody;
288 renumbering s. 985.419, F.S.; creating s. 985.632, F.S.,
289 relating to quality assurance and cost-effectiveness;
290 renumbering s. 985.412, F.S.; creating s. 985.636, F.S.,
291 relating to the Office of the Inspector General within the
292 Department of Juvenile Justice; renumbering s. 985.42,
293 F.S.; creating s. 985.64, F.S., relating to the authority
294 of the Department of Juvenile Justice to adopt rules;
295 amending and renumbering s. 985.405, F.S.; creating s.
296 985.644, F.S., relating to the contracting powers and the
297 personnel standards and screening requirements of the
298 Department of Juvenile Justice; renumbering a provision of
299 s. 985.01, F.S., that relates to such powers; renumbering
300 s. 985.407, F.S.; creating s. 985.648, F.S., relating to
301 consultants; renumbering s. 985.408, F.S.; creating s.
302 985.652, F.S., relating to participation of certain
303 juvenile programs in the State Risk Management Trust Fund;
304 renumbering s. 985.409, F.S.; creating s. 985.66, F.S.,
305 relating to juvenile justice training academies, the
306 Juvenile Justice Standards and Training Commission, and
307 the Juvenile Justice Trust Fund; amending and renumbering
308 s. 985.406, F.S.; revising a cross-reference to conform;

309 creating s. 985.664, F.S., relating to juvenile justice
310 circuit boards and juvenile justice county councils;
311 amending and renumbering s. 985.4135, F.S.; revising a
312 cross-reference to conform; creating s. 985.668, F.S.,
313 relating to innovation zones; renumbering s. 985.416,
314 F.S.; creating s. 985.672, F.S., relating to direct-
315 support organizations; renumbering s. 985.4145, F.S.;
316 creating s. 985.676, F.S., relating to community juvenile
317 justice partnership grants; amending and renumbering s.
318 985.415, F.S.; revising cross-references to conform;
319 creating s. 985.682, F.S., relating to studies and
320 criteria for siting juvenile facilities; amending and
321 renumbering s. 985.41, F.S.; creating s. 985.686, F.S.,
322 relating to shared county and state responsibility for
323 juvenile detention; renumbering s. 985.2155, F.S.;
324 creating s. 985.688, F.S., relating to administering
325 county and municipal delinquency programs and facilities;
326 amending and renumbering s. 985.411, F.S.; revising a
327 cross-reference to conform; creating s. 985.69, F.S.,
328 relating to one-time startup funding for juvenile justice
329 purposes; renumbering s. 985.4075, F.S.; creating s.
330 985.692, F.S., relating to the Juvenile Welfare Trust
331 Fund; renumbering s. 985.4041, F.S.; creating s. 985.694,
332 F.S., relating to the Juvenile Care and Maintenance Trust
333 Fund; renumbering s. 985.4042, F.S.; creating s. 985.701,
334 F.S., relating to prohibiting sexual misconduct, reporting
335 requirements, and penalties; renumbering s. 985.4045,
336 F.S.; creating s. 985.711, F.S., relating to penalties for

337 the introduction, removal, or possession of certain
338 articles; renumbering s. 985.4046, F.S.; creating s.
339 985.721, F.S., relating to escapes from secure detention
340 or residential commitment facilities; amending and
341 renumbering s. 985.3141, F.S.; revising a cross-reference
342 to conform; creating s. 985.731, F.S., relating to
343 sheltering or aiding unmarried minors; renumbering s.
344 985.2065, F.S.; creating s. 985.801, F.S., relating to
345 legislative findings, policy, and implementation of the
346 Interstate Compact on Juveniles; renumbering s. 985.501,
347 F.S.; creating s. 985.802, F.S., relating to execution of
348 the interstate compact; renumbering s. 985.502, F.S.;
349 creating s. 985.803, F.S., relating to the administrator
350 of the juvenile compact; renumbering s. 985.503, F.S.;
351 creating s. 985.804, F.S., relating to supplementary
352 agreements to the compact; renumbering s. 985.504, F.S.;
353 creating s. 985.805, F.S., relating to financial
354 arrangements related to the compact; renumbering s.
355 985.505, F.S.; creating s. 985.806, F.S., relating to the
356 responsibilities of state departments, agencies, and
357 officers; renumbering s. 985.506, F.S.; creating s.
358 985.807, F.S., relating to procedures in addition to those
359 provided under the compact; renumbering s. 985.507, F.S.;
360 creating s. 985.8025, F.S., relating to the State Council
361 for Interstate Juvenile Offender Supervision; renumbering
362 s. 985.5023, F.S.; repealing ss. 985.215(6),
363 985.231(1)(b), (c), (f), and (i), and (2) and
364 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025,

365 318.21, 397.334, 400.953, 419.001, 435.04, 790.115,
 366 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585,
 367 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09,
 368 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.;
 369 conforming cross-references; providing an effective date.

370
 371 WHEREAS, the Legislature recognizes that chapter 985,
 372 Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON
 373 JUVENILES," which sets forth the policies and procedures
 374 applicable to Florida's juvenile justice system, has become
 375 disjointed and unorganized due to numerous amendments since its
 376 original enactment and that, as a result, it is difficult for
 377 judges, attorneys, affected parties, and the public to use the
 378 chapter in practice, and

379 WHEREAS, the Legislature recognizes that chapter 985,
 380 Florida Statutes, would be better organized and easier to use if
 381 it provided a chronological presentation of delinquency
 382 proceedings from the introduction of the child into the juvenile
 383 justice system to the child's case outcome and if each section
 384 of the chapter was topically organized to contain all related
 385 policies and procedures, and

386 WHEREAS, the Legislature intends for the following
 387 legislation to strictly effect a technical reorganization of
 388 chapter 985, Florida Statutes, without any substantive change to
 389 its contents, for the purpose of simplifying the chapter's
 390 presentation and providing greater clarity for its users, NOW,
 391 THEREFORE,

392

393 Be It Enacted by the Legislature of the State of Florida:

394

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

398 (1) Chapter 985, Florida Statutes, is retitled "JUVENILE
 399 JUSTICE; INTERSTATE COMPACT ON JUVENILES."

400 (2) Part I of chapter 985, Florida Statutes, consisting of
 401 ss. 985.01, 985.02, 985.03, 985.0301, 985.032, 985.033, 985.035,
 402 985.036, 985.037, and 985.039, Florida Statutes, is titled
 403 "GENERAL PROVISIONS."

404 (3) Part II of chapter 985, Florida Statutes, consisting
 405 of ss. 985.04, 985.045, 985.046, and 985.047, Florida Statutes,
 406 is retitled "RECORDS AND INFORMATION."

407 (4) Part III of chapter 985, Florida Statutes, consisting
 408 of ss. 985.101, 985.105, 985.11, 985.115, 985.12, 985.125,
 409 985.13, 985.135, 985.14, 985.145, 985.15, 985.155, and 985.16,
 410 Florida Statutes, is retitled "CUSTODY AND INTAKE; INTERVENTION
 411 AND DIVERSION."

412 (5) Part IV of chapter 985, Florida Statutes, consisting
 413 of ss. 985.18, 985.185, 985.19, and 985.195, Florida Statutes,
 414 is retitled "EXAMINATIONS AND EVALUATIONS."

415 (6) Part V of chapter 985, Florida Statutes, consisting of
 416 ss. 985.24, 985.245, 985.25, 985.255, 985.26, 985.265, 985.27,
 417 and 985.275, Florida Statutes, is retitled "DETENTION."

418 (7) Part VI of chapter 985, Florida Statutes, consisting
 419 of ss. 985.318, 985.319, 985.325, 985.331, 985.335, 985.345, and
 420 985.35, Florida Statutes, is created and entitled "PETITION,

421 ARRAIGNMENT, AND ADJUDICATION."

422 (8) Part VII of chapter 985, Florida Statutes, consisting
 423 of ss. 985.43, 985.433, 985.435, 985.437, 985.439, 985.441,
 424 985.442, 985.445, 985.45, 985.455, 985.46, 985.465, 985.47,
 425 985.475, 985.48, 985.483, 985.486, 985.489, and 985.494, Florida
 426 Statutes, is created and entitled "DISPOSITION;
 427 POSTDISPOSITION."

428 (9) Part VIII of chapter 985, Florida Statutes, consisting
 429 of ss. 985.511, 985.512, 985.513, and 985.514, Florida Statutes,
 430 is created and entitled "AUTHORITY OF THE COURT OVER PARENTS OR
 431 GUARDIANS."

432 (10) Part IX of chapter 985, Florida Statutes, consisting
 433 of ss. 985.534, 985.535, and 985.536, Florida Statutes, is
 434 created and entitled "APPEAL."

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

438 (12) Part XI of chapter 985, Florida Statutes, consisting
 439 of ss. 985.601, 985.6015, 985.605, 985.606, 985.61, 985.614,
 440 985.618, 985.622, 985.625, 985.629, 985.632, 985.636, 985.64,
 441 985.644, 985.648, 985.652, 985.66, 985.664, 985.668, 985.672,
 442 985.676, 985.682, 985.686, 985.688, 985.69, 985.692, and
 443 985.694, Florida Statutes, is created and entitled "DEPARTMENT
 444 OF JUVENILE JUSTICE."

445 (13) Part XII of chapter 985, Florida Statutes, consisting
 446 of ss. 985.701, 985.711, 985.721, and 985.731, Florida Statutes,
 447 is created and entitled "MISCELLANEOUS OFFENSES."

448 (14) Part XIII of chapter 985, Florida Statutes,

449 consisting of ss. 985.801, 985.802, 985.8025, 985.803, 985.804,
 450 985.805, 985.806, and 985.807, Florida Statutes, is created and
 451 entitled "INTERSTATE COMPACT ON JUVENILES."

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

454 985.01 Purposes and intent, ~~personnel standards and~~
 455 ~~screening.~~--

456 (1) The purposes of this chapter are:

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

460 ~~(2)-(3)~~ It is the intent of the Legislature that this
 461 chapter be liberally interpreted and construed in conformity
 462 with its declared purposes.

463 Section 3. Paragraph (a) of subsection (4) of section
 464 985.02, Florida Statutes, is amended to read:

465 985.02 Legislative intent for the juvenile justice
 466 system.--

467 (4) DETENTION.--

468 (a) The Legislature finds that there is a need for a
 469 secure placement for certain children alleged to have committed
 470 a delinquent act. The Legislature finds that detention ~~under~~
 471 ~~part II~~ should be used only when less restrictive interim
 472 placement alternatives prior to adjudication and disposition are
 473 not appropriate. The Legislature further finds that decisions to
 474 detain should be based in part on a prudent assessment of risk
 475 and be limited to situations where there is clear and convincing
 476 evidence that a child presents a risk of failing to appear or

477 presents a substantial risk of inflicting bodily harm on others
 478 as evidenced by recent behavior; presents a history of
 479 committing a serious property offense prior to adjudication,
 480 disposition, or placement; has acted in direct or indirect
 481 contempt of court; or requests protection from imminent bodily
 482 harm.

483 Section 4. Subsections (1) through (6), (8) through (31),
 484 (33) through (48), and (50) through (60) of section 985.03,
 485 Florida Statutes, are renumbered, respectively, as subsections
 486 (1) through (6), (7) through (30), (31) through (46), and (47)
 487 through (57), and subsections (2), (9), (16), (21), (22), (46),
 488 and (60) of that section are amended, to read:

489 985.03 Definitions.--As used in this chapter, the term:

490 (2) "Adjudicatory hearing" means a hearing for the court
 491 to determine whether or not the facts support the allegations
 492 stated in the petition, as is provided for under s. 985.35
 493 ~~985.228~~ in delinquency cases.

494 ~~(8)(9)~~ (8) "Child who has been found to have committed a
 495 delinquent act" means a child who, under this chapter, is found
 496 by a court to have committed a violation of law or to be in
 497 direct or indirect contempt of court, except that this
 498 definition does not include an act constituting contempt of
 499 court arising out of a dependency proceeding or a proceeding
 500 concerning a child or family in need of services ~~under part III~~
 501 ~~of this chapter.~~

502 ~~(15)(16)~~ (15) (a) "Delinquency program" means any intake,
 503 probation, or similar program; regional detention center or
 504 facility; or community-based program, whether owned and operated

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505 by or contracted by the department, or institution owned and
506 operated by or contracted by the department, which provides
507 intake, supervision, or custody and care of children who are
508 alleged to be or who have been found to be delinquent under this
509 chapter ~~part II~~.

510 (b) "Delinquency program staff" means supervisory and
511 direct care staff of a delinquency program as well as support
512 staff who have direct contact with children in a delinquency
513 program.

514 (c) "Delinquency prevention programs" means programs
515 designed for the purpose of reducing the occurrence of
516 delinquency, including youth and street gang activity, and
517 juvenile arrests. The term excludes arbitration, diversionary or
518 mediation programs, and community service work or other
519 treatment available subsequent to a child committing a
520 delinquent act.

521 ~~(20)~~ (21) "Detention hearing" means a hearing for the court
522 to determine if a child should be placed in temporary custody,
523 as provided for under part V ~~ss. 985.213 and 985.215~~ in
524 delinquency cases.

525 ~~(21)~~ (22) "Disposition hearing" means a hearing in which
526 the court determines the most appropriate dispositional services
527 in the least restrictive available setting provided for under
528 part VII ~~s. 985.231~~, in delinquency cases.

529 ~~(44)~~ (46) "Restrictiveness level" means the level of
530 programming and security provided by programs that service the
531 supervision, custody, care, and treatment needs of committed
532 children. Sections 985.721 ~~985.3141~~ and 985.601(10) ~~985.404(11)~~

533 apply to children placed in programs at any residential
534 commitment level. The restrictiveness levels of commitment are
535 as follows:

536 (a) Minimum-risk nonresidential.--Programs or program
537 models at this commitment level work with youth who remain in
538 the community and participate at least 5 days per week in a day
539 treatment program. Youth assessed and classified for programs at
540 this commitment level represent a minimum risk to themselves and
541 public safety and do not require placement and services in
542 residential settings. Youth in this level have full access to,
543 and reside in, the community. Youth who have been found to have
544 committed delinquent acts that involve firearms, that are sexual
545 offenses, or that would be life felonies or first degree
546 felonies if committed by an adult may not be committed to a
547 program at this level.

548 (b) Low-risk residential.--Programs or program models at
549 this commitment level are residential but may allow youth to
550 have unsupervised access to the community. Youth assessed and
551 classified for placement in programs at this commitment level
552 represent a low risk to themselves and public safety but do
553 require placement and services in residential settings. Children
554 who have been found to have committed delinquent acts that
555 involve firearms, delinquent acts that are sexual offenses, or
556 delinquent acts that would be life felonies or first degree
557 felonies if committed by an adult shall not be committed to a
558 program at this level.

559 (c) Moderate-risk residential.--Programs or program models
560 at this commitment level are residential but may allow youth to

561 have supervised access to the community. Facilities are either
562 environmentally secure, staff secure, or are hardware-secure
563 with walls, fencing, or locking doors. Facilities shall provide
564 24-hour awake supervision, custody, care, and treatment of
565 residents. Youth assessed and classified for placement in
566 programs at this commitment level represent a moderate risk to
567 public safety and require close supervision. The staff at a
568 facility at this commitment level may seclude a child who is a
569 physical threat to himself or herself or others. Mechanical
570 restraint may also be used when necessary.

571 (d) High-risk residential.--Programs or program models at
572 this commitment level are residential and do not allow youth to
573 have access to the community except that, temporary release
574 providing community access for up to 72 continuous hours may be
575 approved by a court for a youth who has made successful progress
576 in his or her program in order for the youth to attend a family
577 emergency or, during the final 60 days of his or her placement,
578 to visit his or her home, enroll in school or a vocational
579 program, complete a job interview, or participate in a community
580 service project. High-risk residential facilities are hardware-
581 secure with perimeter fencing and locking doors. Facilities
582 shall provide 24-hour awake supervision, custody, care, and
583 treatment of residents. Youth assessed and classified for this
584 level of placement require close supervision in a structured
585 residential setting. Placement in programs at this level is
586 prompted by a concern for public safety that outweighs placement
587 in programs at lower commitment levels. The staff at a facility
588 at this commitment level may seclude a child who is a physical

589 threat to himself or herself or others. Mechanical restraint may
 590 also be used when necessary. The facility may provide for single
 591 cell occupancy.

592 (e) Maximum-risk residential.--Programs or program models
 593 at this commitment level include juvenile correctional
 594 facilities and juvenile prisons. The programs are long-term
 595 residential and do not allow youth to have access to the
 596 community. Facilities are maximum-custody hardware-secure with
 597 perimeter security fencing and locking doors. Facilities shall
 598 provide 24-hour awake supervision, custody, care, and treatment
 599 of residents. The staff at a facility at this commitment level
 600 may seclude a child who is a physical threat to himself or
 601 herself or others. Mechanical restraint may also be used when
 602 necessary. The facility shall provide for single cell occupancy,
 603 except that youth may be housed together during prerelease
 604 transition. Youth assessed and classified for this level of
 605 placement require close supervision in a maximum security
 606 residential setting. Placement in a program at this level is
 607 prompted by a demonstrated need to protect the public.

608 ~~(57)-(60)~~ "Waiver hearing" means a hearing provided for
 609 under s. 985.556(4) ~~985.226(3)~~.

610 Section 5. Section 985.201, Florida Statutes, is amended
 611 and renumbered as section 985.0301, Florida Statutes, and
 612 subsection (8) of section 985.219, Florida Statutes, is amended
 613 and renumbered as subsection (2) of section 985.0301, Florida
 614 Statutes, to read:

615 985.0301 ~~985.201~~ Jurisdiction.--

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

619 ~~(2)(8)~~ The jurisdiction of the court shall attach to the
620 child and the case when the summons is served upon the child and
621 a parent or legal or actual custodian or guardian of the child,
622 or when the child is taken into custody with or without service
623 of summons and before or after the filing of a petition,
624 whichever first occurs, and thereafter the court may control the
625 child and the case in accordance with this chapter ~~part~~.

626 ~~(3)(2)~~ During the prosecution of any violation of law
627 against any person who has been presumed to be an adult, if it
628 is shown that the person was a child at the time the offense was
629 committed and that the person does not meet the criteria for
630 prosecution and sentencing as an adult, the court shall
631 immediately transfer the case, together with the physical
632 custody of the person and all physical evidence, papers,
633 documents, and testimony, original and duplicate, connected
634 therewith, to the appropriate court for proceedings under this
635 chapter. The circuit court is exclusively authorized to assume
636 jurisdiction over any juvenile offender who is arrested and
637 charged with violating a federal law or a law of the District of
638 Columbia, who is found or is living or domiciled in a county in
639 which the circuit court is established, and who is surrendered
640 to the circuit court as provided in 18 U.S.C. s. 5001.

641 ~~(4)(3)~~(a) Petitions alleging delinquency ~~filed under this~~
642 ~~part~~ shall be filed in the county where the delinquent act or
643 violation of law occurred, but the circuit court for that county

644 may transfer the case to the circuit court of the circuit in
 645 which the child resides or will reside at the time of detention
 646 or placement for dispositional purposes. A child who has been
 647 detained shall be transferred to the appropriate detention
 648 center or facility or other placement directed by the receiving
 649 court.

650 (b) The jurisdiction to be exercised by the court when a
 651 child is taken into custody before the filing of a petition
 652 under subsection (2) ~~ss. 985.219(8)~~ shall be exercised by the
 653 circuit court for the county in which the child is taken into
 654 custody, which court shall have personal jurisdiction of the
 655 child and the child's parent or legal guardian. Upon the filing
 656 of a petition in the appropriate circuit court, the court that
 657 is exercising initial jurisdiction of the person of the child
 658 shall, if the child has been detained, immediately order the
 659 child to be transferred to the detention center or facility or
 660 other placement as ordered by the court having subject matter
 661 jurisdiction of the case.

662 (5)(4)(a) Notwithstanding ss. 743.07, 985.43 ~~985.229~~,
 663 985.433 ~~985.23~~, 985.435, 985.439, and 985.441 ~~985.231~~, and
 664 except as provided in ss. 985.465 and 985.47 ~~985.31~~ and
 665 paragraph (f) ~~985.313~~, when the jurisdiction of any child who is
 666 alleged to have committed a delinquent act or violation of law
 667 is obtained, the court shall retain jurisdiction, unless
 668 relinquished by its order, until the child reaches 19 years of
 669 age, with the same power over the child that the court had prior
 670 to the child becoming an adult.

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

676 (c) Notwithstanding ss. 743.07 and 985.455(3), and except
677 as provided in s. 985.47, the term of the commitment must be
678 until the child is discharged by the department or until he or
679 she reaches the age of 21 years. Notwithstanding ss. 743.07,
680 985.435, 985.437, 985.439, 985.441, 985.445, 985.455, and
681 985.513 and except as provided in this section and s. 985.47, a
682 child may not be held under a commitment from a court under s.
683 985.439, s. 985.441(1)(a) or (b), s. 985.445, or s. 985.455
684 after becoming 21 years of age.

685 (d) ~~(b)~~1. The court may retain jurisdiction over a child
686 committed to the department for placement in a juvenile prison
687 or in a high-risk or maximum-risk residential commitment program
688 to allow the child to participate in a juvenile conditional
689 release program pursuant to s. 985.46 ~~985.316~~. In no case shall
690 the jurisdiction of the court be retained beyond the child's
691 22nd birthday. However, if the child is not successful in the
692 conditional release program, the department may use the transfer
693 procedure under s. 985.441(3) ~~985.404~~.

694 (e)2. The court may retain jurisdiction over a child
695 committed to the department for placement in an intensive
696 residential treatment program for 10-year-old to 13-year-old
697 offenders, in the residential commitment program in a juvenile
698 prison, in a residential sex offender program, or in a program

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699 for serious or habitual juvenile offenders as provided in s.
700 985.47 ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches the
701 age of 21. If the court exercises this jurisdiction retention,
702 it shall do so solely for the purpose of the child completing
703 the intensive residential treatment program for 10-year-old to
704 13-year-old offenders, in the residential commitment program in
705 a juvenile prison, in a residential sex offender program, or the
706 program for serious or habitual juvenile offenders. Such
707 jurisdiction retention does not apply for other programs, other
708 purposes, or new offenses.

709 (f) The court may retain jurisdiction over a child
710 committed to a juvenile correctional facility or a juvenile
711 prison until the child reaches the age of 21 years, specifically
712 for the purpose of allowing the child to complete such program.

713 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
714 or habitual juvenile offender shall not be held under commitment
715 from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565
716 after becoming 21 years of age. This subparagraph shall apply
717 only for the purpose of completing the serious or habitual
718 juvenile offender program under this chapter and shall be used
719 solely for the purpose of treatment.

720 2. The court may retain jurisdiction over a child who has
721 been placed in a program or facility for serious or habitual
722 juvenile offenders until the child reaches the age of 21,
723 specifically for the purpose of the child completing the
724 program.

725 (h) The court may retain jurisdiction over a juvenile
726 sexual offender who has been placed in a program or facility for

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727 juvenile sexual offenders until the juvenile sexual offender
728 reaches the age of 21, specifically for the purpose of
729 completing the program.

730 (i)~~(e)~~ The court may retain jurisdiction over a child and
731 the child's parent or legal guardian whom the court has ordered
732 to pay restitution until the restitution order is satisfied. To
733 retain jurisdiction, the court shall enter a restitution order,
734 which is separate from any disposition or order of commitment,
735 on or prior to the date that the court's jurisdiction would
736 cease under this section. The contents of the restitution order
737 shall be limited to the child's name and address, the name and
738 address of the parent or legal guardian, the name and address of
739 the payee, the case number, the date and amount of restitution
740 ordered, any amount of restitution paid, the amount of
741 restitution due and owing, and a notation that costs, interest,
742 penalties, and attorney's fees may also be due and owing. The
743 terms of the restitution order are subject to ~~the provisions of~~
744 s. 775.089(5).

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

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

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

752 Section 7. Section 985.203, Florida Statutes, is
753 renumbered as section 985.033, Florida Statutes, subsections (2)
754 through (4) are redesignated subsections (3) through (5),

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

757 985.033 ~~985.203~~ Right to counsel.--

758 (1) A child is entitled to representation by legal counsel
 759 at all stages of any delinquency court proceedings under this
 760 chapter ~~part~~. If the child and the parents or other legal
 761 guardian are indigent and unable to employ counsel for the
 762 child, the court shall appoint counsel under ~~pursuant to~~ s.
 763 27.52. Determination of indigence and costs of representation
 764 shall be as provided by ss. 27.52 and 938.29. Legal counsel
 765 representing a child who exercises the right to counsel shall be
 766 allowed to provide advice and counsel to the child at any time
 767 subsequent to the child's arrest, including prior to a detention
 768 hearing while in secure detention care. A child shall be
 769 represented by legal counsel at all stages of all court
 770 proceedings unless the right to counsel is freely, knowingly,
 771 and intelligently waived by the child. If the child appears
 772 without counsel, the court shall advise the child of his or her
 773 rights with respect to representation of court-appointed
 774 counsel.

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

778 Section 8. Section 985.205, Florida Statutes, is
 779 renumbered as section 985.035, Florida Statutes.

780 Section 9. Section 985.206, Florida Statutes, is
 781 renumbered as section 985.036, Florida Statutes, and amended to
 782 read:

783 985.036 ~~985.206~~ Rights of victims; juvenile proceedings.--

784 (1) Nothing in this chapter prohibits:

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

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

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

790 (d) ~~(4)~~ The next of kin if the victim is a homicide victim,
791

792 from the right to be informed of, to be present during, and to
793 be heard when relevant at, all crucial stages of the proceedings
794 involving the juvenile offender, to the extent that such rights
795 do not interfere with the constitutional rights of the juvenile
796 offender. A person enumerated in this section may not reveal to
797 any outside party any confidential information obtained under
798 ~~pursuant to this subsection paragraph~~ regarding a case involving
799 a juvenile offense, except as is reasonably necessary to pursue
800 legal remedies.

801 (2) A law enforcement agency may release a copy of the
802 juvenile offense report to the victim of the offense. However,
803 information gained by the victim under this chapter, including
804 the next of kin of a homicide victim, regarding any case handled
805 in juvenile court must not be revealed to any outside party,
806 except as is reasonably necessary in pursuit of legal remedies.

807 Section 10. Section 985.216, Florida Statutes, is
808 renumbered as section 985.037, Florida Statutes, and subsection
809 (2) and paragraphs (b) and (d) of subsection (4) of that section
810 are amended to read:

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811 985.037 ~~985.216~~ Punishment for contempt of court;
812 alternative sanctions.--

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

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

822 ~~(b)~~ ~~A child in need of services who has been held in~~
823 ~~direct contempt or indirect contempt may be placed, not to~~
824 ~~exceed 5 days for a first offense and not to exceed 15 days for~~
825 ~~a second or subsequent offense, in a staff secure shelter or a~~
826 ~~staff secure residential facility solely for children in need of~~
827 ~~services if such placement is available, or, if such placement~~
828 ~~is not available, the child may be placed in an appropriate~~
829 ~~mental health facility or substance abuse facility for~~
830 ~~assessment. In addition to disposition under this paragraph, a~~
831 ~~child in need of services who is held in direct contempt or~~
832 ~~indirect contempt may be placed in a physically secure facility~~
833 ~~as provided under s. 984.226 if conditions of eligibility are~~
834 ~~met.~~

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

837 (b) If a child is charged with indirect contempt of court,
838 the court must hold a hearing within 24 hours to determine

839 whether the child committed indirect contempt of a valid court
 840 order. At the hearing, the following due process rights must be
 841 provided to the child:

- 842 1. Right to a copy of the order to show cause alleging
- 843 facts supporting the contempt charge.
- 844 2. Right to an explanation of the nature and the
- 845 consequences of the proceedings.
- 846 3. Right to legal counsel and the right to have legal
- 847 counsel appointed by the court if the juvenile is indigent,
- 848 under ~~pursuant to~~ s. 985.033 ~~985.203~~.
- 849 4. Right to confront witnesses.
- 850 5. Right to present witnesses.
- 851 6. Right to have a transcript or record of the proceeding.
- 852 7. Right to appeal to an appropriate court.

853
 854 The child's parent or guardian may address the court regarding
 855 the due process rights of the child. The court shall review the
 856 placement of the child every 72 hours to determine whether it is
 857 appropriate for the child to remain in the facility.

858 (d) In addition to any other sanction imposed under this
 859 section, the court may direct the Department of Highway Safety
 860 and Motor Vehicles to withhold issuance of, or suspend, a
 861 child's driver's license or driving privilege. The court may
 862 order that a child's driver's license or driving privilege be
 863 withheld or suspended for up to 1 year for a first offense of
 864 contempt and up to 2 years for a second or subsequent offense.
 865 If the child's driver's license or driving privilege is
 866 suspended or revoked for any reason at the time the sanction for

867 contempt is imposed, the court shall extend the period of
 868 suspension or revocation by the additional period ordered under
 869 this paragraph. If the child's driver's license is being
 870 withheld at the time the sanction for contempt is imposed, the
 871 period of suspension or revocation ordered under this paragraph
 872 shall begin on the date on which the child is otherwise eligible
 873 to drive. ~~For a child in need of services whose driver's license~~
 874 ~~or driving privilege is suspended under this paragraph, the~~
 875 ~~court may direct the Department of Highway Safety and Motor~~
 876 ~~Vehicles to issue the child a license for driving privileges~~
 877 ~~restricted to business or employment purposes only, as defined~~
 878 ~~in s. 322.271, or for the purpose of completing court ordered~~
 879 ~~community service, if the child is otherwise qualified for a~~
 880 ~~license. However, the department may not issue a restricted~~
 881 ~~license unless specifically ordered to do so by the court.~~

882 Section 11. Section 985.2311, Florida Statutes, is
 883 renumbered as section 985.039, Florida Statutes, and paragraph
 884 (b) of subsection (1) and subsection (10) of that section are
 885 amended to read:

886 985.039 ~~985.2311~~ Cost of supervision; cost of care.--

887 (1) Except as provided in subsection (3) or subsection
 888 (4):

889 (b) When any child is placed into secure detention or
 890 placed on committed status and the temporary legal custody of
 891 such child is placed with the department ~~of Juvenile Justice,~~
 892 the court shall order the parent of such child to pay to the
 893 department a fee for the cost of the care of such child in the

894 amount of \$5 per day for each day that the child is in the
 895 temporary legal custody of the department.

896 (10) The department or the collection agency shall provide
 897 to the payor documentation of the payment of any fee paid
 898 pursuant to this section. Except as provided in subsection (9),
 899 all payments received by the department or the collection agency
 900 pursuant to this section shall be deposited in the department's
 901 ~~state~~ Grants and Donations Trust Fund ~~within the Department of~~
 902 ~~Juvenile Justice.~~

903 Section 12. Section 985.04, Florida Statutes, is amended
 904 to read:

905 985.04 Oaths; records; confidential information.--

906 (1) ~~(3)(a)~~ Except as provided in subsections (2), (3) ~~(4)~~,
 907 ~~(5)~~, ~~and~~ (6), and (7) and s. 943.053, all information obtained
 908 under this chapter part in the discharge of official duty by any
 909 judge, any employee of the court, any authorized agent of the
 910 department ~~of Juvenile Justice~~, the Parole Commission, the
 911 Department of Corrections, the juvenile justice circuit boards,
 912 any law enforcement agent, or any licensed professional or
 913 licensed community agency representative participating in the
 914 assessment or treatment of a juvenile is confidential and may be
 915 disclosed only to the authorized personnel of the court, the
 916 department ~~of Juvenile Justice~~ and its designees, the Department
 917 of Corrections, the Parole Commission, law enforcement agents,
 918 school superintendents and their designees, any licensed
 919 professional or licensed community agency representative
 920 participating in the assessment or treatment of a juvenile, and
 921 others entitled under this chapter to receive that information,

922 or upon order of the court. Within each county, the sheriff, the
 923 chiefs of police, the district school superintendent, and the
 924 department shall enter into an interagency agreement for the
 925 purpose of sharing information about juvenile offenders among
 926 all parties. The agreement must specify the conditions under
 927 which summary criminal history information is to be made
 928 available to appropriate school personnel, and the conditions
 929 under which school records are to be made available to
 930 appropriate department personnel. Such agreement shall require
 931 notification to any classroom teacher of assignment to the
 932 teacher's classroom of a juvenile who has been placed in a
 933 probation or commitment program for a felony offense. The
 934 agencies entering into such agreement must comply with s.
 935 943.0525, and must maintain the confidentiality of information
 936 that is otherwise exempt from s. 119.07(1), as provided by law.

937 (2)~~(5)~~ Notwithstanding any other provisions of this
 938 chapter ~~part~~, the name, photograph, address, and crime or arrest
 939 report of a child:

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

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

946 (c) Transferred to the adult system under ~~pursuant to~~ s.
 947 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56 ~~985.225~~,
 948 or waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;

949 (d) Taken into custody by a law enforcement officer for a
 950 violation of law subject to ~~the provisions of~~ s. 985.557
 951 ~~985.227~~(2) (b) or (d); or

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

954
 955 shall not be considered confidential and exempt from ~~the~~
 956 ~~provisions of~~ s. 119.07(1) solely because of the child's age.

957 ~~(3)(6)~~ A law enforcement agency may release a copy ~~This~~
 958 ~~part does not prohibit the release of the juvenile offense~~
 959 ~~report by a law enforcement agency to the victim of the offense.~~
 960 However, information gained by the victim under ~~pursuant to~~ this
 961 chapter, including the next of kin of a homicide victim,
 962 regarding any case handled in juvenile court, must not be
 963 revealed to any outside party, except as is reasonably necessary
 964 in pursuit of legal remedies.

965 ~~(4)(7)~~(a) Notwithstanding any other provision of this
 966 section, when a child of any age is taken into custody by a law
 967 enforcement officer for an offense that would have been a felony
 968 if committed by an adult, or a crime of violence, the law
 969 enforcement agency must notify the superintendent of schools
 970 that the child is alleged to have committed the delinquent act.

971 (b) Notwithstanding paragraph (a) or any other provision
 972 of this section, when a child of any age is formally charged by
 973 a state attorney with a felony or a delinquent act that would be
 974 a felony if committed by an adult, the state attorney shall
 975 notify the superintendent of the child's school that the child
 976 has been charged with such felony or delinquent act. The

977 information obtained by the superintendent of schools under
 978 ~~pursuant to~~ this section must be released within 48 hours after
 979 receipt to appropriate school personnel, including the principal
 980 of the school of the child. The principal must immediately
 981 notify the child's immediate classroom teachers. Upon
 982 notification, the principal is authorized to begin disciplinary
 983 actions under ~~pursuant to~~ s. 1006.09(1)-(4).

984 (c) ~~(b)~~ The department shall disclose to the school
 985 superintendent the presence of any child in the care and custody
 986 or under the jurisdiction or supervision of the department who
 987 has a known history of criminal sexual behavior with other
 988 juveniles; is an alleged juvenile sexual ~~sex~~ offender, as
 989 defined in s. 39.01; or has pled guilty or nolo contendere to,
 990 or has been found to have committed, a violation of chapter 794,
 991 chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless
 992 of adjudication. Any employee of a district school board who
 993 knowingly and willfully discloses such information to an
 994 unauthorized person commits a misdemeanor of the second degree,
 995 punishable as provided in s. 775.082 or s. 775.083.

996 (5) ~~(1)~~ Authorized agents of the department ~~of Juvenile~~
 997 ~~Justice~~ may administer oaths and affirmations.

998 (6) ~~(2)~~ Records maintained by the department ~~of Juvenile~~
 999 ~~Justice~~, including copies of records maintained by the court,
 1000 which pertain to a child found to have committed a delinquent
 1001 act which, if committed by an adult, would be a crime specified
 1002 in ss. 435.03 and 435.04 may not be destroyed under ~~pursuant to~~
 1003 this section for a period of 25 years after the youth's final
 1004 referral to the department, except in cases of the death of the

1005 child. Such records, however, shall be sealed by the court for
 1006 use only in meeting the screening requirements for personnel in
 1007 s. 402.3055 and the other sections cited above, or under
 1008 ~~pursuant to~~ departmental rule; however, current criminal history
 1009 information must be obtained from the Department of Law
 1010 Enforcement in accordance with s. 943.053. The information shall
 1011 be released to those persons specified in the above cited
 1012 sections for the purposes of complying with those sections. The
 1013 court may punish by contempt any person who releases or uses the
 1014 records for any unauthorized purpose.

1015 (7)~~(4)~~(a) Records in the custody of the department of
 1016 ~~Juvenile Justice~~ regarding children are not open to inspection
 1017 by the public. Such records may be inspected only upon order of
 1018 the Secretary of Juvenile Justice or his or her authorized agent
 1019 by persons who have sufficient reason and upon such conditions
 1020 for their use and disposition as the secretary or his or her
 1021 authorized agent deems proper. The information in such records
 1022 may be disclosed only to other employees of the department of
 1023 ~~Juvenile Justice~~ who have a need therefor in order to perform
 1024 their official duties ~~duty~~; to other persons as authorized by
 1025 rule of the department of ~~Juvenile Justice~~; and, upon request,
 1026 to the Department of Corrections. The secretary or his or her
 1027 authorized agent may permit properly qualified persons to
 1028 inspect and make abstracts from records for statistical purposes
 1029 under whatever conditions upon their use and disposition the
 1030 secretary or his or her authorized agent deems proper, provided
 1031 adequate assurances are given that children's names and other
 1032 identifying information will not be disclosed by the applicant.

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1033 (b) The destruction of records pertaining to children
 1034 committed to or supervised by the department ~~of Juvenile Justice~~
 1035 pursuant to a court order, which records are retained until a
 1036 child reaches the age of 24 years or until a serious or habitual
 1037 delinquent child reaches the age of 26 years, shall be subject
 1038 to chapter 943.

1039 (8) Criminal history information made available to
 1040 governmental agencies by the Department of Law Enforcement or
 1041 other criminal justice agencies shall not be used for any
 1042 purpose other than that specified in the provision authorizing
 1043 the releases.

1044 Section 13. Section 985.05, Florida Statutes, is
 1045 renumbered as section 985.045, Florida Statutes, and amended to
 1046 read:

1047 985.045 ~~985.05~~ Court records.--

1048 (1) The clerk of the court shall make and keep records of
 1049 all cases brought before it under ~~pursuant to~~ this chapter ~~part~~.
 1050 The court shall preserve the records pertaining to a child
 1051 charged with committing a delinquent act or violation of law
 1052 until the child reaches 24 years of age or reaches 26 years of
 1053 age if he or she is a serious or habitual delinquent child,
 1054 until 5 years after the last entry was made, or until 3 years
 1055 after the death of the child, whichever is earlier, and may then
 1056 destroy them, except that records made of traffic offenses in
 1057 which there is no allegation of delinquency may be destroyed as
 1058 soon as this can be reasonably accomplished. The court shall
 1059 make official records of all petitions and orders filed in a
 1060 case arising under ~~pursuant to~~ this chapter ~~part~~ and of any

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1061 other pleadings, certificates, proofs of publication, summonses,
1062 warrants, and writs that are filed pursuant to the case.

1063 (2) The clerk shall keep all official records required by
1064 this section separate from other records of the circuit court,
1065 except those records pertaining to motor vehicle violations,
1066 which shall be forwarded to the Department of Highway Safety and
1067 Motor Vehicles. Except as provided in ss. 943.053 and
1068 985.04 (7) ~~(4)~~, official records required by this chapter are not
1069 open to inspection by the public, but may be inspected only upon
1070 order of the court by persons deemed by the court to have a
1071 proper interest therein, except that a child and the parents,
1072 guardians, or legal custodians of the child and their attorneys,
1073 law enforcement agencies, the Department of Juvenile Justice and
1074 its designees, the Parole Commission, the Department of
1075 Corrections, and the Justice Administrative Commission shall
1076 always have the right to inspect and copy any official record
1077 pertaining to the child. The court may permit authorized
1078 representatives of recognized organizations compiling statistics
1079 for proper purposes to inspect, and make abstracts from,
1080 official records under whatever conditions upon the use and
1081 disposition of such records the court may deem proper and may
1082 punish by contempt proceedings any violation of those
1083 conditions.

1084 (3) All orders of the court entered under ~~pursuant to~~ this
1085 chapter ~~part~~ must be in writing and signed by the judge, except
1086 that the clerk or deputy clerk may sign a summons or notice to
1087 appear.

1088 (4) A court record of proceedings under this chapter ~~part~~
 1089 is not admissible in evidence in any other civil or criminal
 1090 proceeding, except that:

1091 (a) Orders transferring a child for trial as an adult are
 1092 admissible in evidence in the court in which he or she is tried,
 1093 but create no presumption as to the guilt of the child; nor may
 1094 such orders be read to, or commented upon in the presence of,
 1095 the jury in any trial.

1096 (b) Orders binding an adult over for trial on a criminal
 1097 charge, made by the committing trial court judge, are admissible
 1098 in evidence in the court to which the adult is bound over.

1099 (c) Records of proceedings under this chapter ~~part~~ forming
 1100 a part of the record on appeal must be used in the appellate
 1101 court in the manner provided in s. 985.534 ~~985.234~~.

1102 (d) Records are admissible in evidence in any case in
 1103 which a person is being tried upon a charge of having committed
 1104 perjury, to the extent such records are necessary to prove the
 1105 charge.

1106 (e) Records of proceedings under this chapter ~~part~~ may be
 1107 used to prove disqualification under ~~pursuant to~~ ss. 110.1127,
 1108 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176,
 1109 and 985.644 ~~985.407~~.

1110 (5) This chapter does not prohibit a circuit court from
 1111 providing a restitution order containing the information
 1112 prescribed in s. 985.0301(5)(i) ~~985.201(4)(e)~~ to a collection
 1113 court or a private collection agency for the sole purpose of
 1114 collecting unpaid restitution ordered in a case in which the
 1115 circuit court has retained jurisdiction over the child and the

1116 child's parent or legal guardian. The collection court or
 1117 private collection agency shall maintain the confidential status
 1118 of the information to the extent such confidentiality is
 1119 provided by law.

1120 Section 14. Sections 985.06 and 985.08, Florida Statutes,
 1121 are renumbered, respectively, as sections 985.046 and 985.047,
 1122 Florida Statutes.

1123 Section 15. Section 985.207, Florida Statutes, is amended
 1124 and renumbered as section 985.101, Florida Statutes, and
 1125 subsection (3) of section 985.215, Florida Statutes, is
 1126 renumbered as subsection (2) of section 985.101, Florida
 1127 Statutes, and amended to read:

1128 985.101 ~~985.207~~ Taking a child into custody.--

1129 (1) A child may be taken into custody under the following
 1130 circumstances:

1131 (a) Pursuant to an order of the circuit court issued under
 1132 this chapter ~~part~~, based upon sworn testimony, either before or
 1133 after a petition is filed.

1134 (b) For a delinquent act or violation of law, pursuant to
 1135 Florida law pertaining to a lawful arrest. If such delinquent
 1136 act or violation of law would be a felony if committed by an
 1137 adult or involves a crime of violence, the arresting authority
 1138 shall immediately notify the district school superintendent, or
 1139 the superintendent's designee, of the school district with
 1140 educational jurisdiction of the child. Such notification shall
 1141 include other education providers such as the Florida School for
 1142 the Deaf and the Blind, university developmental research
 1143 schools, and private elementary and secondary schools. The

1144 information obtained by the superintendent of schools pursuant
 1145 to this section must be released within 48 hours after receipt
 1146 to appropriate school personnel, including the principal of the
 1147 child's school, or as otherwise provided by law. The principal
 1148 must immediately notify the child's immediate classroom
 1149 teachers. Information provided by an arresting authority under
 1150 ~~pursuant to~~ this paragraph may not be placed in the student's
 1151 permanent record and shall be removed from all school records no
 1152 later than 9 months after the date of the arrest.

1153 (c) By a law enforcement officer for failing to appear at
 1154 a court hearing after being properly noticed.

1155 (d) By a law enforcement officer who has probable cause to
 1156 believe that the child is in violation of the conditions of the
 1157 child's probation, home detention, post commitment probation, or
 1158 conditional release supervision, has absconded from
 1159 nonresidential commitment, or has escaped from residential
 1160 commitment.

1161
 1162 Nothing in this subsection shall be construed to allow the
 1163 detention of a child who does not meet the detention criteria in
 1164 part V s. 985.215.

1165 (2)~~(3)~~ Except in emergency situations, a child may not be
 1166 placed into or transported in any police car or similar vehicle
 1167 that at the same time contains an adult under arrest, unless the
 1168 adult is alleged or believed to be involved in the same offense
 1169 or transaction as the child.

1170 (3)~~(2)~~ When a child is taken into custody as provided in
 1171 this section, the person taking the child into custody shall

1172 attempt to notify the parent, guardian, or legal custodian of
 1173 the child. The person taking the child into custody shall
 1174 continue such attempt until the parent, guardian, or legal
 1175 custodian of the child is notified or the child is delivered to
 1176 a juvenile probation officer under ss. 985.14 and 985.145
 1177 ~~pursuant to s. 985.21~~, whichever occurs first. If the child is
 1178 delivered to a juvenile probation officer before the parent,
 1179 guardian, or legal custodian is notified, the juvenile probation
 1180 officer shall continue the attempt to notify until the parent,
 1181 guardian, or legal custodian of the child is notified. Following
 1182 notification, the parent or guardian must provide identifying
 1183 information, including name, address, date of birth, social
 1184 security number, and driver's license number or identification
 1185 card number of the parent or guardian to the person taking the
 1186 child into custody or the juvenile probation officer.

1187 (4)~~(3)~~ Taking a child into custody is not an arrest except
 1188 for the purpose of determining whether the taking into custody
 1189 or the obtaining of any evidence in conjunction therewith is
 1190 lawful.

1191 Section 16. Section 985.2075, Florida Statutes, is
 1192 renumbered as section 985.105, Florida Statutes and subsections
 1193 (1) and (2) of that section are amended to read:

1194 985.105 ~~985.2075~~ Youth custody officer.--

1195 (1) There is created within the department ~~of Juvenile~~
 1196 ~~Justice~~ the position of youth custody officer. The duties of
 1197 each youth custody officer shall be to take youth into custody
 1198 if the officer has probable cause to believe that the youth has
 1199 violated the conditions of probation, home detention,

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1200 conditional release, or postcommitment probation, or has failed
 1201 to appear in court after being properly noticed. The authority
 1202 of the youth custody officer to take youth into custody is
 1203 specifically limited to this purpose.

1204 (2) A youth custody officer must meet the minimum
 1205 qualifications for employment or appointment, be certified under
 1206 chapter 943, and comply with the requirements for continued
 1207 employment required by s. 943.135. The department of ~~Juvenile~~
 1208 ~~Justice~~ must comply with the responsibilities provided for an
 1209 employing agency under s. 943.133 for each youth custody
 1210 officer.

1211 Section 17. Section 985.212, Florida Statutes, is
 1212 renumbered as section 985.11, Florida Statutes, and paragraph
 1213 (b) of subsection (1) of that section is amended to read:

1214 985.11 ~~985.212~~ Fingerprinting and photographing.--

1215 (1)

1216 (b) A child who is charged with or found to have committed
 1217 one of the following offenses shall be fingerprinted, and the
 1218 fingerprints shall be submitted to the Department of Law
 1219 Enforcement as provided in s. 943.051(3)(b):

1220 1. Assault, as defined in s. 784.011.

1221 2. Battery, as defined in s. 784.03.

1222 3. Carrying a concealed weapon, as defined in s.
 1223 790.01(1).

1224 4. Unlawful use of destructive devices or bombs, as
 1225 defined in s. 790.1615(1).

1226 5. Negligent treatment of children, as defined in former
 1227 s. 827.05.

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1228 6. Assault on a law enforcement officer, a firefighter, or
 1229 other specified officers, as defined in s. 784.07(2)(a).

1230 7. Open carrying of a weapon, as defined in s. 790.053.

1231 8. Exposure of sexual organs, as defined in s. 800.03.

1232 9. Unlawful possession of a firearm, as defined in s.
 1233 790.22(5).

1234 10. Petit theft, as defined in s. 812.014.

1235 11. Cruelty to animals, as defined in s. 828.12(1).

1236 12. Arson, resulting in bodily harm to a firefighter, as
 1237 defined in s. 806.031(1).

1238 13. Unlawful possession or discharge of a weapon or
 1239 firearm at a school-sponsored event or on school property as
 1240 defined in s. 790.115.

1241
 1242 A law enforcement agency may fingerprint and photograph a child
 1243 taken into custody upon probable cause that such child has
 1244 committed any other violation of law, as the agency deems
 1245 appropriate. Such fingerprint records and photographs shall be
 1246 retained by the law enforcement agency in a separate file, and
 1247 these records and all copies thereof must be marked "Juvenile
 1248 Confidential." These records are not available for public
 1249 disclosure and inspection under s. 119.07(1) except as provided
 1250 in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be available
 1251 to other law enforcement agencies, criminal justice agencies,
 1252 state attorneys, the courts, the child, the parents or legal
 1253 custodians of the child, their attorneys, and any other person
 1254 authorized by the court to have access to such records. In
 1255 addition, such records may be submitted to the Department of Law

1256 Enforcement for inclusion in the state criminal history records
 1257 and used by criminal justice agencies for criminal justice
 1258 purposes. These records may, in the discretion of the court, be
 1259 open to inspection by anyone upon a showing of cause. The
 1260 fingerprint and photograph records shall be produced in the
 1261 court whenever directed by the court. Any photograph taken
 1262 pursuant to this section may be shown by a law enforcement
 1263 officer to any victim or witness of a crime for the purpose of
 1264 identifying the person who committed such crime.

1265 Section 18. Subsections (2) and (5) of section 985.211,
 1266 Florida Statutes, are renumbered, respectively, as subsections
 1267 (2) and (3) of section 985.115, Florida Statutes, and
 1268 subsections (1) and (7) of section 985.211, Florida Statutes,
 1269 are renumbered, respectively, as subsections (1) and (4) of
 1270 section 985.115, Florida Statutes, and amended to read:

1271 985.115 ~~985.211~~ Release or delivery from custody.--

1272 (1) A child taken into custody shall be released from
 1273 custody as soon as is reasonably possible.

1274 (2) Unless otherwise ordered by the court under s. 985.255
 1275 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there is a need
 1276 to hold the child, a person taking a child into custody shall
 1277 attempt to release the child as follows:

1278 (a) To the child's parent, guardian, or legal custodian
 1279 or, if the child's parent, guardian, or legal custodian is
 1280 unavailable, unwilling, or unable to provide supervision for the
 1281 child, to any responsible adult. Prior to releasing the child to
 1282 a responsible adult, other than the parent, guardian, or legal
 1283 custodian, the person taking the child into custody may conduct

1284 a criminal history background check of the person to whom the
 1285 child is to be released. If the person has a prior felony
 1286 conviction, or a conviction for child abuse, drug trafficking,
 1287 or prostitution, that person is not a responsible adult for the
 1288 purposes of this section. The person to whom the child is
 1289 released shall agree to inform the department or the person
 1290 releasing the child of the child's subsequent change of address
 1291 and to produce the child in court at such time as the court may
 1292 direct, and the child shall join in the agreement.

1293 (b) Contingent upon specific appropriation, to a shelter
 1294 approved by the department or to an authorized agent under
 1295 ~~pursuant to~~ s. 39.401(2) (b) .

1296 (c) If the child is believed to be suffering from a
 1297 serious physical condition which requires either prompt
 1298 diagnosis or prompt treatment, to a law enforcement officer who
 1299 shall deliver the child to a hospital for necessary evaluation
 1300 and treatment.

1301 (d) If the child is believed to be mentally ill as defined
 1302 in s. 394.463(1), to a law enforcement officer who shall take
 1303 the child to a designated public receiving facility as defined
 1304 in s. 394.455 for examination under ~~pursuant to the provisions~~
 1305 ~~of~~ s. 394.463.

1306 (e) If the child appears to be intoxicated and has
 1307 threatened, attempted, or inflicted physical harm on himself or
 1308 herself or another, or is incapacitated by substance abuse, to a
 1309 law enforcement officer who shall deliver the child to a
 1310 hospital, addictions receiving facility, or treatment resource.

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1311 (f) If available, to a juvenile assessment center equipped
1312 and staffed to assume custody of the child for the purpose of
1313 assessing the needs of the child in custody. The center may then
1314 release or deliver the child under ~~pursuant to~~ this section with
1315 a copy of the assessment.

1316 ~~(3)-(5)~~ Upon taking a child into custody, a law enforcement
1317 officer may deliver the child, for temporary custody not to
1318 exceed 6 hours, to a secure booking area of a jail or other
1319 facility intended or used for the detention of adults, for the
1320 purpose of fingerprinting or photographing the child or awaiting
1321 appropriate transport to the department or as provided in s.
1322 985.13(2) ~~subsection (4)~~, provided no regular sight and sound
1323 contact between the child and adult inmates or trustees is
1324 permitted and the receiving facility has adequate staff to
1325 supervise and monitor the child's activities at all times.

1326 ~~(4)-(7)~~ Nothing in this section or s. 985.13 shall prohibit
1327 the proper use of law enforcement diversion programs. Law
1328 enforcement agencies may initiate and conduct diversion programs
1329 designed to divert a child from the need for department custody
1330 or judicial handling. Such programs may be cooperative projects
1331 with local community service agencies.

1332 Section 19. Section 985.301, Florida Statutes, is
1333 renumbered as section 985.12, Florida Statutes, and subsection
1334 (4) of that section is amended to read:

1335 985.12 ~~985.301~~ Civil citation.--

1336 (4) If the juvenile fails to report timely for a work
1337 assignment, complete a work assignment, or comply with assigned
1338 intervention services within the prescribed time, or if the

1339 juvenile commits a third or subsequent misdemeanor, the law
 1340 enforcement officer shall issue a report alleging the child has
 1341 committed a delinquent act, at which point a juvenile probation
 1342 officer shall perform a preliminary determination as provided
 1343 under s. 985.145 ~~985.21(4)~~.

1344 Section 20. Section 985.3065, Florida Statutes, is
 1345 renumbered as section 985.125, Florida Statutes.

1346 Section 21. Subsections (3), (4), and (6) of section
 1347 985.211, Florida Statutes, are renumbered as section 985.13,
 1348 Florida Statutes, and amended to read:

1349 985.13 Probable cause affidavits.--

1350 ~~(1)(3)~~ If the child is released, the person taking the
 1351 child into custody shall make a written report or probable cause
 1352 affidavit to the appropriate juvenile probation officer within
 1353 24 hours after such release, stating the facts and the reason
 1354 for taking the child into custody. Such written report or
 1355 probable cause affidavit shall:

1356 (a) Identify the child, the parents, guardian, or legal
 1357 custodian, and the person to whom the child was released.

1358 (b) Contain sufficient information to establish the
 1359 jurisdiction of the court and to make a prima facie showing that
 1360 the child has committed a violation of law or a delinquent act.

1361 ~~(2)(4)~~ A person taking a child into custody who
 1362 determines, under part V ~~pursuant to s. 985.215~~, that the child
 1363 should be detained or released to a shelter designated by the
 1364 department, shall make a reasonable effort to immediately notify
 1365 the parent, guardian, or legal custodian of the child and shall,
 1366 without unreasonable delay, deliver the child to the appropriate

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1367 juvenile probation officer or, if the court has so ordered under
 1368 ~~pursuant to~~ s. 985.255 or s. 985.26 ~~985.215~~, to a detention
 1369 center or facility. Upon delivery of the child, the person
 1370 taking the child into custody shall make a written report or
 1371 probable cause affidavit to the appropriate juvenile probation
 1372 officer. Such written report or probable cause affidavit must:

1373 (a) Identify the child and, if known, the parents,
 1374 guardian, or legal custodian.

1375 (b) Establish that the child was legally taken into
 1376 custody, with sufficient information to establish the
 1377 jurisdiction of the court and to make a prima facie showing that
 1378 the child has committed a violation of law.

1379 (3) ~~(6)~~ (a) A copy of the probable cause affidavit or
 1380 written report made by the person taking the child into custody
 1381 shall be filed, by the law enforcement agency which employs the
 1382 person making such affidavit or written report, with the clerk
 1383 of the circuit court for the county in which the child is taken
 1384 into custody or in which the affidavit or report is made within
 1385 24 hours after the affidavit or report is made, excluding
 1386 Saturdays, Sundays, and legal holidays. Such affidavit or report
 1387 is a case for the purpose of assigning a uniform case number
 1388 under ~~pursuant to~~ this subsection.

1389 (b) Upon the filing of a copy of a probable cause
 1390 affidavit or written report by a law enforcement agency with the
 1391 clerk of the circuit court, the clerk shall immediately assign a
 1392 uniform case number to the affidavit or report, forward a copy
 1393 to the state attorney, and forward a copy to the intake office

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1394 of the department which serves the county in which the case
 1395 arose.

1396 (c) Each letter of recommendation, written notice, report,
 1397 or other paper required by law pertaining to the case shall bear
 1398 the uniform case number of the case, and a copy shall be filed
 1399 with the clerk of the circuit court by the issuing agency. The
 1400 issuing agency shall furnish copies to the juvenile probation
 1401 officer and the state attorney.

1402 (d) Upon the filing of a petition based on the allegations
 1403 of a previously filed probable cause affidavit or written
 1404 report, the agency filing the petition shall include the
 1405 appropriate uniform case number on the petition.

1406 Section 22. Section 985.209, Florida Statutes, is
 1407 renumbered as section 985.135, Florida Statutes, and subsection
 1408 (1) of that section is amended to read:

1409 985.135 ~~985.209~~ Juvenile assessment centers.--

1410 (1) As used in this section, "center" means a juvenile
 1411 assessment center comprising community operated facilities and
 1412 programs which provide collocated central intake and screening
 1413 services for youth referred to the department ~~of Juvenile~~
 1414 ~~Justice.~~

1415 Section 23. Subsections (1) and (2) of section 985.21,
 1416 Florida Statutes, are renumbered as section 985.14, Florida
 1417 Statutes, and amended to read:

1418 985.14 ~~985.21~~ Intake and case management system.--

1419 (1) ~~(a) During the intake process, the juvenile probation~~
 1420 ~~officer shall screen each child or shall cause each child to be~~
 1421 ~~screened in order to determine:~~

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1422 1. ~~Appropriateness for release, referral to a diversionary~~
1423 ~~program including, but not limited to, a teen court program,~~
1424 ~~referral for community arbitration, or referral to some other~~
1425 ~~program or agency for the purpose of nonofficial or nonjudicial~~
1426 ~~handling.~~

1427 2. ~~The presence of medical, psychiatric, psychological,~~
1428 ~~substance abuse, educational, or vocational problems, or other~~
1429 ~~conditions that may have caused the child to come to the~~
1430 ~~attention of law enforcement or the Department of Juvenile~~
1431 ~~Justice. The child shall also be screened to determine whether~~
1432 ~~the child poses a danger to himself or herself or others in the~~
1433 ~~community. The results of this screening shall be made available~~
1434 ~~to the court and to court officers. In cases where such~~
1435 ~~conditions are identified, and a nonjudicial handling of the~~
1436 ~~case is chosen, the juvenile probation officer shall attempt to~~
1437 ~~refer the child to a program or agency, together with all~~
1438 ~~available and relevant assessment information concerning the~~
1439 ~~child's precipitating condition.~~

1440 3. ~~The department of Juvenile Justice shall develop an~~
1441 ~~intake and a case management system whereby a child brought into~~
1442 ~~intake is assigned a juvenile probation officer if the child was~~
1443 ~~not released, referred to a diversionary program, referred for~~
1444 ~~community arbitration, or referred to some other program or~~
1445 ~~agency for the purpose of nonofficial or nonjudicial handling,~~
1446 ~~and shall make every reasonable effort to provide case~~
1447 ~~management services for the child; provided, however, that case~~
1448 ~~management for children committed to residential programs may be~~
1449 ~~transferred as provided in s. 985.46 ~~985.316~~.~~

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1450 (2) The intake process shall be performed by the
1451 department through a case management system. The purpose of the
1452 intake process is to assess the child's needs and risks and to
1453 determine the most appropriate treatment plan and setting for
1454 the child's programmatic needs and risks. The intake process
1455 shall result in choosing the most appropriate services through a
1456 balancing of the interests and needs of the child with those of
1457 the family and the public. The juvenile probation officer shall
1458 be responsible for making informed decisions and recommendations
1459 to other agencies, the state attorney, and the courts so that
1460 the child and family may receive the least intrusive service
1461 alternative throughout the judicial process. The department
1462 shall establish uniform procedures for the juvenile probation
1463 officer to provide a preliminary screening of the child and
1464 family for substance abuse and mental health services prior to
1465 the filing of a petition or as soon as possible thereafter and
1466 prior to a disposition hearing.

1467 ~~4. In addition to duties specified in other sections and~~
1468 ~~through departmental rules, the assigned juvenile probation~~
1469 ~~officer shall be responsible for the following:~~

1470 ~~a. Ensuring that a risk assessment instrument establishing~~
1471 ~~the child's eligibility for detention has been accurately~~
1472 ~~completed and that the appropriate recommendation was made to~~
1473 ~~the court.~~

1474 ~~b. Inquiring as to whether the child understands his or~~
1475 ~~her rights to counsel and against self-incrimination.~~

1476 ~~e. Performing the preliminary screening and making~~
1477 ~~referrals for comprehensive assessment regarding the child's~~

1478 ~~need for substance abuse treatment services, mental health~~
 1479 ~~services, retardation services, literacy services, or other~~
 1480 ~~educational or treatment services.~~

1481 ~~d. Coordinating the multidisciplinary assessment when~~
 1482 ~~required, which includes the classification and placement~~
 1483 ~~process that determines the child's priority needs, risk~~
 1484 ~~classification, and treatment plan. When sufficient evidence~~
 1485 ~~exists to warrant a comprehensive assessment and the child fails~~
 1486 ~~to voluntarily participate in the assessment efforts, it is the~~
 1487 ~~responsibility of the juvenile probation officer to inform the~~
 1488 ~~court of the need for the assessment and the refusal of the~~
 1489 ~~child to participate in such assessment. This assessment,~~
 1490 ~~classification, and placement process shall develop into the~~
 1491 ~~predisposition report.~~

1492 ~~e. Making recommendations for services and facilitating~~
 1493 ~~the delivery of those services to the child, including any~~
 1494 ~~mental health services, educational services, family counseling~~
 1495 ~~services, family assistance services, and substance abuse~~
 1496 ~~services. The juvenile probation officer shall serve as the~~
 1497 ~~primary case manager for the purpose of managing, coordinating,~~
 1498 ~~and monitoring the services provided to the child. Each program~~
 1499 ~~administrator within the Department of Children and Family~~
 1500 ~~Services shall cooperate with the primary case manager in~~
 1501 ~~carrying out the duties and responsibilities described in this~~
 1502 ~~section.~~

1503
 1504 ~~The Department of Juvenile Justice shall annually advise the~~
 1505 ~~Legislature and the Executive Office of the Governor of the~~

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1506 ~~resources needed in order for the intake and case management~~
1507 ~~system to maintain a staff-to-client ratio that is consistent~~
1508 ~~with accepted standards and allows the necessary supervision and~~
1509 ~~services for each child. The intake process and case management~~
1510 ~~system shall provide a comprehensive approach to assessing the~~
1511 ~~child's needs, relative risks, and most appropriate handling,~~
1512 ~~and shall be based on an individualized treatment plan.~~

1513 (3) ~~(b)~~ The intake and case management system shall
1514 facilitate consistency in the recommended placement of each
1515 child, and in the assessment, classification, and placement
1516 process, with the following purposes:

1517 (a) ~~1.~~ An individualized, multidisciplinary assessment
1518 process that identifies the priority needs of each individual
1519 child for rehabilitation and treatment and identifies any needs
1520 of the child's parents or guardians for services that would
1521 enhance their ability to provide adequate support, guidance, and
1522 supervision for the child. This process shall begin with the
1523 detention risk assessment instrument and decision, shall include
1524 the intake preliminary screening and comprehensive assessment
1525 for substance abuse treatment services, mental health services,
1526 retardation services, literacy services, and other educational
1527 and treatment services as components, additional assessment of
1528 the child's treatment needs, and classification regarding the
1529 child's risks to the community and, for a serious or habitual
1530 delinquent child, shall include the assessment for placement in
1531 a serious or habitual delinquent children program under ~~pursuant~~
1532 ~~to~~ s. 985.47 ~~985.31~~. The completed multidisciplinary assessment
1533 process shall result in the predisposition report.

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1534 ~~(b)2-~~ A classification system that assigns a relative risk
1535 to the child and the community based upon assessments including
1536 the detention risk assessment results when available to classify
1537 the child's risk as it relates to placement and supervision
1538 alternatives.

1539 ~~(c)3-~~ An admissions process that facilitates for each
1540 child the utilization of the treatment plan and setting most
1541 appropriate to meet the child's programmatic needs and provide
1542 the minimum program security needed to ensure public safety.

1543 (4) The department shall annually advise the Legislature
1544 and the Executive Office of the Governor of the resources needed
1545 in order for the intake and case management system to maintain a
1546 staff-to-client ratio that is consistent with accepted standards
1547 and allows the necessary supervision and services for each
1548 child. The intake process and case management system shall
1549 provide a comprehensive approach to assessing the child's needs,
1550 relative risks, and most appropriate handling, and shall be
1551 based on an individualized treatment plan.

1552 ~~(2) The intake process shall be performed by the~~
1553 ~~department through a case management system. The purpose of the~~
1554 ~~intake process is to assess the child's needs and risks and to~~
1555 ~~determine the most appropriate treatment plan and setting for~~
1556 ~~the child's programmatic needs and risks. The intake process~~
1557 ~~shall result in choosing the most appropriate services through a~~
1558 ~~balancing of the interests and needs of the child with those of~~
1559 ~~the family and the public. The juvenile probation officer is~~
1560 ~~responsible for making informed decisions and recommendations to~~
1561 ~~other agencies, the state attorney, and the courts so that the~~

1562 ~~child and family may receive the least intrusive service~~
 1563 ~~alternative throughout the judicial process. The department~~
 1564 ~~shall establish uniform procedures for the juvenile probation~~
 1565 ~~officer to provide, prior to the filing of a petition or as soon~~
 1566 ~~as possible thereafter and prior to a disposition hearing, a~~
 1567 ~~preliminary screening of the child and family for substance~~
 1568 ~~abuse and mental health services.~~

1569 Section 24. Subsections (3), (4), and (5) of section
 1570 985.21, Florida Statutes, are renumbered as section 985.145,
 1571 Florida Statutes, and amended to read:

1572 985.145 Responsibilities of juvenile probation officer
 1573 during intake; screenings and assessments.--

1574 (1) The juvenile probation officer shall serve as the
 1575 primary case manager for the purpose of managing, coordinating,
 1576 and monitoring the services provided to the child. Each program
 1577 administrator within the Department of Children and Family
 1578 Services shall cooperate with the primary case manager in
 1579 carrying out the duties and responsibilities described in this
 1580 section. In addition to duties specified in other sections and
 1581 through departmental rules, the assigned juvenile probation
 1582 officer shall be responsible for the following:

1583 (a)~~(3)~~ Reviewing probable cause affidavit.--The juvenile
 1584 probation officer shall make a preliminary determination as to
 1585 whether the report, affidavit, or complaint is complete,
 1586 consulting with the state attorney as may be necessary. A
 1587 report, affidavit, or complaint alleging that a child has
 1588 committed a delinquent act or violation of law shall be made to
 1589 the intake office operating in the county in which the child is

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1590 found or in which the delinquent act or violation of law
1591 occurred. Any person or agency having knowledge of the facts may
1592 make such a written report, affidavit, or complaint and shall
1593 furnish to the intake office facts sufficient to establish the
1594 jurisdiction of the court and to support a finding by the court
1595 that the child has committed a delinquent act or violation of
1596 law.

1597 (b) (4) Notification concerning apparent insufficiencies in
1598 probable cause affidavit. ~~--The juvenile probation officer shall~~
1599 ~~make a preliminary determination as to whether the report,~~
1600 ~~affidavit, or complaint is complete, consulting with the state~~
1601 ~~attorney as may be necessary.~~ In any case where the juvenile
1602 probation officer or the state attorney finds that the report,
1603 affidavit, or complaint is insufficient by the standards for a
1604 probable cause affidavit, the juvenile probation officer or
1605 state attorney shall return the report, affidavit, or complaint,
1606 without delay, to the person or agency originating the report,
1607 affidavit, or complaint or having knowledge of the facts or to
1608 the appropriate law enforcement agency having investigative
1609 jurisdiction of the offense, and shall request, and the person
1610 or agency shall promptly furnish, additional information in
1611 order to comply with the standards for a probable cause
1612 affidavit.

1613 (c) Screening. ~~--During the intake process, the juvenile~~
1614 probation officer shall screen each child or shall cause each
1615 child to be screened in order to determine:

1616 1. Appropriateness for release; referral to a diversionary
1617 program, including, but not limited to, a teen court program;

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1618 referral for community arbitration; or referral to some other
1619 program or agency for the purpose of nonofficial or nonjudicial
1620 handling.

1621 2. The presence of medical, psychiatric, psychological,
1622 substance abuse, educational, or vocational problems, or other
1623 conditions that may have caused the child to come to the
1624 attention of law enforcement or the department. The child shall
1625 also be screened to determine whether the child poses a danger
1626 to himself or herself or others in the community. The results of
1627 this screening shall be made available to the court and to court
1628 officers. In cases where such conditions are identified and a
1629 nonjudicial handling of the case is chosen, the juvenile
1630 probation officer shall attempt to refer the child to a program
1631 or agency, together with all available and relevant assessment
1632 information concerning the child's precipitating condition.

1633 (d) Completing risk assessment instrument.--The juvenile
1634 probation officer shall ensure that a risk assessment instrument
1635 establishing the child's eligibility for detention has been
1636 accurately completed and that the appropriate recommendation was
1637 made to the court.

1638 (e) Rights.--The juvenile probation officer shall inquire
1639 as to whether the child understands his or her rights to counsel
1640 and against self-incrimination.

1641 (f) Multidisciplinary assessment.--The juvenile probation
1642 officer shall coordinate the multidisciplinary assessment when
1643 required, which includes the classification and placement
1644 process that determines the child's priority needs, risk
1645 classification, and treatment plan. When sufficient evidence

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1646 exists to warrant a comprehensive assessment and the child fails
1647 to voluntarily participate in the assessment efforts, the
1648 juvenile probation officer shall inform the court of the need
1649 for the assessment and the refusal of the child to participate
1650 in such assessment. This assessment, classification, and
1651 placement process shall develop into the predisposition report.

1652 (g) Comprehensive assessment.--The juvenile probation
1653 officer, pursuant to uniform procedures established by the
1654 department and upon determining that the report, affidavit, or
1655 complaint is complete, shall:

1656 1. Perform the preliminary screening and make referrals
1657 for a comprehensive assessment regarding the child's need for
1658 substance abuse treatment services, mental health services,
1659 retardation services, literacy services, or other educational or
1660 treatment services.

1661 2. When indicated by the preliminary screening, provide
1662 for a comprehensive assessment of the child and family for
1663 substance abuse problems, using community-based licensed
1664 programs with clinical expertise and experience in the
1665 assessment of substance abuse problems.

1666 3. When indicated by the preliminary screening, provide
1667 for a comprehensive assessment of the child and family for
1668 mental health problems, using community-based psychologists,
1669 psychiatrists, or other licensed mental health professionals who
1670 have clinical expertise and experience in the assessment of
1671 mental health problems.

1672 (h) Referrals for services.--The juvenile probation
1673 officer shall make recommendations for services and facilitate

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1674 the delivery of those services to the child, including any
1675 mental health services, educational services, family counseling
1676 services, family assistance services, and substance abuse
1677 services.

1678 (i) Recommendation concerning a petition.--Upon
1679 determining that the report, affidavit, or complaint complies
1680 with the standards of a probable cause affidavit and that the
1681 interest of the child and the public will be best served, the
1682 juvenile probation officer may recommend that a delinquency
1683 petition not be filed. If such a recommendation is made, the
1684 juvenile probation officer shall advise in writing the person or
1685 agency making the report, affidavit, or complaint, the victim,
1686 if any, and the law enforcement agency having investigative
1687 jurisdiction over the offense of the recommendation; the reasons
1688 therefore; and that the person or agency may submit, within 10
1689 days after the receipt of such notice, the report, affidavit, or
1690 complaint to the state attorney for special review. The state
1691 attorney, upon receiving a request for special review, shall
1692 consider the facts presented by the report, affidavit, or
1693 complaint, and by the juvenile probation officer who made the
1694 recommendation that no petition be filed, before making a final
1695 decision as to whether a petition or information should or
1696 should not be filed.

1697 (j) Completing intake report.--Subject to the interagency
1698 agreement authorized under this paragraph, the juvenile
1699 probation officer for each case in which a child is alleged to
1700 have committed a violation of law or delinquent act and is not
1701 detained shall submit a written report to the state attorney,

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1702 including the original report, complaint, or affidavit, or a
1703 copy thereof, including a copy of the child's prior juvenile
1704 record, within 20 days after the date the child is taken into
1705 custody. In cases in which the child is in detention, the intake
1706 office report must be submitted within 24 hours after the child
1707 is placed into detention. The intake office report may include a
1708 recommendation that a petition or information be filed or that
1709 no petition or information be filed and may set forth reasons
1710 for the recommendation. The state attorney and the department
1711 may, on a district-by-district basis, enter into interagency
1712 agreements denoting the cases that will require a recommendation
1713 and those for which a recommendation is unnecessary.

1714 ~~(a) The juvenile probation officer, upon determining that~~
1715 ~~the report, affidavit, or complaint is complete, pursuant to~~
1716 ~~uniform procedures established by the department, shall:~~

1717 ~~1. When indicated by the preliminary screening, provide~~
1718 ~~for a comprehensive assessment of the child and family for~~
1719 ~~substance abuse problems, using community-based licensed~~
1720 ~~programs with clinical expertise and experience in the~~
1721 ~~assessment of substance abuse problems.~~

1722 ~~2. When indicated by the preliminary screening, provide~~
1723 ~~for a comprehensive assessment of the child and family for~~
1724 ~~mental health problems, using community-based psychologists,~~
1725 ~~psychiatrists, or other licensed mental health professionals~~
1726 ~~with clinical expertise and experience in the assessment of~~
1727 ~~mental health problems.~~

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1729 ~~When indicated by the comprehensive assessment, the department~~
1730 ~~is authorized to contract within appropriated funds for services~~
1731 ~~with a local nonprofit community mental health or substance~~
1732 ~~abuse agency licensed or authorized under chapter 394, or~~
1733 ~~chapter 397, or other authorized nonprofit social service agency~~
1734 ~~providing related services. The determination of mental health~~
1735 ~~or substance abuse services shall be conducted in coordination~~
1736 ~~with existing programs providing mental health or substance~~
1737 ~~abuse services in conjunction with the intake office. Client~~
1738 ~~information resulting from the screening and evaluation shall be~~
1739 ~~documented pursuant to rules established by the department and~~
1740 ~~shall serve to assist the juvenile probation officer in~~
1741 ~~providing the most appropriate services and recommendations in~~
1742 ~~the least intrusive manner. Such client information shall be~~
1743 ~~used in the multidisciplinary assessment and classification of~~
1744 ~~the child, but such information, and any information obtained~~
1745 ~~directly or indirectly through the assessment process, is~~
1746 ~~inadmissible in court prior to the disposition hearing, unless~~
1747 ~~the child's written consent is obtained. At the disposition~~
1748 ~~hearing, documented client information shall serve to assist the~~
1749 ~~court in making the most appropriate custody, adjudicatory, and~~
1750 ~~dispositional decision. If the screening and assessment indicate~~
1751 ~~that the interest of the child and the public will be best~~
1752 ~~served thereby, the juvenile probation officer, with the~~
1753 ~~approval of the state attorney, may refer the child for care,~~
1754 ~~diagnostic and evaluation services, substance abuse treatment~~
1755 ~~services, mental health services, retardation services, a~~
1756 ~~diversionary or arbitration or mediation program, community~~

1757 ~~service work, or other programs or treatment services~~
 1758 ~~voluntarily accepted by the child and the child's parents or~~
 1759 ~~legal guardians. The victim, if any, and the law enforcement~~
 1760 ~~agency which investigated the offense shall be notified~~
 1761 ~~immediately by the state attorney of the action taken under this~~
 1762 ~~paragraph. Whenever a child volunteers to participate in any~~
 1763 ~~work program under this chapter or volunteers to work in a~~
 1764 ~~specified state, county, municipal, or community service~~
 1765 ~~organization supervised work program or to work for the victim,~~
 1766 ~~the child shall be considered an employee of the state for the~~
 1767 ~~purposes of liability. In determining the child's average weekly~~
 1768 ~~wage, unless otherwise determined by a specific funding program,~~
 1769 ~~all remuneration received from the employer is considered a~~
 1770 ~~gratuity, and the child is not entitled to any benefits~~
 1771 ~~otherwise payable under s. 440.15, regardless of whether the~~
 1772 ~~child may be receiving wages and remuneration from other~~
 1773 ~~employment with another employer and regardless of the child's~~
 1774 ~~future wage earning capacity.~~

1775 ~~(b) The juvenile probation officer, upon determining that~~
 1776 ~~the report, affidavit, or complaint complies with the standards~~
 1777 ~~of a probable cause affidavit and that the interest of the child~~
 1778 ~~and the public will be best served, may recommend that a~~
 1779 ~~delinquency petition not be filed. If such a recommendation is~~
 1780 ~~made, the juvenile probation officer shall advise in writing the~~
 1781 ~~person or agency making the report, affidavit, or complaint, the~~
 1782 ~~victim, if any, and the law enforcement agency having~~
 1783 ~~investigative jurisdiction of the offense of the recommendation~~
 1784 ~~and the reasons therefor; and that the person or agency may~~

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1785 ~~submit, within 10 days after the receipt of such notice, the~~
1786 ~~report, affidavit, or complaint to the state attorney for~~
1787 ~~special review. The state attorney, upon receiving a request for~~
1788 ~~special review, shall consider the facts presented by the~~
1789 ~~report, affidavit, or complaint, and by the juvenile probation~~
1790 ~~officer who made the recommendation that no petition be filed,~~
1791 ~~before making a final decision as to whether a petition or~~
1792 ~~information should or should not be filed.~~

1793 ~~(c) Subject to the interagency agreement authorized under~~
1794 ~~this paragraph, the juvenile probation officer for each case in~~
1795 ~~which a child is alleged to have committed a violation of law or~~
1796 ~~delinquent act and is not detained shall submit a written report~~
1797 ~~to the state attorney, including the original report, complaint,~~
1798 ~~or affidavit, or a copy thereof, including a copy of the child's~~
1799 ~~prior juvenile record, within 20 days after the date the child~~
1800 ~~is taken into custody. In cases in which the child is in~~
1801 ~~detention, the intake office report must be submitted within 24~~
1802 ~~hours after the child is placed into detention. The intake~~
1803 ~~office report may include a recommendation that a petition or~~
1804 ~~information be filed or that no petition or information be~~
1805 ~~filed, and may set forth reasons for the recommendation. The~~
1806 ~~State Attorney and the Department of Juvenile Justice may, on a~~
1807 ~~district by district basis, enter into interagency agreements~~
1808 ~~denoting the cases that will require a recommendation and those~~
1809 ~~for which a recommendation is unnecessary.~~

1810 ~~(d) The state attorney may in all cases take action~~
1811 ~~independent of the action or lack of action of the juvenile~~
1812 ~~probation officer, and shall determine the action which is in~~

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1813 ~~the best interest of the public and the child. If the child~~
1814 ~~meets the criteria requiring prosecution as an adult pursuant to~~
1815 ~~s. 985.226, the state attorney shall request the court to~~
1816 ~~transfer and certify the child for prosecution as an adult or~~
1817 ~~shall provide written reasons to the court for not making such~~
1818 ~~request. In all other cases, the state attorney may:~~

- 1819 ~~1. File a petition for dependency;~~
- 1820 ~~2. File a petition pursuant to chapter 984;~~
- 1821 ~~3. File a petition for delinquency;~~
- 1822 ~~4. File a petition for delinquency with a motion to~~
1823 ~~transfer and certify the child for prosecution as an adult;~~
- 1824 ~~5. File an information pursuant to s. 985.227;~~
- 1825 ~~6. Refer the case to a grand jury;~~
- 1826 ~~7. Refer the child to a diversionary, pretrial~~
1827 ~~intervention, arbitration, or mediation program, or to some~~
1828 ~~other treatment or care program if such program commitment is~~
1829 ~~voluntarily accepted by the child or the child's parents or~~
1830 ~~legal guardians; or~~
- 1831 ~~8. Decline to file.~~

1832 ~~(c) In cases in which a delinquency report, affidavit, or~~
1833 ~~complaint is filed by a law enforcement agency and the state~~
1834 ~~attorney determines not to file a petition, the state attorney~~
1835 ~~shall advise the clerk of the circuit court in writing that no~~
1836 ~~petition will be filed thereon.~~

1837 ~~(2)-(5)~~ Prior to requesting that a delinquency petition be
1838 filed or prior to filing a dependency petition, the juvenile
1839 probation officer may request the parent or legal guardian of
1840 the child to attend a course of instruction in parenting skills,

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1841 training in conflict resolution, and the practice of
1842 nonviolence; to accept counseling; or to receive other
1843 assistance from any agency in the community which notifies the
1844 clerk of the court of the availability of its services. Where
1845 appropriate, the juvenile probation officer shall request both
1846 parents or guardians to receive such parental assistance. The
1847 juvenile probation officer may, in determining whether to
1848 request that a delinquency petition be filed, take into
1849 consideration the willingness of the parent or legal guardian to
1850 comply with such request. The parent or guardian must provide
1851 the juvenile probation officer with identifying information,
1852 including the parent's or guardian's name, address, date of
1853 birth, social security number, and driver's license number or
1854 identification card number in order to comply with s. 985.039
1855 ~~985.2311~~.

1856 (3) When indicated by the comprehensive assessment, the
1857 department is authorized to contract within appropriated funds
1858 for services with a local nonprofit community mental health or
1859 substance abuse agency licensed or authorized under chapter 394
1860 or chapter 397 or other authorized nonprofit social service
1861 agency providing related services. The determination of mental
1862 health or substance abuse services shall be conducted in
1863 coordination with existing programs providing mental health or
1864 substance abuse services in conjunction with the intake office.

1865 (4) Client information resulting from the screening and
1866 evaluation shall be documented under rules of the department and
1867 shall serve to assist the juvenile probation officer in
1868 providing the most appropriate services and recommendations in

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1869 the least intrusive manner. Such client information shall be
1870 used in the multidisciplinary assessment and classification of
1871 the child, but such information, and any information obtained
1872 directly or indirectly through the assessment process, is
1873 inadmissible in court prior to the disposition hearing, unless
1874 the child's written consent is obtained. At the disposition
1875 hearing, documented client information shall serve to assist the
1876 court in making the most appropriate custody, adjudicatory, and
1877 dispositional decision.

1878 (5) If the screening and assessment indicate that the
1879 interest of the child and the public will be best served
1880 thereby, the juvenile probation officer, with the approval of
1881 the state attorney, may refer the child for care, diagnostic,
1882 and evaluation services; substance abuse treatment services;
1883 mental health services; retardation services; a diversionary,
1884 arbitration, or mediation program; community service work; or
1885 other programs or treatment services voluntarily accepted by the
1886 child and the child's parents or legal guardian. Whenever a
1887 child volunteers to participate in any work program under this
1888 chapter or volunteers to work in a specified state, county,
1889 municipal, or community service organization supervised work
1890 program or to work for the victim, the child shall be considered
1891 an employee of the state for the purposes of liability. In
1892 determining the child's average weekly wage, unless otherwise
1893 determined by a specific funding program, all remuneration
1894 received from the employer is considered a gratuity, and the
1895 child is not entitled to any benefits otherwise payable under s.
1896 440.15, regardless of whether the child may be receiving wages

1897 and remuneration from other employment with another employer and
 1898 regardless of the child's future wage-earning capacity.

1899 (6) The victim, if any, and the law enforcement agency
 1900 that investigated the offense shall be notified immediately by
 1901 the state attorney of the action taken under subsection (5).

1902 Section 25. Section 985.15, Florida Statutes, is created
 1903 to read:

1904 985.15 Filing decisions.--

1905 (1) The state attorney may in all cases take action
 1906 independent of the action or lack of action of the juvenile
 1907 probation officer and shall determine the action that is in the
 1908 best interest of the public and the child. If the child meets
 1909 the criteria requiring prosecution as an adult under s. 985.556,
 1910 the state attorney shall request the court to transfer and
 1911 certify the child for prosecution as an adult or shall provide
 1912 written reasons to the court for not making such a request. In
 1913 all other cases, the state attorney may:

- 1914 (a) File a petition for dependency;
- 1915 (b) File a petition under chapter 984;
- 1916 (c) File a petition for delinquency;
- 1917 (d) File a petition for delinquency with a motion to
 1918 transfer and certify the child for prosecution as an adult;
- 1919 (e) File an information under s. 985.557;
- 1920 (f) Refer the case to a grand jury;
- 1921 (g) Refer the child to a diversionary, pretrial
 1922 intervention, arbitration, or mediation program, or to some
 1923 other treatment or care program if such program commitment is

1924 voluntarily accepted by the child or the child's parents or
 1925 legal guardian; or

1926 (h) Decline to file.

1927 (2) In cases in which a delinquency report, affidavit, or
 1928 complaint is filed by a law enforcement agency and the state
 1929 attorney determines not to file a petition, the state attorney
 1930 shall advise the clerk of the circuit court in writing that no
 1931 petition will be filed thereon.

1932 Section 26. Section 985.303, Florida Statutes, is
 1933 renumbered as section 985.155, Florida Statutes.

1934 Section 27. Section 985.304, Florida Statutes, is
 1935 renumbered as section 985.16, Florida Statutes, and subsection
 1936 (3) of that section is amended to read:

1937 985.16 ~~985.304~~ Community arbitration.--

1938 (3) COMMUNITY ARBITRATORS.--The chief judge of each
 1939 judicial circuit shall maintain a list of qualified persons who
 1940 have agreed to serve as community arbitrators for the purpose of
 1941 carrying out the provisions of this chapter ~~part~~. Community
 1942 arbitrators shall meet the qualification and training
 1943 requirements adopted in rule by the Supreme Court. Whenever
 1944 possible, qualified volunteers shall be used as community
 1945 arbitrators.

1946 (a) Each community arbitrator or member of a community
 1947 arbitration panel shall be selected by the chief judge of the
 1948 circuit, the senior circuit court judge assigned to juvenile
 1949 cases in the circuit, and the state attorney. A community
 1950 arbitrator or, in the case of a panel, the chief arbitrator

1951 shall have such powers as are necessary to conduct the
 1952 proceedings in a fair and expeditious manner.

1953 (b) A community arbitrator or member of a community
 1954 arbitration panel shall be trained or experienced in juvenile
 1955 causes and shall be:

1956 1. Either a graduate of an accredited law school or of an
 1957 accredited school with a degree in behavioral social work or
 1958 trained in conflict resolution techniques; and

1959 2. A person of the temperament necessary to deal properly
 1960 with cases involving children and with the family crises likely
 1961 to be presented to him or her.

1962 Section 28. Subsections (1) through (4) and (5) through
 1963 (8) of section 985.224, Florida Statutes, are renumbered,
 1964 respectively, as subsections (1) through (4) and (6) through (9)
 1965 of section 985.18, Florida Statutes, and paragraph (e) of
 1966 subsection (10) of section 985.215, Florida Statutes, is
 1967 renumbered as subsection (5) of section 985.18, Florida
 1968 Statutes.

1969 Section 29. Subsections (1) and (2) of section 985.229,
 1970 Florida Statutes, are renumbered as section 985.185, Florida
 1971 Statutes, and amended to read:

1972 985.185 Evaluations for disposition.--

1973 (1) ~~Upon a finding that the child has committed a~~
 1974 ~~delinquent act, the court may order a predisposition report~~
 1975 ~~regarding the eligibility of the child for disposition other~~
 1976 ~~than by adjudication and commitment to the department or for~~
 1977 ~~disposition of adjudication, commitment to the department, and,~~
 1978 ~~if appropriate, assignment of a residential commitment level.~~

1979 ~~The predisposition report shall be the result of the~~
 1980 ~~multidisciplinary assessment when such assessment is needed, and~~
 1981 ~~of the classification and placement process, and it shall~~
 1982 ~~indicate and report the child's priority needs, recommendations~~
 1983 ~~as to a classification of risk for the child in the context of~~
 1984 ~~his or her program and supervision needs, and a plan for~~
 1985 ~~treatment that recommends the most appropriate placement setting~~
 1986 ~~to meet the child's needs with the minimum program security that~~
 1987 ~~reasonably ensures public safety. A predisposition report shall~~
 1988 ~~be ordered for any child for whom a residential commitment~~
 1989 ~~disposition is anticipated or recommended by an officer of the~~
 1990 ~~court or by the department. A comprehensive evaluation for~~
 1991 ~~physical health, mental health, substance abuse, academic,~~
 1992 ~~educational, or vocational problems shall be ordered for any~~
 1993 ~~child for whom a residential commitment disposition is~~
 1994 ~~anticipated or recommended by an officer of the court or by the~~
 1995 ~~department. If a comprehensive evaluation is ordered, the~~
 1996 ~~predisposition report shall include a summary of the~~
 1997 ~~comprehensive evaluation. The predisposition report shall be~~
 1998 ~~submitted to the court upon completion of the report but no~~
 1999 ~~later than 48 hours prior to the disposition hearing. The~~
 2000 ~~predisposition report shall not be reviewed by the court without~~
 2001 ~~the consent of the child and his or her legal counsel until the~~
 2002 ~~child has been found to have committed a delinquent act.~~

2003 (2) ~~The court shall consider the child's entire assessment~~
 2004 ~~and predisposition report and shall review the records of~~
 2005 ~~earlier judicial proceedings~~ Prior to making a final disposition
 2006 of the case, the court may, by order, require additional

2007 | evaluations and studies to be performed by the department, by
 2008 | the county school system, or by any social, psychological, or
 2009 | psychiatric agencies of the state. The court shall order the
 2010 | educational needs assessment completed under s. 985.18(2)
 2011 | ~~pursuant to s. 985.224(2)~~ to be included in the assessment and
 2012 | predisposition report.

2013 | Section 30. Sections 985.223 and 985.418, Florida
 2014 | Statutes, are renumbered, respectively, as sections 985.19 and
 2015 | 985.195, Florida Statutes.

2016 | Section 31. Subsections (1) and (4) of section 985.213,
 2017 | Florida Statutes, are renumbered as subsections (1) and (4) of
 2018 | section 985.24, Florida Statutes, and subsections (1) and (2) of
 2019 | section 985.214, Florida Statutes, are renumbered as subsections
 2020 | (2) and (3) of section 985.24, Florida Statutes, and amended to
 2021 | read:

2022 | 985.24 ~~985.213~~ Use of detention; prohibitions.--

2023 | (1) All determinations and court orders regarding the use
 2024 | of secure, nonsecure, or home detention shall be based primarily
 2025 | upon findings that the child:

2026 | (a) Presents a substantial risk of not appearing at a
 2027 | subsequent hearing;

2028 | (b) Presents a substantial risk of inflicting bodily harm
 2029 | on others as evidenced by recent behavior;

2030 | (c) Presents a history of committing a property offense
 2031 | prior to adjudication, disposition, or placement;

2032 | (d) Has committed contempt of court by:

2033 | 1. Intentionally disrupting the administration of the
 2034 | court;

2035 2. Intentionally disobeying a court order; or
 2036 3. Engaging in a punishable act or speech in the court's
 2037 presence which shows disrespect for the authority and dignity of
 2038 the court; or

2039 (e) Requests protection from imminent bodily harm.

2040 ~~985.214 Prohibited uses of detention.~~

2041 (2)~~(1)~~ A child alleged to have committed a delinquent act
 2042 or violation of law may not be placed into secure, nonsecure, or
 2043 home detention care for any of the following reasons:

2044 (a) To allow a parent to avoid his or her legal
 2045 responsibility.

2046 (b) To permit more convenient administrative access to the
 2047 child.

2048 (c) To facilitate further interrogation or investigation.

2049 (d) Due to a lack of more appropriate facilities.

2050 (3)~~(2)~~ A child alleged to be dependent under ~~part II of~~
 2051 chapter 39 may not, under any circumstances, be placed into
 2052 secure detention care.

2053 (4) The department ~~of Juvenile Justice~~ shall continue to
 2054 identify alternatives to secure detention care and shall develop
 2055 such alternatives and annually submit them to the Legislature
 2056 for authorization and appropriation.

2057 Section 32. Subsection (2) of section 985.213, Florida
 2058 Statutes, is renumbered as section 985.245, Florida Statutes,
 2059 and amended to read:

2060 985.245 Risk assessment instrument.--

2061 (1)~~(2)~~~~(a)~~ All determinations and court orders regarding
 2062 placement of a child into detention care shall comply with all

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2063 requirements and criteria provided in this part and shall be
 2064 based on a risk assessment of the child, unless the child is
 2065 placed into detention care as provided in s. 985.255(2)
 2066 ~~subparagraph (b)3.~~

2067 (2) (a) (b)1. The risk assessment instrument for detention
 2068 care placement determinations and orders shall be developed by
 2069 the department ~~of Juvenile Justice~~ in agreement with
 2070 representatives appointed by the following associations: the
 2071 Conference of Circuit Judges of Florida, the Prosecuting
 2072 Attorneys Association, the Public Defenders Association, the
 2073 Florida Sheriffs Association, and the Florida Association of
 2074 Chiefs of Police. Each association shall appoint two
 2075 individuals, one representing an urban area and one representing
 2076 a rural area. The parties involved shall evaluate and revise the
 2077 risk assessment instrument as is considered necessary using the
 2078 method for revision as agreed by the parties.

2079 (b) The risk assessment instrument shall take into
 2080 consideration, but need not be limited to, prior history of
 2081 failure to appear, prior offenses, offenses committed pending
 2082 adjudication, any unlawful possession of a firearm, theft of a
 2083 motor vehicle or possession of a stolen motor vehicle, and
 2084 probation status at the time the child is taken into custody.
 2085 The risk assessment instrument shall also take into
 2086 consideration appropriate aggravating and mitigating
 2087 circumstances, and shall be designed to target a narrower
 2088 population of children than s. 985.255 ~~985.215(2)~~. The risk
 2089 assessment instrument shall also include any information
 2090 concerning the child's history of abuse and neglect. The risk

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2091 assessment shall indicate whether detention care is warranted,
 2092 and, if detention care is warranted, whether the child should be
 2093 placed into secure, nonsecure, or home detention care.

2094 (3)2. If, at the detention hearing, the court finds a
 2095 material error in the scoring of the risk assessment instrument,
 2096 the court may amend the score to reflect factual accuracy.

2097 ~~3. A child who is charged with committing an offense of~~
 2098 ~~domestic violence as defined in s. 741.28 and who does not meet~~
 2099 ~~detention criteria may be held in secure detention if the court~~
 2100 ~~makes specific written findings that:~~

2101 ~~a. Respite care for the child is not available; and~~

2102 ~~b. It is necessary to place the child in secure detention~~
 2103 ~~in order to protect the victim from injury.~~

2104
 2105 ~~The child may not be held in secure detention under this~~
 2106 ~~subparagraph for more than 48 hours unless ordered by the court.~~
 2107 ~~After 48 hours, the court shall hold a hearing if the state~~
 2108 ~~attorney or victim requests that secure detention be continued.~~
 2109 ~~The child may continue to be held in detention care if the court~~
 2110 ~~makes a specific, written finding that detention care is~~
 2111 ~~necessary to protect the victim from injury. However, the child~~
 2112 ~~may not be held in detention care beyond the time limits set~~
 2113 ~~forth in s. 985.215.~~

2114 (4)4. For a child who is under the supervision of the
 2115 department through probation, home detention, nonsecure
 2116 detention, conditional release, postcommitment probation, or
 2117 commitment and who is charged with committing a new offense, the
 2118 risk assessment instrument may be completed and scored based on

2119 | the underlying charge for which the child was placed under the
 2120 | supervision of the department and the new offense.

2121 | Section 33. Subsection (1) and paragraph (b) of subsection
 2122 | (5) of section 985.215, Florida Statutes, are renumbered as
 2123 | section 985.25, Florida Statutes, and amended to read:

2124 | 985.25 ~~985.215~~ Detention intake.--

2125 | (1) The juvenile probation officer shall receive custody
 2126 | of a child who has been taken into custody from the law
 2127 | enforcement agency and shall review the facts in the law
 2128 | enforcement report or probable cause affidavit and make such
 2129 | further inquiry as may be necessary to determine whether
 2130 | detention care is required.

2131 | (a) During the period of time from the taking of the child
 2132 | into custody to the date of the detention hearing, the initial
 2133 | decision as to the child's placement into secure detention care,
 2134 | nonsecure detention care, or home detention care shall be made
 2135 | by the juvenile probation officer under ss. 985.24 and
 2136 | 985.245(1) ~~pursuant to ss. 985.213 and 985.214.~~

2137 | (b) The juvenile probation officer shall base the decision
 2138 | whether or not to place the child into secure detention care,
 2139 | home detention care, or nonsecure detention care on an
 2140 | assessment of risk in accordance with the risk assessment
 2141 | instrument and procedures developed by the department of
 2142 | ~~Juvenile Justice~~ under s. 985.245 ~~985.213~~. However, a child
 2143 | charged with possessing or discharging a firearm on school
 2144 | property in violation of s. 790.115 shall be placed in secure
 2145 | detention care.

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2146 (c) If the juvenile probation officer determines that a
 2147 child who is eligible for detention based upon the results of
 2148 the risk assessment instrument should be released, the juvenile
 2149 probation officer shall contact the state attorney, who may
 2150 authorize release. If detention is not authorized, the child may
 2151 be released by the juvenile probation officer in accordance with
 2152 ss. 985.115 and 985.13 ~~s. 985.211~~.

2153
 2154 Under no circumstances shall the juvenile probation officer or
 2155 the state attorney or law enforcement officer authorize the
 2156 detention of any child in a jail or other facility intended or
 2157 used for the detention of adults, without an order of the court.

2158 (2) ~~(5)~~

2159 ~~(b)~~ The arresting law enforcement agency shall complete
 2160 and present its investigation of an offense ~~under this~~
 2161 ~~subsection~~ to the appropriate state attorney's office within 8
 2162 days after placement of the child in secure detention. The
 2163 investigation shall include, but is not limited to, police
 2164 reports and supplemental police reports, witness statements, and
 2165 evidence collection documents. The failure of a law enforcement
 2166 agency to complete and present its investigation within 8 days
 2167 shall not entitle a juvenile to be released from secure
 2168 detention or to a dismissal of any charges.

2169 Section 34. Subsection (2) of section 985.215, Florida
 2170 Statutes, is renumbered as section 985.255, Florida Statutes,
 2171 and amended to read:

2172 985.255 Detention criteria; detention hearing.--

2173 ~~(1)(2)~~ Subject to s. 985.25(1) ~~the provisions of~~
 2174 ~~subsection (1)~~, a child taken into custody and placed into
 2175 nonsecure or home detention care or detained in secure detention
 2176 care prior to a detention hearing may continue to be detained by
 2177 the court if:

2178 (a) The child is alleged to be an escapee from a
 2179 residential commitment program, or an absconder from a
 2180 nonresidential commitment program, a probation program, or
 2181 conditional release supervision, or is alleged to have escaped
 2182 while being lawfully transported to or from a residential
 2183 commitment program.

2184 (b) The child is wanted in another jurisdiction for an
 2185 offense which, if committed by an adult, would be a felony.

2186 (c) The child is charged with a delinquent act or
 2187 violation of law and requests in writing through legal counsel
 2188 to be detained for protection from an imminent physical threat
 2189 to his or her personal safety.

2190 (d) The child is charged with committing an offense of
 2191 domestic violence as defined in s. 741.28 and is detained as
 2192 provided in subsection (2) ~~s. 985.213(2)(b)3~~.

2193 (e) The child is charged with possession or discharging a
 2194 firearm on school property in violation of s. 790.115.

2195 (f) The child is charged with a capital felony, a life
 2196 felony, a felony of the first degree, a felony of the second
 2197 degree that does not involve a violation of chapter 893, or a
 2198 felony of the third degree that is also a crime of violence,
 2199 including any such offense involving the use or possession of a
 2200 firearm.

2201 (g) The child is charged with any second degree or third
 2202 degree felony involving a violation of chapter 893 or any third
 2203 degree felony that is not also a crime of violence, and the
 2204 child:

- 2205 1. Has a record of failure to appear at court hearings
 2206 after being properly notified in accordance with the Rules of
 2207 Juvenile Procedure;
- 2208 2. Has a record of law violations prior to court hearings;
- 2209 3. Has already been detained or has been released and is
 2210 awaiting final disposition of the case;
- 2211 4. Has a record of violent conduct resulting in physical
 2212 injury to others; or
- 2213 5. Is found to have been in possession of a firearm.

2214 (h) The child is alleged to have violated the conditions
 2215 of the child's probation or conditional release supervision.
 2216 However, a child detained under this paragraph may be held only
 2217 in a consequence unit as provided in 985.439 ~~s.~~
 2218 ~~985.231(1)(a)1.e.~~ If a consequence unit is not available, the
 2219 child shall be placed on home detention with electronic
 2220 monitoring.

2221 (i) The child is detained on a judicial order for failure
 2222 to appear and has previously willfully failed to appear, after
 2223 proper notice, for an adjudicatory hearing on the same case
 2224 regardless of the results of the risk assessment instrument. A
 2225 child may be held in secure detention for up to 72 hours in
 2226 advance of the next scheduled court hearing pursuant to this
 2227 paragraph. The child's failure to keep the clerk of court and
 2228 defense counsel informed of a current and valid mailing address

2229 where the child will receive notice to appear at court
 2230 proceedings does not provide an adequate ground for excusal of
 2231 the child's nonappearance at the hearings.

2232 (j) The child is detained on a judicial order for failure
 2233 to appear and has previously willfully failed to appear, after
 2234 proper notice, at two or more court hearings of any nature on
 2235 the same case regardless of the results of the risk assessment
 2236 instrument. A child may be held in secure detention for up to 72
 2237 hours in advance of the next scheduled court hearing pursuant to
 2238 this paragraph. The child's failure to keep the clerk of court
 2239 and defense counsel informed of a current and valid mailing
 2240 address where the child will receive notice to appear at court
 2241 proceedings does not provide an adequate ground for excusal of
 2242 the child's nonappearance at the hearings.

2243 (2) A child who is charged with committing an offense of
 2244 domestic violence as defined in s. 741.28 and who does not meet
 2245 detention criteria may be held in secure detention if the court
 2246 makes specific written findings that:

2247 (a) Respite care for the child is not available.

2248 (b) It is necessary to place the child in secure detention
 2249 in order to protect the victim from injury.

2250
 2251 The child may not be held in secure detention under this
 2252 subsection for more than 48 hours unless ordered by the court.
 2253 After 48 hours, the court shall hold a hearing if the state
 2254 attorney or victim requests that secure detention be continued.
 2255 The child may continue to be held in detention care if the court
 2256 makes a specific, written finding that detention care is

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2257 necessary to protect the victim from injury. However, the child
 2258 may not be held in detention care beyond the time limits set
 2259 forth in this section or s. 985.26.

2260 (3)(a) A child who meets any of the ~~these~~ criteria in
 2261 subsection (1) and who is ordered to be detained under that
 2262 ~~pursuant to this~~ subsection shall be given a hearing within 24
 2263 hours after being taken into custody. The purpose of the
 2264 detention hearing is to determine the existence of probable
 2265 cause that the child has committed the delinquent act or
 2266 violation of law that ~~with which~~ he or she is charged with and
 2267 the need for continued detention. Unless a child is detained
 2268 under paragraph (1)(d) or paragraph (1)(e), the court shall use
 2269 ~~utilize~~ the results of the risk assessment performed by the
 2270 juvenile probation officer and, based on the criteria in ~~this~~
 2271 subsection (1), shall determine the need for continued
 2272 detention. A child placed into secure, nonsecure, or home
 2273 detention care may continue to be so detained by the court
 2274 ~~pursuant to this subsection.~~

2275 (b) If the court orders a placement more restrictive than
 2276 indicated by the results of the risk assessment instrument, the
 2277 court shall state, in writing, clear and convincing reasons for
 2278 such placement.

2279 (c) Except as provided in s. 790.22(8) or in s. 985.27
 2280 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or~~
 2281 ~~paragraph (10)(d)~~, when a child is placed into secure or
 2282 nonsecure detention care, or into a respite home or other
 2283 placement pursuant to a court order following a hearing, the
 2284 court order must include specific instructions that direct the

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2285 release of the child from such placement no later than 5 p.m. on
 2286 the last day of the detention period specified in s. 985.26 or
 2287 s. 985.27 ~~paragraph (5) (b) or paragraph (5) (c), or subparagraph~~
 2288 ~~(10) (a)1-~~, whichever is applicable, unless the requirements of
 2289 such applicable provision have been met or an order of
 2290 continuance has been granted under s. 985.26(4) ~~pursuant to~~
 2291 ~~paragraph (5) (f)~~.

2292 Section 35. Paragraphs (c) and (g) of subsection (5) of
 2293 section 985.215, Florida Statutes, are renumbered as subsection
 2294 (2) of section 985.26, Florida Statutes, paragraphs (a), (d),
 2295 (e), and (f) of subsection (5) of section 985.215, Florida
 2296 Statutes, are renumbered, respectively, as subsections (1), (3),
 2297 (5), and (4) of section 985.26, Florida Statutes, and subsection
 2298 (7) of section 985.215, Florida Statutes, is renumbered as
 2299 subsection (6) of section 985.26, Florida Statutes, and amended
 2300 to read:

2301 985.26 Length of detention.--

2302 ~~(1) (5) (a)~~ A child may not be placed into or held in
 2303 secure, nonsecure, or home detention care for longer than 24
 2304 hours unless the court orders such detention care, and the order
 2305 includes specific instructions that direct the release of the
 2306 child from such detention care, in accordance with 985.255
 2307 ~~subsection (2)~~. The order shall be a final order, reviewable by
 2308 appeal under ~~pursuant to~~ s. 985.534 ~~985.234~~ and the Florida
 2309 Rules of Appellate Procedure. Appeals of such orders shall take
 2310 precedence over other appeals and other pending matters.

2311 ~~(2) (e)~~ ~~Except as provided in paragraph (g)~~, A child may
 2312 not be held in secure, nonsecure, or home detention care under a

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2313 special detention order for more than 21 days unless an
2314 adjudicatory hearing for the case has been commenced in good
2315 faith by the court. However, upon good cause being shown that
2316 the nature of the charge requires additional time for the
2317 prosecution or defense of the case, the court may extend the
2318 length of detention for an additional 9 days if the child is
2319 charged with an offense that would be, if committed by an adult,
2320 a capital felony, a life felony, a felony of the first degree,
2321 or a felony of the second degree involving violence against any
2322 individual.

2323 (3)-(d) Except as provided in subsection (2) ~~paragraph (g)~~,
2324 a child may not be held in secure, nonsecure, or home detention
2325 care for more than 15 days following the entry of an order of
2326 adjudication.

2327 (4)-(f) The time limits in subsections (2) and (3)
2328 ~~paragraphs (e) and (d)~~ do not include periods of delay resulting
2329 from a continuance granted by the court for cause on motion of
2330 the child or his or her counsel or of the state. Upon the
2331 issuance of an order granting a continuance for cause on a
2332 motion by either the child, the child's counsel, or the state,
2333 the court shall conduct a hearing at the end of each 72-hour
2334 period, excluding Saturdays, Sundays, and legal holidays, to
2335 determine the need for continued detention of the child and the
2336 need for further continuance of proceedings for the child or the
2337 state.

2338 (5)-(e) A child who was not in secure detention at the time
2339 of the adjudicatory hearing, but for whom residential commitment
2340 is anticipated or recommended, may be placed under a special

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2341 detention order for a period not to exceed 72 hours, excluding
2342 weekends and legal holidays, for the purpose of conducting a
2343 comprehensive evaluation as provided in s. 985.185 ~~985.229(1)~~.
2344 Motions for the issuance of such special detention order may be
2345 made subsequent to a finding of delinquency. Upon said motion,
2346 the court shall conduct a hearing to determine the
2347 appropriateness of such special detention order and shall order
2348 the least restrictive level of detention necessary to complete
2349 the comprehensive evaluation process that is consistent with
2350 public safety. Such special detention order may be extended for
2351 an additional 72 hours upon further order of the court.

2352 ~~(g) Upon good cause being shown that the nature of the~~
2353 ~~charge requires additional time for the prosecution or defense~~
2354 ~~of the case, the court may extend the time limits for detention~~
2355 ~~specified in paragraph (c) an additional 9 days if the child is~~
2356 ~~charged with an offense that would be, if committed by an adult,~~
2357 ~~a capital felony, a life felony, a felony of the first degree,~~
2358 ~~or a felony of the second degree involving violence against any~~
2359 ~~individual.~~

2360 (6) ~~(7)~~ If a child is detained and a petition for
2361 delinquency is filed, the child shall be arraigned in accordance
2362 with the Florida Rules of Juvenile Procedure within 48 hours
2363 after the filing of the petition for delinquency.

2364 Section 36. Subsections (4), (8), (9), and (11) of section
2365 985.215, Florida Statutes, are renumbered, respectively, as
2366 subsections (5), (1), (2), and (3) of section 985.265, Florida
2367 Statutes, and subsection (3) of section 985.213, Florida

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2368 Statutes, is renumbered as subsection (4) of section 985.265,
 2369 Florida Statutes, and amended to read:

2370 985.265 Detention transfer and release; education; adult
 2371 jails.--

2372 (1)~~(8)~~ If a child is detained under ~~pursuant to this part~~
 2373 ~~section~~, the department of ~~Juvenile Justice~~ may transfer the
 2374 child from nonsecure or home detention care to secure detention
 2375 care only if significantly changed circumstances warrant such
 2376 transfer.

2377 (2)~~(9)~~ If a child is on release status and not detained
 2378 under ~~pursuant to this part section~~, the child may be placed
 2379 into secure, nonsecure, or home detention care only pursuant to
 2380 a court hearing in which the original risk assessment
 2381 instrument, rescored based on newly discovered evidence or
 2382 changed circumstances with the results recommending detention,
 2383 is introduced into evidence.

2384 (3)~~(11)~~(a) When a juvenile sexual offender is placed in
 2385 detention, detention staff shall provide appropriate monitoring
 2386 and supervision to ensure the safety of other children in the
 2387 facility.

2388 (b) When a juvenile sexual offender, under ~~pursuant to~~
 2389 this subsection, is released from detention or transferred to
 2390 home detention or nonsecure detention, detention staff shall
 2391 immediately notify the appropriate law enforcement agency and
 2392 school personnel.

2393 (4)~~(3)~~(a) While a child who is currently enrolled in
 2394 school is in nonsecure or home detention care, the child shall
 2395 continue to attend school unless otherwise ordered by the court.

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2396 (b) While a child is in secure detention care, the child
 2397 shall receive education commensurate with his or her grade level
 2398 and educational ability.

2399 ~~(5)(4)~~ The court shall order the delivery of a child to a
 2400 jail or other facility intended or used for the detention of
 2401 adults:

2402 (a) When the child has been transferred or indicted for
 2403 criminal prosecution as an adult under ~~pursuant to this part X,~~
 2404 except that the court may not order or allow a child alleged to
 2405 have committed a misdemeanor who is being transferred for
 2406 criminal prosecution pursuant to either s. 985.556 ~~985.226~~ or s.
 2407 985.557 ~~985.227~~ to be detained or held in a jail or other
 2408 facility intended or used for the detention of adults; however,
 2409 such child may be held temporarily in a detention facility; or

2410 (b) When a child taken into custody in this state is
 2411 wanted by another jurisdiction for prosecution as an adult.

2412
 2413 The child shall be housed separately from adult inmates to
 2414 prohibit a child from having regular contact with incarcerated
 2415 adults, including trustees. "Regular contact" means sight and
 2416 sound contact. Separation of children from adults shall permit
 2417 no more than haphazard or accidental contact. The receiving jail
 2418 or other facility shall contain a separate section for children
 2419 and shall have an adequate staff to supervise and monitor the
 2420 child's activities at all times. Supervision and monitoring of
 2421 children includes physical observation and documented checks by
 2422 jail or receiving facility supervisory personnel at intervals
 2423 not to exceed 15 minutes. This subsection ~~paragraph~~ does not

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2424 prohibit placing two or more children in the same cell. Under no
 2425 circumstances shall a child be placed in the same cell with an
 2426 adult.

2427 Section 37. Paragraphs (a) through (d) and paragraph (f)
 2428 of subsection (10) of section 985.215, Florida Statutes, are
 2429 renumbered as section 985.27, Florida Statutes, and amended to
 2430 read:

2431 985.27 Postcommitment detention while awaiting
 2432 placement.--

2433 ~~(1)(a)1. When a child is committed to the Department of~~
 2434 ~~Juvenile Justice awaiting dispositional placement, removal of~~
 2435 ~~the child from detention care shall occur within 5 days,~~
 2436 ~~excluding Saturdays, Sundays, and legal holidays. Any child held~~
 2437 ~~in secure detention during the 5 days must meet detention~~
 2438 ~~admission criteria pursuant to this section. If the child is~~
 2439 ~~committed to a moderate risk residential program, the department~~
 2440 ~~may seek an order from the court authorizing continued detention~~
 2441 ~~for a specific period of time necessary for the appropriate~~
 2442 ~~residential placement of the child. However, such continued~~
 2443 ~~detention in secure detention care may not exceed 15 days after~~
 2444 ~~commitment, excluding Saturdays, Sundays, and legal holidays,~~
 2445 ~~and except as otherwise provided in this subsection.~~

2446 ~~2.~~ The court must place all children who are adjudicated
 2447 and awaiting placement in a commitment program in detention
 2448 care. Children who are in home detention care or nonsecure
 2449 detention care may be placed on electronic monitoring.

2450 (a) A child who is awaiting placement in a low-risk
 2451 residential program must be removed from detention within 5

2452 days, excluding Saturdays, Sundays, and legal holidays. Any
 2453 child held in secure detention during the 5 days must meet
 2454 detention admission criteria under this part.

2455 ~~(b)~~ A child who is placed in home detention care,
 2456 nonsecure detention care, or home or nonsecure detention care
 2457 with electronic monitoring, while awaiting placement in a
 2458 minimum-risk or, low-risk, ~~or moderate-risk~~ program, may be held
 2459 in secure detention care for 5 days, if the child violates the
 2460 conditions of the home detention care, the nonsecure detention
 2461 care, or the electronic monitoring agreement. For any subsequent
 2462 violation, the court may impose an additional 5 days in secure
 2463 detention care.

2464 (b) A child who is awaiting placement in a moderate-risk
 2465 residential program must be removed from detention within 5
 2466 days, excluding Saturdays, Sundays, and legal holidays. Any
 2467 child held in secure detention during the 5 days must meet
 2468 detention admission criteria under this part. The department may
 2469 seek an order from the court authorizing continued detention for
 2470 a specific period of time necessary for the appropriate
 2471 residential placement of the child. However, such continued
 2472 detention in secure detention care may not exceed 15 days after
 2473 entry of the commitment order, excluding Saturdays, Sundays, and
 2474 legal holidays, and except as otherwise provided in this
 2475 section. A child who is placed in home detention care, nonsecure
 2476 detention care, or home or nonsecure detention care with
 2477 electronic monitoring, while awaiting placement in a moderate-
 2478 risk program, may be held in secure detention care for 5 days,
 2479 if the child violates the conditions of the home detention care,

2480 the nonsecure detention care, or the electronic monitoring
 2481 agreement. For any subsequent violation, the court may impose an
 2482 additional 5 days in secure detention care.

2483 (c) If the child is committed to a high-risk residential
 2484 program, the child must be held in detention care until
 2485 placement or commitment is accomplished.

2486 (d) If the child is committed to a maximum-risk
 2487 residential program, the child must be held in detention care
 2488 until placement or commitment is accomplished.

2489 (2)~~(f)~~ Regardless of detention status, a child being
 2490 transported by the department to a residential commitment
 2491 facility of the department may be placed in secure detention
 2492 overnight, not to exceed a 24-hour period, for the specific
 2493 purpose of ensuring the safe delivery of the child to his or her
 2494 residential commitment program, court, appointment, transfer, or
 2495 release.

2496 Section 38. Section 985.208, Florida Statutes, is
 2497 renumbered as section 985.275, Florida Statutes, and amended to
 2498 read:

2499 985.275 ~~985.208~~ Detention of escapee or absconder on
 2500 authority of the department.--

2501 (1) If an authorized agent of the department has
 2502 reasonable grounds to believe that any delinquent child
 2503 committed to the department has escaped from a residential
 2504 commitment facility or from being lawfully transported thereto
 2505 or therefrom, or has absconded from a nonresidential commitment
 2506 facility, the agent may take the child into active custody and
 2507 may deliver the child to the facility or, if it is closer, to a

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2508 detention center for return to the facility. However, a child
 2509 may not be held in detention longer than 24 hours, excluding
 2510 Saturdays, Sundays, and legal holidays, unless a special order
 2511 so directing is made by the judge after a detention hearing
 2512 resulting in a finding that detention is required based on the
 2513 criteria in s. 985.255 ~~985.215(2)~~. The order shall state the
 2514 reasons for such finding. The reasons shall be reviewable by
 2515 appeal or in habeas corpus proceedings in the district court of
 2516 appeal.

2517 (2) Any sheriff or other law enforcement officer, upon the
 2518 request of the secretary of the department or duly authorized
 2519 agent, shall take a child who has escaped from a residential
 2520 commitment facility or from being lawfully transported thereto
 2521 or therefrom, or has absconded from a nonresidential commitment
 2522 facility, into custody and deliver the child to the appropriate
 2523 juvenile probation officer.

2524 Section 39. Section 985.218, Florida Statutes, is
 2525 renumbered as section 985.318, Florida Statutes.

2526 Section 40. Subsections (1) through (7) and (9) through
 2527 (12) of section 985.219, Florida Statutes, are renumbered as
 2528 subsections (1) through (11) of section 985.319, Florida
 2529 Statutes, and subsection (6) of that section is amended to read:

2530 985.319 ~~985.219~~ Process and service.--

2531 (6) If the petition alleges that the child has committed a
 2532 delinquent act or violation of law and the judge deems it
 2533 advisable to do so, under ~~pursuant to~~ the criteria of s. 985.255
 2534 ~~s. 985.215~~, the judge may, by endorsement upon the summons and
 2535 after the entry of an order in which valid reasons are

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2536 specified, order the child to be taken into custody immediately,
 2537 and in such case the person serving the summons shall
 2538 immediately take the child into custody.

2539 Section 41. Section 985.22, Florida Statutes, is
 2540 renumbered as section 985.325, Florida Statutes, and amended to
 2541 read:

2542 985.325 ~~985.22~~ Threatening or dismissing an employee
 2543 prohibited.--

2544 (1) An employer, or the employer's agent, may not dismiss
 2545 from employment an employee who is summoned to appear before the
 2546 court under s. 985.319 ~~985.219~~ solely because of the nature of
 2547 the summons or because the employee complies with the summons.

2548 (2) If an employer, or the employer's agent, threatens an
 2549 employee with dismissal, or dismisses an employee, who is
 2550 summoned to appear under s. 985.319 ~~985.219~~, the court may hold
 2551 the employer in contempt.

2552 Section 42. Sections 985.221, 985.222, and 985.306,
 2553 Florida Statutes, are renumbered, respectively, as sections
 2554 985.331, 985.335, and 985.345, Florida Statutes.

2555 Section 43. Section 985.228, Florida Statutes, is
 2556 renumbered as section 985.35, Florida Statutes, and amended to
 2557 read:

2558 985.35 ~~985.228~~ Adjudicatory hearings; withheld
 2559 adjudications; orders of adjudication.--

2560 (1) The adjudicatory hearing must be held as soon as
 2561 practicable after the petition alleging that a child has
 2562 committed a delinquent act or violation of law is filed and in
 2563 accordance with the Florida Rules of Juvenile Procedure; but

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2564 reasonable delay for the purpose of investigation, discovery, or
 2565 procuring counsel or witnesses shall be granted. If the child is
 2566 being detained, the time limitations ~~provided for~~ in s.
 2567 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

2568 (2) Adjudicatory hearings shall be conducted without a
 2569 jury by the court, applying in delinquency cases the rules of
 2570 evidence in use in criminal cases; adjourning the hearings from
 2571 time to time as necessary; and conducting a fundamentally fair
 2572 hearing in language understandable, to the fullest extent
 2573 practicable, to the child before the court.

2574 (a) In a hearing on a petition alleging that a child has
 2575 committed a delinquent act or violation of law, the evidence
 2576 must establish the findings beyond a reasonable doubt.

2577 (b) The child is entitled to the opportunity to introduce
 2578 evidence and otherwise be heard in the child's own behalf and to
 2579 cross-examine witnesses.

2580 (c) A child charged with a delinquent act or violation of
 2581 law must be afforded all rights against self-incrimination.
 2582 Evidence illegally seized or obtained may not be received to
 2583 establish the allegations against the child.

2584 (3) If the court finds that the child named in a petition
 2585 has not committed a delinquent act or violation of law, it shall
 2586 enter an order so finding and dismissing the case.

2587 (4) If the court finds that the child named in the
 2588 petition has committed a delinquent act or violation of law, it
 2589 may, in its discretion, enter an order stating the facts upon
 2590 which its finding is based but withholding adjudication of
 2591 delinquency.

2592 (a) Upon withholding adjudication of delinquency, the
 2593 court may place ~~and placing~~ the child in a probation program
 2594 under the supervision of the department or under the supervision
 2595 of any other person or agency specifically authorized and
 2596 appointed by the court. The court may, as a condition of the
 2597 program, impose as a penalty component restitution in money or
 2598 in kind, community service, a curfew, urine monitoring,
 2599 revocation or suspension of the driver's license of the child,
 2600 or other nonresidential punishment appropriate to the offense,
 2601 and may impose as a rehabilitative component a requirement of
 2602 participation in substance abuse treatment, or school or other
 2603 educational program attendance.

2604 (b) If the child is attending public school and the court
 2605 finds that the victim or a sibling of the victim in the case was
 2606 assigned to attend or is eligible to attend the same school as
 2607 the child, the court order shall include a finding pursuant to
 2608 the proceedings described in s. 985.455, regardless of whether
 2609 adjudication is withheld ~~985.23(1)(d)~~.

2610 (c) If the court later finds that the child has not
 2611 complied with the rules, restrictions, or conditions of the
 2612 community-based program, the court may, after a hearing to
 2613 establish the lack of compliance, but without further evidence
 2614 of the state of delinquency, enter an adjudication of
 2615 delinquency and shall thereafter have full authority under this
 2616 chapter to deal with the child as adjudicated.

2617 (5) If the court finds that the child named in a petition
 2618 has committed a delinquent act or violation of law, but elects
 2619 not to proceed under subsection (4), it shall incorporate that

2620 finding in an order of adjudication of delinquency entered in
 2621 the case, briefly stating the facts upon which the finding is
 2622 made, and the court shall thereafter have full authority under
 2623 this chapter to deal with the child as adjudicated.

2624 (6) Except as the term "conviction" is used in chapter
 2625 322, and except for use in a subsequent proceeding under this
 2626 chapter, an adjudication of delinquency by a court with respect
 2627 to any child who has committed a delinquent act or violation of
 2628 law shall not be deemed a conviction; nor shall the child be
 2629 deemed to have been found guilty or to be a criminal by reason
 2630 of that adjudication; nor shall that adjudication operate to
 2631 impose upon the child any of the civil disabilities ordinarily
 2632 imposed by or resulting from conviction or to disqualify or
 2633 prejudice the child in any civil service application or
 2634 appointment, with the exception of the use of records of
 2635 proceedings under this chapter part as provided in s. 985.045(4)
 2636 ~~s. 985.05(4)~~.

2637 (7) Notwithstanding any other provision of law, an
 2638 adjudication of delinquency for an offense classified as a
 2639 felony shall disqualify a person from lawfully possessing a
 2640 firearm until such person reaches 24 years of age.

2641 Section 44. Subsection (3) of section 985.229, Florida
 2642 Statutes, is renumbered as subsection (3) of section 985.43,
 2643 Florida Statutes, and section 985.43, Florida Statutes, is
 2644 created to read:

2645 985.43 Predisposition reports; other evaluations.--

2646 (1) Upon a finding that the child has committed a
 2647 delinquent act:

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2648 (a) The court may order the department to prepare a
2649 predisposition report regarding the child's eligibility for
2650 disposition other than by adjudication and commitment to the
2651 department or for disposition of adjudication, commitment to the
2652 department, and, if appropriate, assignment of a residential
2653 commitment level. The predisposition report shall be the result
2654 of the multidisciplinary assessment, when such assessment is
2655 needed, and of the classification and placement process, and it
2656 shall indicate and report the child's priority needs,
2657 recommendations as to a classification of risk for the child in
2658 the context of his or her program and supervision needs, and a
2659 plan for treatment that recommends the most appropriate
2660 placement setting to meet the child's needs with the minimum
2661 program security that reasonably ensures public safety. A
2662 predisposition report shall be ordered for any child for whom a
2663 residential commitment disposition is anticipated or recommended
2664 by an officer of the court or by the department.

2665 (b) A comprehensive evaluation for physical health; mental
2666 health; substance abuse; or academic, educational, or vocational
2667 problems shall be ordered for any child for whom a residential
2668 commitment disposition is anticipated or recommended by an
2669 officer of the court or by the department. If a comprehensive
2670 evaluation is ordered, the predisposition report shall include a
2671 summary of the comprehensive evaluation.

2672 (c) A child who was not in secure detention at the time of
2673 the adjudicatory hearing, but for whom residential commitment is
2674 anticipated or recommended, may be placed under a special

2675 detention order, as provided in s. 985.26(5), for the purpose of
 2676 conducting a comprehensive evaluation.

2677 (2) The court shall consider the child's entire assessment
 2678 and predisposition report and shall review the records of
 2679 earlier judicial proceedings prior to making a final disposition
 2680 of the case. The court may, by order, require additional
 2681 evaluations and studies to be performed by the department, the
 2682 county school system, or any social, psychological, or
 2683 psychiatric agency of the state. The court shall order the
 2684 educational needs assessment completed under s. 985.18(2) to be
 2685 included in the assessment and predisposition report.

2686 (3) The predisposition report, together with all other
 2687 reports and evaluations used by the department in preparing the
 2688 predisposition report, shall be made available to the child, the
 2689 child's parents or legal guardian, the child's legal counsel,
 2690 and the state attorney upon completion of the report and at a
 2691 reasonable time prior to the disposition hearing. The
 2692 predisposition report shall be submitted to the court upon
 2693 completion of the report but no later than 48 hours prior to the
 2694 disposition hearing. The predisposition report shall not be
 2695 reviewed by the court without the consent of the child and his
 2696 or her legal counsel until the child has been found to have
 2697 committed a delinquent act.

2698 Section 45. Section 985.23, Florida Statutes, is
 2699 renumbered as section 985.433, Florida Statutes, and amended to
 2700 read:

2701 985.433 ~~985.23~~ Disposition hearings in delinquency
 2702 cases.--When a child has been found to have committed a

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2703 delinquent act, the following procedures shall be applicable to
 2704 the disposition of the case:

2705 (1)~~(7)~~ The court shall notify any victim of the offense,
 2706 if such person is known and within the jurisdiction of the
 2707 court, of the hearing.

2708 (2) The court ~~and~~ shall notify and summon or subpoena, if
 2709 necessary, the parents, legal custodians, or guardians of the
 2710 child to attend the disposition hearing if they reside in the
 2711 state.

2712
 2713 ~~It is the intent of the Legislature that the criteria set forth~~
 2714 ~~in subsection (2) are general guidelines to be followed at the~~
 2715 ~~discretion of the court and not mandatory requirements of~~
 2716 ~~procedure. It is not the intent of the Legislature to provide~~
 2717 ~~for the appeal of the disposition made pursuant to this section.~~

2718 (3)~~(6)~~ The court may receive and consider any other
 2719 relevant and material evidence, including other written or oral
 2720 reports or statements, in its effort to determine the
 2721 appropriate disposition to be made with regard to the child. The
 2722 court may rely upon such evidence to the extent of its probative
 2723 value, even though such evidence may not be technically
 2724 competent in an adjudicatory hearing.

2725 (4)~~(1)~~ Before the court determines and announces the
 2726 disposition to be imposed, it shall:

2727 (a) State clearly, using common terminology, the purpose
 2728 of the hearing and the right of persons present as parties to
 2729 comment at the appropriate time on the issues before the court.

2730 (b) Discuss with the child his or her compliance with any
 2731 home release plan or other plan imposed since the date of the
 2732 offense. ~~†~~

2733 (c) Discuss with the child his or her feelings about the
 2734 offense committed, the harm caused to the victim or others, and
 2735 what penalty he or she should be required to pay for such
 2736 transgression. ~~† and~~

2737 (d) Give all parties, as well as the victim or a
 2738 representative of the victim, representatives of the school
 2739 system, and the law enforcement officers involved in the case
 2740 who are present at the hearing an opportunity to comment on the
 2741 issue of disposition and any proposed rehabilitative plan.
 2742 Parties to the case shall include the parents, legal custodians,
 2743 or guardians of the child; the child's counsel; the state
 2744 attorney; and representatives of the department, ~~the victim if~~
 2745 ~~any, or his or her representative; representatives of the school~~
 2746 ~~system; and the law enforcement officers involved in the case.~~
 2747 ~~If the child is attending or is eligible to attend public school~~
 2748 ~~and the court finds that the victim or a sibling of the victim~~
 2749 ~~in the case is attending or may attend the same school as the~~
 2750 ~~child, the court shall, on its own motion or upon the request of~~
 2751 ~~any party or any parent or legal guardian of the victim,~~
 2752 ~~determine whether it is appropriate to enter a no contact order~~
 2753 ~~in favor of the victim or a sibling of the victim. If~~
 2754 ~~appropriate and acceptable to the victim and the victim's parent~~
 2755 ~~or parents or legal guardian, the court may reflect in the~~
 2756 ~~written disposition order that the victim or the victim's parent~~
 2757 ~~stated in writing or in open court that he or she did not object~~

2758 ~~to the offender being permitted to attend the same school or~~
 2759 ~~ride on the same school bus as the victim or a sibling of the~~
 2760 ~~victim.~~

2761 (5) At the time of disposition, the court may make
 2762 recommendations to the department as to specific treatment
 2763 approaches to be employed.

2764 (6)~~(2)~~ The first determination to be made by the court is
 2765 a determination of the suitability or nonsuitability for
 2766 adjudication and commitment of the child to the department. This
 2767 determination shall include consideration of the recommendations
 2768 of the department, which may include a predisposition report.
 2769 The predisposition report shall include, whether as part of the
 2770 child's multidisciplinary assessment, classification, and
 2771 placement process components or separately, evaluation of the
 2772 following criteria:

2773 (a) The seriousness of the offense to the community. If
 2774 the court determines under chapter 874 that the child was a
 2775 member of a criminal street gang at the time of the commission
 2776 of the offense, ~~which determination shall be made pursuant to~~
 2777 ~~chapter 874~~, the seriousness of the offense to the community
 2778 shall be given great weight.

2779 (b) Whether the protection of the community requires
 2780 adjudication and commitment to the department.

2781 (c) Whether the offense was committed in an aggressive,
 2782 violent, premeditated, or willful manner.

2783 (d) Whether the offense was against persons or against
 2784 property, greater weight being given to offenses against
 2785 persons, especially if personal injury resulted.

2786 (e) The sophistication and maturity of the child.

2787 (f) The record and previous criminal history of the child,
 2788 including without limitations:

2789 1. Previous contacts with the department, the former
 2790 Department of Health and Rehabilitative Services, the Department
 2791 of Children and Family Services, the Department of Corrections,
 2792 other law enforcement agencies, and courts.~~†~~

2793 2. Prior periods of probation.~~†~~

2794 3. Prior adjudications of delinquency.~~†~~~~and~~

2795 4. Prior commitments to institutions.

2796 (g) The prospects for adequate protection of the public
 2797 and the likelihood of reasonable rehabilitation of the child if
 2798 committed to a community services program or facility.

2799 (h) The child's educational status, including, but not
 2800 limited to, the child's strengths, abilities, and unmet and
 2801 special educational needs. The report shall identify appropriate
 2802 educational and vocational goals for the child. Examples of
 2803 appropriate goals include:

2804 1. Attainment of a high school diploma or its equivalent.

2805 2. Successful completion of literacy course(s).

2806 3. Successful completion of vocational course(s).

2807 4. Successful attendance and completion of the child's
 2808 current grade if enrolled in school.

2809 5. Enrollment in an apprenticeship or a similar program.

2810

2811 It is the intent of the Legislature that the criteria set forth
 2812 in this subsection are general guidelines to be followed at the
 2813 discretion of the court and not mandatory requirements of

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2814 procedure. It is not the intent of the Legislature to provide
2815 for the appeal of the disposition made under this section. At
2816 ~~the time of disposition, the court may make recommendations to~~
2817 ~~the department as to specific treatment approaches to be~~
2818 ~~employed.~~

2819 (7)(3)(a) If the court determines that the child should be
2820 adjudicated as having committed a delinquent act and should be
2821 committed to the department, such determination shall be in
2822 writing or on the record of the hearing. The determination shall
2823 include a specific finding of the reasons for the decision to
2824 adjudicate and to commit the child to the department, including
2825 any determination that the child was a member of a criminal
2826 street gang.

2827 (a)(b) ~~If the court determines that commitment to the~~
2828 ~~department is appropriate,~~ The juvenile probation officer shall
2829 recommend to the court the most appropriate placement and
2830 treatment plan, specifically identifying the restrictiveness
2831 level most appropriate for the child. If the court has
2832 determined that the child was a member of a criminal street
2833 gang, that determination shall be given great weight in
2834 identifying the most appropriate restrictiveness level for the
2835 child. The court shall consider the department's recommendation
2836 in making its commitment decision.

2837 (b)(e) The court shall commit the child to the department
2838 at the restrictiveness level identified or may order placement
2839 at a different restrictiveness level. The court shall state for
2840 the record the reasons that ~~which~~ establish by a preponderance
2841 of the evidence why the court is disregarding the assessment of

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2842 the child and the restrictiveness level recommended by the
2843 department. Any party may appeal the court's findings resulting
2844 in a modified level of restrictiveness under ~~pursuant to~~ this
2845 paragraph.

2846 ~~(c)(d)~~ The court may also require that the child be placed
2847 in a probation program following the child's discharge from
2848 commitment. Community-based sanctions under ~~pursuant to~~
2849 subsection ~~(8)(4)~~ may be imposed by the court at the disposition
2850 hearing or at any time prior to the child's release from
2851 commitment.

2852 ~~(e)~~ ~~The court shall be responsible for the fingerprinting~~
2853 ~~of any child at the disposition hearing if the child has been~~
2854 ~~adjudicated or had adjudication withheld for any felony in the~~
2855 ~~case currently before the court.~~

2856 ~~(8)(4)~~ If the court determines not to adjudicate and
2857 commit to the department, then the court shall determine what
2858 community-based sanctions it will impose in a probation program
2859 for the child. Community-based sanctions may include, but are
2860 not limited to, participation in substance abuse treatment, a
2861 day-treatment probation program, restitution in money or in
2862 kind, a curfew, revocation or suspension of the driver's license
2863 of the child, community service, and appropriate educational
2864 programs as determined by the district school board.

2865 ~~(9)(5)~~ After appropriate sanctions for the offense are
2866 determined, the court shall develop, approve, and order a plan
2867 of probation that ~~which~~ will contain rules, requirements,
2868 conditions, and rehabilitative programs, including the option of
2869 a day-treatment probation program, that ~~which~~ are designed to

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2870 encourage responsible and acceptable behavior and to promote
 2871 both the rehabilitation of the child and the protection of the
 2872 community.

2873 (10) Any disposition order shall be in writing as prepared
 2874 by the clerk of court and may thereafter be modified or set
 2875 aside by the court.

2876 Section 46. Paragraph (a) of subsection (1) of section
 2877 985.231, Florida Statutes, is renumbered as section 985.435,
 2878 Florida Statutes, and amended to read:

2879 985.435 Probation and postcommitment probation; community
 2880 service.--

2881 (1) ~~(a)~~ The court that has jurisdiction over ~~of~~ an
 2882 adjudicated delinquent child may, by an order stating the facts
 2883 upon which a determination of a sanction and rehabilitative
 2884 program was made at the disposition hearing, +

2885 ~~1-~~ place the child in a probation program or a
 2886 postcommitment probation program. Such placement must be under
 2887 the supervision of an authorized agent of the department or of
 2888 any other person or agency specifically authorized and appointed
 2889 by the court, whether in the child's own home, in the home of a
 2890 relative of the child, or in some other suitable place under
 2891 such reasonable conditions as the court may direct.

2892 (2) A probation program for an adjudicated delinquent
 2893 child must include a penalty component such as:

2894 (a) Restitution in money or in kind; τ

2895 (b) Community service; τ

2896 (c) A curfew; τ

2897 (d) Revocation or suspension of the driver's license of
 2898 the child; ~~or~~

2899 (e) Other nonresidential punishment appropriate to the
 2900 offense.

2901 (3) A probation program ~~and~~ must also include a
 2902 rehabilitative program component such as a requirement of
 2903 participation in substance abuse treatment or in school or other
 2904 educational program. The nonconsent of the child to treatment in
 2905 a substance abuse treatment program in no way precludes the
 2906 court from ordering such treatment ~~If the child is attending or~~
 2907 ~~is eligible to attend public school and the court finds that the~~
 2908 ~~victim or a sibling of the victim in the case is attending or~~
 2909 ~~may attend the same school as the child, the court placement~~
 2910 ~~order shall include a finding pursuant to the proceedings~~
 2911 ~~described in s. 985.23(1)(d).~~ Upon the recommendation of the
 2912 department at the time of disposition, or subsequent to
 2913 disposition pursuant to the filing of a petition alleging a
 2914 violation of the child's conditions of postcommitment probation,
 2915 the court may order the child to submit to random testing for
 2916 the purpose of detecting and monitoring the use of alcohol or
 2917 controlled substances.

2918 (4)a. A classification scale for levels of supervision
 2919 shall be provided by the department, taking into account the
 2920 child's needs and risks relative to probation supervision
 2921 requirements to reasonably ensure the public safety. Probation
 2922 programs for children shall be supervised by the department or
 2923 by any other person or agency specifically authorized by the
 2924 court. These programs must include, but are not limited to,

2925 structured or restricted activities as described in this section
 2926 and s. 985.439 ~~subparagraph~~, and shall be designed to encourage
 2927 the child toward acceptable and functional social behavior.

2928 (5) If supervision or a program of community service is
 2929 ordered by the court, the duration of such supervision or
 2930 program must be consistent with any treatment and rehabilitation
 2931 needs identified for the child and may not exceed the term for
 2932 which sentence could be imposed if the child were committed for
 2933 the offense, except that the duration of such supervision or
 2934 program for an offense that is a misdemeanor of the second
 2935 degree, or is equivalent to a misdemeanor of the second degree,
 2936 may be for a period not to exceed 6 months. ~~When restitution is~~
 2937 ~~ordered by the court, the amount of restitution may not exceed~~
 2938 ~~an amount the child and the parent or guardian could reasonably~~
 2939 ~~be expected to pay or make. A child who participates in any work~~
 2940 ~~program under this part is considered an employee of the state~~
 2941 ~~for purposes of liability, unless otherwise provided by law.~~

2942 (6)~~b.~~ The court may conduct judicial review hearings for a
 2943 child placed on probation for the purpose of fostering
 2944 accountability to the judge and compliance with other
 2945 requirements, such as restitution and community service. The
 2946 court may allow early termination of probation for a child who
 2947 has substantially complied with the terms and conditions of
 2948 probation.

2949 ~~e.~~ ~~If the conditions of the probation program or the~~
 2950 ~~postcommitment probation program are violated, the department or~~
 2951 ~~the state attorney may bring the child before the court on a~~
 2952 ~~petition alleging a violation of the program. Any child who~~

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2953 ~~violates the conditions of probation or postcommitment probation~~
2954 ~~must be brought before the court if sanctions are sought. A~~
2955 ~~child taken into custody under s. 985.207 for violating the~~
2956 ~~conditions of probation or postcommitment probation shall be~~
2957 ~~held in a consequence unit if such a unit is available. The~~
2958 ~~child shall be afforded a hearing within 24 hours after being~~
2959 ~~taken into custody to determine the existence of probable cause~~
2960 ~~that the child violated the conditions of probation or~~
2961 ~~postcommitment probation. A consequence unit is a secure~~
2962 ~~facility specifically designated by the department for children~~
2963 ~~who are taken into custody under s. 985.207 for violating~~
2964 ~~probation or postcommitment probation, or who have been found by~~
2965 ~~the court to have violated the conditions of probation or~~
2966 ~~postcommitment probation. If the violation involves a new charge~~
2967 ~~of delinquency, the child may be detained under s. 985.215 in a~~
2968 ~~facility other than a consequence unit. If the child is not~~
2969 ~~eligible for detention for the new charge of delinquency, the~~
2970 ~~child may be held in the consequence unit pending a hearing and~~
2971 ~~is subject to the time limitations specified in s. 985.215. If~~
2972 ~~the child denies violating the conditions of probation or~~
2973 ~~postcommitment probation, the court shall appoint counsel to~~
2974 ~~represent the child at the child's request. Upon the child's~~
2975 ~~admission, or if the court finds after a hearing that the child~~
2976 ~~has violated the conditions of probation or postcommitment~~
2977 ~~probation, the court shall enter an order revoking, modifying,~~
2978 ~~or continuing probation or postcommitment probation. In each~~
2979 ~~such case, the court shall enter a new disposition order and, in~~
2980 ~~addition to the sanctions set forth in this paragraph, may~~

2981 ~~impose any sanction the court could have imposed at the original~~
 2982 ~~disposition hearing. If the child is found to have violated the~~
 2983 ~~conditions of probation or postcommitment probation, the court~~
 2984 ~~may:~~

2985 ~~(I) Place the child in a consequence unit in that judicial~~
 2986 ~~circuit, if available, for up to 5 days for a first violation,~~
 2987 ~~and up to 15 days for a second or subsequent violation.~~

2988 ~~(II) Place the child on home detention with electronic~~
 2989 ~~monitoring. However, this sanction may be used only if a~~
 2990 ~~residential consequence unit is not available.~~

2991 ~~(III) Modify or continue the child's probation program or~~
 2992 ~~postcommitment probation program.~~

2993 ~~(IV) Revoke probation or postcommitment probation and~~
 2994 ~~commit the child to the department.~~

2995 ~~d. Notwithstanding s. 743.07 and paragraph (d), and except~~
 2996 ~~as provided in s. 985.31, the term of any order placing a child~~
 2997 ~~in a probation program must be until the child's 19th birthday~~
 2998 ~~unless he or she is released by the court, on the motion of an~~
 2999 ~~interested party or on its own motion.~~

3000 ~~2. Commit the child to a licensed child caring agency~~
 3001 ~~willing to receive the child, but the court may not commit the~~
 3002 ~~child to a jail or to a facility used primarily as a detention~~
 3003 ~~center or facility or shelter.~~

3004 ~~3. Commit the child to the department at a restrictiveness~~
 3005 ~~level defined in s. 985.03. Such commitment must be for the~~
 3006 ~~purpose of exercising active control over the child, including,~~
 3007 ~~but not limited to, custody, care, training, urine monitoring,~~
 3008 ~~and treatment of the child and release of the child from~~

3009 ~~residential commitment into the community in a postcommitment~~
 3010 ~~nonresidential conditional release program. If the child is~~
 3011 ~~eligible to attend public school following commitment and the~~
 3012 ~~court finds that the victim or a sibling of the victim in the~~
 3013 ~~case is or may be attending the same school as the child, the~~
 3014 ~~commitment order shall include a finding pursuant to the~~
 3015 ~~proceedings described in s. 985.23(1)(d). If the child is not~~
 3016 ~~successful in the conditional release program, the department~~
 3017 ~~may use the transfer procedure under s. 985.404. Notwithstanding~~
 3018 ~~s. 743.07 and paragraph (d), and except as provided in s.~~
 3019 ~~985.31, the term of the commitment must be until the child is~~
 3020 ~~discharged by the department or until he or she reaches the age~~
 3021 ~~of 21.~~

3022 ~~4. Revoke or suspend the driver's license of the child.~~

3023 ~~5. Require the child and, if the court finds it~~
 3024 ~~appropriate, the child's parent or guardian together with the~~
 3025 ~~child, to render community service in a public service program.~~

3026 ~~6. As part of the probation program to be implemented by~~
 3027 ~~the department, or, in the case of a committed child, as part of~~
 3028 ~~the community based sanctions ordered by the court at the~~
 3029 ~~disposition hearing or before the child's release from~~
 3030 ~~commitment, order the child to make restitution in money,~~
 3031 ~~through a promissory note cosigned by the child's parent or~~
 3032 ~~guardian, or in kind for any damage or loss caused by the~~
 3033 ~~child's offense in a reasonable amount or manner to be~~
 3034 ~~determined by the court. The clerk of the circuit court shall be~~
 3035 ~~the receiving and dispensing agent. In such case, the court~~
 3036 ~~shall order the child or the child's parent or guardian to pay~~

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3037 ~~to the office of the clerk of the circuit court an amount not to~~
 3038 ~~exceed the actual cost incurred by the clerk as a result of~~
 3039 ~~receiving and dispensing restitution payments. The clerk shall~~
 3040 ~~notify the court if restitution is not made, and the court shall~~
 3041 ~~take any further action that is necessary against the child or~~
 3042 ~~the child's parent or guardian. A finding by the court, after a~~
 3043 ~~hearing, that the parent or guardian has made diligent and good~~
 3044 ~~faith efforts to prevent the child from engaging in delinquent~~
 3045 ~~acts absolves the parent or guardian of liability for~~
 3046 ~~restitution under this subparagraph.~~

3047 ~~7. Order the child and, if the court finds it appropriate,~~
 3048 ~~the child's parent or guardian together with the child, to~~
 3049 ~~participate in a community work project, either as an~~
 3050 ~~alternative to monetary restitution or as part of the~~
 3051 ~~rehabilitative or probation program.~~

3052 ~~8. Commit the child to the department for placement in a~~
 3053 ~~program or facility for serious or habitual juvenile offenders~~
 3054 ~~in accordance with s. 985.31. Any commitment of a child to a~~
 3055 ~~program or facility for serious or habitual juvenile offenders~~
 3056 ~~must be for an indeterminate period of time, but the time may~~
 3057 ~~not exceed the maximum term of imprisonment that an adult may~~
 3058 ~~serve for the same offense. The court may retain jurisdiction~~
 3059 ~~over such child until the child reaches the age of 21,~~
 3060 ~~specifically for the purpose of the child completing the~~
 3061 ~~program.~~

3062 ~~9. In addition to the sanctions imposed on the child,~~
 3063 ~~order the parent or guardian of the child to perform community~~
 3064 ~~service if the court finds that the parent or guardian did not~~

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3065 ~~make a diligent and good faith effort to prevent the child from~~
 3066 ~~engaging in delinquent acts. The court may also order the parent~~
 3067 ~~or guardian to make restitution in money or in kind for any~~
 3068 ~~damage or loss caused by the child's offense. The court shall~~
 3069 ~~determine a reasonable amount or manner of restitution, and~~
 3070 ~~payment shall be made to the clerk of the circuit court as~~
 3071 ~~provided in subparagraph 6.~~

3072 ~~10. Subject to specific appropriation, commit the juvenile~~
 3073 ~~sexual offender to the department for placement in a program or~~
 3074 ~~facility for juvenile sexual offenders in accordance with s.~~
 3075 ~~985.308. Any commitment of a juvenile sexual offender to a~~
 3076 ~~program or facility for juvenile sexual offenders must be for an~~
 3077 ~~indeterminate period of time, but the time may not exceed the~~
 3078 ~~maximum term of imprisonment that an adult may serve for the~~
 3079 ~~same offense. The court may retain jurisdiction over a juvenile~~
 3080 ~~sexual offender until the juvenile sexual offender reaches the~~
 3081 ~~age of 21, specifically for the purpose of completing the~~
 3082 ~~program.~~

3083 Section 47. Section 985.437, Florida Statutes, is created
 3084 to read:

3085 985.437 Restitution.--

3086 (1) The court that has jurisdiction over an adjudicated
 3087 delinquent child may, by an order stating the facts upon which a
 3088 determination of a sanction and rehabilitative program was made
 3089 at the disposition hearing, order the child to make restitution
 3090 in the manner provided in this section. This order shall be part
 3091 of the probation program to be implemented by the department or,
 3092 in the case of a committed child, as part of the community-based

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3093 sanctions ordered by the court at the disposition hearing or
3094 before the child's release from commitment.

3095 (2) The court may order the child to make restitution in
3096 money, through a promissory note cosigned by the child's parent
3097 or guardian, or in kind for any damage or loss caused by the
3098 child's offense in a reasonable amount or manner to be
3099 determined by the court. When restitution is ordered by the
3100 court, the amount of restitution may not exceed an amount the
3101 child and the parent or guardian could reasonably be expected to
3102 pay or make.

3103 (3) The clerk of the circuit court shall be the receiving
3104 and dispensing agent. In such case, the court shall order the
3105 child or the child's parent or guardian to pay to the office of
3106 the clerk of the circuit court an amount not to exceed the
3107 actual cost incurred by the clerk as a result of receiving and
3108 dispensing restitution payments. The clerk shall notify the
3109 court if restitution is not made, and the court shall take any
3110 further action that is necessary against the child or the
3111 child's parent or guardian.

3112 (4) A finding by the court, after a hearing, that the
3113 parent or guardian has made diligent and good faith efforts to
3114 prevent the child from engaging in delinquent acts absolves the
3115 parent or guardian of liability for restitution under this
3116 section.

3117 (5) The court may retain jurisdiction over a child and the
3118 child's parent or legal guardian whom the court has ordered to
3119 pay restitution until the restitution order is satisfied or
3120 until the court orders otherwise, as provided in s. 985.0301.

3121 Section 48. Section 985.439, Florida Statutes, is created
 3122 to read:

3123 985.439 Violation of probation or postcommitment
 3124 probation.--

3125 (1) (a) This section is applicable when the court has
 3126 jurisdiction over an adjudicated delinquent child.

3127 (b) If the conditions of the probation program or the
 3128 postcommitment probation program are violated, the department or
 3129 the state attorney may bring the child before the court on a
 3130 petition alleging a violation of the program. Any child who
 3131 violates the conditions of probation or postcommitment probation
 3132 must be brought before the court if sanctions are sought.

3133 (2) A child taken into custody under s. 985.101 for
 3134 violating the conditions of probation or postcommitment
 3135 probation shall be held in a consequence unit if such a unit is
 3136 available. The child shall be afforded a hearing within 24 hours
 3137 after being taken into custody to determine the existence of
 3138 probable cause that the child violated the conditions of
 3139 probation or postcommitment probation. A consequence unit is a
 3140 secure facility specifically designated by the department for
 3141 children who are taken into custody under s. 985.101 for
 3142 violating probation or postcommitment probation, or who have
 3143 been found by the court to have violated the conditions of
 3144 probation or postcommitment probation. If the violation involves
 3145 a new charge of delinquency, the child may be detained under
 3146 part V in a facility other than a consequence unit. If the child
 3147 is not eligible for detention for the new charge of delinquency,

3148 the child may be held in the consequence unit pending a hearing
 3149 and is subject to the time limitations specified in part V.

3150 (3) If the child denies violating the conditions of
 3151 probation or postcommitment probation, the court shall, upon the
 3152 child's request, appoint counsel to represent the child.

3153 (4) Upon the child's admission, or if the court finds
 3154 after a hearing that the child has violated the conditions of
 3155 probation or postcommitment probation, the court shall enter an
 3156 order revoking, modifying, or continuing probation or
 3157 postcommitment probation. In each such case, the court shall
 3158 enter a new disposition order and, in addition to the sanctions
 3159 set forth in this section, may impose any sanction the court
 3160 could have imposed at the original disposition hearing. If the
 3161 child is found to have violated the conditions of probation or
 3162 postcommitment probation, the court may:

3163 (a) Place the child in a consequence unit in that judicial
 3164 circuit, if available, for up to 5 days for a first violation
 3165 and up to 15 days for a second or subsequent violation.

3166 (b) Place the child on home detention with electronic
 3167 monitoring. However, this sanction may be used only if a
 3168 residential consequence unit is not available.

3169 (c) Modify or continue the child's probation program or
 3170 postcommitment probation program.

3171 (d) Revoke probation or postcommitment probation and
 3172 commit the child to the department.

3173 (5) Upon the recommendation of the department at the time
 3174 of disposition, or subsequent to disposition pursuant to the
 3175 filing of a petition alleging a violation of the child's

3176 conditions of postcommitment probation, the court may order the
 3177 child to submit to random testing for the purpose of detecting
 3178 and monitoring the use of alcohol or controlled substances.

3179 Section 49. Section 985.441, Florida Statutes, is created
 3180 to read:

3181 985.441 Commitment.--

3182 (1) The court that has jurisdiction of an adjudicated
 3183 delinquent child may, by an order stating the facts upon which a
 3184 determination of a sanction and rehabilitative program was made
 3185 at the disposition hearing:

3186 (a) Commit the child to a licensed child-caring agency
 3187 willing to receive the child; however, the court may not commit
 3188 the child to a jail or to a facility used primarily as a
 3189 detention center or facility or shelter.

3190 (b) Commit the child to the department at a
 3191 restrictiveness level defined in s. 985.03. Such commitment must
 3192 be for the purpose of exercising active control over the child,
 3193 including, but not limited to, custody, care, training, urine
 3194 monitoring, and treatment of the child and release of the child
 3195 from residential commitment into the community in a
 3196 postcommitment nonresidential conditional release program. If
 3197 the child is not successful in the conditional release program,
 3198 the department may use the transfer procedure under subsection
 3199 (3).

3200 (c) Commit the child to the department for placement in a
 3201 program or facility for serious or habitual juvenile offenders
 3202 in accordance with s. 985.47.

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3203 1. Following a delinquency adjudicatory hearing under s.
3204 985.35 and a delinquency disposition hearing under s. 985.433
3205 that results in a commitment determination, the court shall, on
3206 its own or upon request by the state or the department,
3207 determine whether the protection of the public requires that the
3208 child be placed in a program for serious or habitual juvenile
3209 offenders and whether the particular needs of the child would be
3210 best served by a program for serious or habitual juvenile
3211 offenders as provided in s. 985.47. The determination shall be
3212 made under ss. 985.47(1) and 985.433(7).

3213 2. Any commitment of a child to a program or facility for
3214 serious or habitual juvenile offenders must be for an
3215 indeterminate period of time, but the time may not exceed the
3216 maximum term of imprisonment that an adult may serve for the
3217 same offense.

3218 (d) Commit the child to the department for placement in a
3219 program or facility for juvenile sexual offenders in accordance
3220 with s. 985.48, subject to specific appropriation for such a
3221 program or facility.

3222 1. The child may only be committed for such placement
3223 pursuant to determination that the child is a juvenile sexual
3224 offender under the criteria specified in s. 985.475.

3225 2. Any commitment of a juvenile sexual offender to a
3226 program or facility for juvenile sexual offenders must be for an
3227 indeterminate period of time, but the time may not exceed the
3228 maximum term of imprisonment that an adult may serve for the
3229 same offense.

3230 (2) The nonconsent of the child to commitment or treatment
 3231 in a substance abuse treatment program in no way precludes the
 3232 court from ordering such commitment or treatment.

3233 (3) The department may transfer a child, when necessary to
 3234 appropriately administer the child's commitment, from one
 3235 facility or program to another facility or program operated,
 3236 contracted, subcontracted, or designated by the department,
 3237 including a postcommitment nonresidential conditional release
 3238 program. The department shall notify the court that committed
 3239 the child to the department and any attorney of record for the
 3240 child, in writing, of its intent to transfer the child from a
 3241 commitment facility or program to another facility or program of
 3242 a higher or lower restrictiveness level. The court that
 3243 committed the child may agree to the transfer or may set a
 3244 hearing to review the transfer. If the court does not respond
 3245 within 10 days after receipt of the notice, the transfer of the
 3246 child shall be deemed granted.

3247 Section 50. Section 985.232, Florida Statutes, is
 3248 renumbered as section 985.442, Florida Statutes.

3249 Section 51. Paragraph (j) of subsection (1) of section
 3250 985.231, Florida Statutes, is renumbered as section 985.445,
 3251 Florida Statutes, and amended to read:

3252 985.445 985.231 Powers of disposition in delinquency Cases
 3253 involving grand theft of a motor vehicle.--

3254 ~~(1)~~

3255 ~~(j)~~ If the offense committed by the child was grand theft
 3256 of a motor vehicle, the court:

3257 (1)1- Upon a first adjudication for a grand theft of a
 3258 motor vehicle, may place the youth in a boot camp, unless the
 3259 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
 3260 shall order the youth to complete a minimum of 50 hours of
 3261 community service.

3262 (2)2- Upon a second adjudication for grand theft of a
 3263 motor vehicle which is separate and unrelated to the previous
 3264 adjudication, may place the youth in a boot camp, unless the
 3265 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
 3266 shall order the youth to complete a minimum of 100 hours of
 3267 community service.

3268 (3)3- Upon a third adjudication for grand theft of a motor
 3269 vehicle which is separate and unrelated to the previous
 3270 adjudications, shall place the youth in a boot camp or other
 3271 treatment program, unless the child is ineligible under ~~pursuant~~
 3272 ~~to~~ s. 985.489 ~~985.309~~, and shall order the youth to complete a
 3273 minimum of 250 hours of community service.

3274 Section 52. Paragraph (g) of subsection (1) of section
 3275 985.231, Florida Statutes, is renumbered as section 985.45,
 3276 Florida Statutes, and amended to read:

3277 985.45 Liability and remuneration for work.--

3278 (1)~~(g)~~ Whenever a child is required by the court to
 3279 participate in any work program under this part or whenever a
 3280 child volunteers to work in a specified state, county,
 3281 municipal, or community service organization supervised work
 3282 program or to work for the victim, either as an alternative to
 3283 monetary restitution or as a part of the rehabilitative or

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3284 probation program, the child is an employee of the state for the
 3285 purposes of liability.

3286 (2) In determining the child's average weekly wage unless
 3287 otherwise determined by a specific funding program, all
 3288 remuneration received from the employer is a gratuity, and the
 3289 child is not entitled to any benefits otherwise payable under s.
 3290 440.15, regardless of whether the child may be receiving wages
 3291 and remuneration from other employment with another employer and
 3292 regardless of the child's future wage-earning capacity.

3293 Section 53. Paragraph (d) of subsection (1) of section
 3294 985.231, Florida Statutes, is amended and renumbered as
 3295 subsection (3) of section 985.455, Florida Statutes, and
 3296 paragraph (h) of subsection (1) of section 985.231, Florida
 3297 Statutes, is renumbered as subsection (4) of section 985.455,
 3298 Florida Statutes, which is created to read:

3299 985.455 Other dispositional issues.--

3300 (1) The court that has jurisdiction over an adjudicated
 3301 delinquent child may, by an order stating the facts upon which a
 3302 determination of a sanction and rehabilitative program was made
 3303 at the disposition hearing:

3304 (a) Require the child and, if the court finds it
 3305 appropriate, the child's parent or guardian together with the
 3306 child to render community service in a public service program.

3307 (b) Order the child and, if the court finds it
 3308 appropriate, the child's parent or guardian together with the
 3309 child to participate in a community work project, either as an
 3310 alternative to monetary restitution or as part of the
 3311 rehabilitative or probation program.

3312 (c) Revoke or suspend the driver's license of the child.
 3313 (2) If the child is attending or is eligible to attend
 3314 public school and the court finds that the victim or a sibling
 3315 of the victim in the case is attending or may attend the same
 3316 school as the child, the court shall, on its own motion or upon
 3317 the request of any party or any parent or legal guardian of the
 3318 victim, determine whether it is appropriate to enter a no
 3319 contact order in favor of the victim or a sibling of the victim.
 3320 If appropriate and acceptable to the victim and the victim's
 3321 parent or parents or legal guardian, the court may reflect in
 3322 the written disposition order that the victim or the victim's
 3323 parent or parents or legal guardian stated in writing or in open
 3324 court that he or she did not object to the offender being
 3325 permitted to attend the same school or ride on the same school
 3326 bus as the victim or a sibling of the victim. If applicable, the
 3327 court placement or commitment order shall include a finding
 3328 under this subsection.
 3329 ~~(1)~~
 3330 (3)~~(d)~~ Any commitment of a delinquent child to the
 3331 department must be for an indeterminate period of time, which
 3332 may include periods of temporary release; however, the period of
 3333 time may not exceed the maximum term of imprisonment that an
 3334 adult may serve for the same offense, except that the duration
 3335 of a minimum-risk nonresidential commitment for an offense that
 3336 is a misdemeanor of the second degree, or is equivalent to a
 3337 misdemeanor of the second degree, may be for a period not to
 3338 exceed 6 months. The duration of the child's placement in a
 3339 commitment program of any restrictiveness level shall be based

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3340 on objective performance-based treatment planning. The child's
3341 treatment plan progress and adjustment-related issues shall be
3342 reported to the court quarterly, unless the court requests
3343 monthly reports. The child's length of stay in a commitment
3344 program may be extended if the child fails to comply with or
3345 participate in treatment activities. The child's length of stay
3346 in the program shall not be extended for purposes of sanction or
3347 punishment. Any temporary release from such program must be
3348 approved by the court. Any child so committed may be discharged
3349 from institutional confinement or a program upon the direction
3350 of the department with the concurrence of the court. The child's
3351 treatment plan progress and adjustment-related issues must be
3352 communicated to the court at the time the department requests
3353 the court to consider releasing the child from the commitment
3354 program. ~~Notwithstanding s. 743.07 and this subsection, and~~
3355 ~~except as provided in ss. 985.201 and 985.31, a child may not be~~
3356 ~~held under a commitment from a court under this section after~~
3357 ~~becoming 21 years of age.~~ The department shall give the court
3358 that committed the child to the department reasonable notice, in
3359 writing, of its desire to discharge the child from a commitment
3360 facility. The court that committed the child may thereafter
3361 accept or reject the request. If the court does not respond
3362 within 10 days after receipt of the notice, the request of the
3363 department shall be deemed granted. This section does not limit
3364 the department's authority to revoke a child's temporary release
3365 status and return the child to a commitment facility for any
3366 violation of the terms and conditions of the temporary release.

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3367 ~~(4)(h)~~ The court may, upon motion of the child or upon its
3368 own motion, within 60 days after imposition of a disposition of
3369 commitment, suspend the further execution of the disposition and
3370 place the child in a probation program upon such terms and
3371 conditions as the court may require. The department shall
3372 forward to the court all relevant material on the child's
3373 progress while in custody not later than 3 working days prior to
3374 the hearing on the motion to suspend the disposition.

3375 Section 54. Section 985.316, Florida Statutes, is
3376 renumbered as section 985.46, Florida Statutes, and subsection
3377 (4) of that section is amended to read:

3378 985.46 ~~985.316~~ Conditional release.--

3379 (4) A juvenile under nonresidential commitment placement
3380 will continue to be on commitment status and subject to the
3381 transfer provision under s. 985.441(3) ~~985.404~~.

3382 Section 55. Section 985.313, Florida Statutes, is
3383 renumbered as section 985.465, Florida Statutes, and amended to
3384 read:

3385 985.465 ~~985.313~~ Juvenile correctional facilities or
3386 juvenile prison.--A juvenile correctional facility or juvenile
3387 prison is a physically secure residential commitment program
3388 with a designated length of stay from 18 months to 36 months,
3389 primarily serving children 13 years of age to 19 years of age,
3390 or until the jurisdiction of the court expires. ~~The court may~~
3391 ~~retain jurisdiction over the child until the child reaches the~~
3392 ~~age of 21, specifically for the purpose of the child completing~~
3393 ~~the program.~~ Each child committed to this level must meet one of
3394 the following criteria:

3395 (1) The child ~~youth~~ is at least 13 years of age at the
 3396 time of the disposition for the current offense and has been
 3397 adjudicated on the current offense for:

- 3398 (a) Arson;
- 3399 (b) Sexual battery;
- 3400 (c) Robbery;
- 3401 (d) Kidnapping;
- 3402 (e) Aggravated child abuse;
- 3403 (f) Aggravated assault;
- 3404 (g) Aggravated stalking;
- 3405 (h) Murder;
- 3406 (i) Manslaughter;
- 3407 (j) Unlawful throwing, placing, or discharging of a
 3408 destructive device or bomb;
- 3409 (k) Armed burglary;
- 3410 (l) Aggravated battery;
- 3411 (m) Carjacking;
- 3412 (n) Home-invasion robbery;
- 3413 (o) Burglary with an assault or battery;
- 3414 (p) Any lewd or lascivious offense committed upon or in
 3415 the presence of a person less than 16 years of age; or
- 3416 (q) Carrying, displaying, using, threatening to use, or
 3417 attempting to use a weapon or firearm during the commission of a
 3418 felony.

3419 (2) The child ~~youth~~ is at least 13 years of age at the
 3420 time of the disposition, the current offense is a felony, and
 3421 the child has previously been committed three or more times to a
 3422 delinquency commitment program.

3423 (3) The child ~~youth~~ is at least 13 years of age and is
 3424 currently committed for a felony offense and transferred from a
 3425 moderate-risk or high-risk residential commitment placement.

3426 (4) The child ~~youth~~ is at least 13 years of age at the
 3427 time of the disposition for the current offense, the child ~~youth~~
 3428 is eligible for prosecution as an adult for the current offense,
 3429 and the current offense is ranked at level 7 or higher on the
 3430 Criminal Punishment Code offense severity ranking chart pursuant
 3431 to s. 921.0022.

3432 Section 56. Subsection (49) of section 985.03, Florida
 3433 Statutes, is amended and renumbered as subsection (1) of section
 3434 985.47, Florida Statutes, subsections (2), (4), and (5) of
 3435 section 985.31, Florida Statutes are amended and renumbered,
 3436 respectively, as subsections (9), (11), and (12) of section
 3437 985.47, Florida Statutes, paragraphs (e) through (i) and (k) of
 3438 subsection (3) of section 985.31, Florida Statutes, are amended
 3439 and renumbered, respectively, as subsections (2) through (6) and
 3440 (7) of section 985.47, Florida Statutes, subsection (1) of
 3441 section 985.31, Florida Statutes, is renumbered as subsection
 3442 (8) of section 985.47, Florida Statutes, and paragraphs (a)
 3443 through (d) and (j) of subsection (3) of section 985.31, Florida
 3444 Statutes, are renumbered, respectively, as paragraphs (a)
 3445 through (d) and (e) of subsection (10) of section 985.47,
 3446 Florida Statutes, and amended to read:

3447 985.47 ~~985.31~~ Serious or habitual juvenile offender.--

3448 (1) ~~(49)~~ CRITERIA.--A "serious or habitual juvenile
 3449 offender," for purposes of commitment to a residential facility
 3450 and for purposes of records retention, means a child who has

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3451 | been found to have committed a delinquent act or a violation of
3452 | law, in the case currently before the court, and who meets at
3453 | least one of the following criteria:

3454 | (a) The child ~~youth~~ is at least 13 years of age at the
3455 | time of the disposition for the current offense and has been
3456 | adjudicated on the current offense for:

- 3457 | 1. Arson;
- 3458 | 2. Sexual battery;
- 3459 | 3. Robbery;
- 3460 | 4. Kidnapping;
- 3461 | 5. Aggravated child abuse;
- 3462 | 6. Aggravated assault;
- 3463 | 7. Aggravated stalking;
- 3464 | 8. Murder;
- 3465 | 9. Manslaughter;
- 3466 | 10. Unlawful throwing, placing, or discharging of a
3467 | destructive device or bomb;
- 3468 | 11. Armed burglary;
- 3469 | 12. Aggravated battery;
- 3470 | 13. Any lewd or lascivious offense committed upon or in
3471 | the presence of a person less than 16 years of age; or
- 3472 | 14. Carrying, displaying, using, threatening, or
3473 | attempting to use a weapon or firearm during the commission of a
3474 | felony.

3475 | (b) The child ~~youth~~ is at least 13 years of age at the
3476 | time of the disposition, the current offense is a felony, and
3477 | the child has previously been committed at least two times to a
3478 | delinquency commitment program.

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3479 (c) The child ~~youth~~ is at least 13 years of age and is
3480 currently committed for a felony offense and transferred from a
3481 moderate-risk or high-risk residential commitment placement.

3482 ~~(2)(3)(e)~~ DETERMINATION.--After a child has been
3483 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~, the
3484 court shall determine whether the child meets the criteria for a
3485 serious or habitual juvenile offender under subsection (1)
3486 ~~pursuant to s. 985.03(49)~~. If the court determines that the
3487 child does not meet such criteria, ss. 985.435, 985.437,
3488 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions of~~
3489 ~~s. 985.231(1)~~ shall apply.

3490 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
3491 transferred for criminal prosecution, a circuit court judge may
3492 direct a juvenile probation officer to consult with designated
3493 staff from an appropriate serious or habitual juvenile offender
3494 program for the purpose of making recommendations to the court
3495 regarding the child's placement in such program.

3496 ~~(4)(g)~~ TIME AND PLACE FOR
3497 RECOMMENDATIONS.--Recommendations as to a child's placement in a
3498 serious or habitual juvenile offender program shall be presented
3499 to the court within 72 hours after the adjudication or
3500 conviction, and may be based on a preliminary screening of the
3501 child at appropriate sites, considering the child's location
3502 while court action is pending, which may include the nearest
3503 regional detention center or facility or jail.

3504 ~~(5)(h)~~ REPORTING RECOMMENDATIONS TO COURT.--Based on the
3505 recommendations of the multidisciplinary assessment, the

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3506 juvenile probation officer shall make the following
 3507 recommendations to the court:

3508 (a)1- For each child who has not been transferred for
 3509 criminal prosecution, the juvenile probation officer shall
 3510 recommend whether placement in such program is appropriate and
 3511 needed.

3512 (b)2- For each child who has been transferred for criminal
 3513 prosecution, the juvenile probation officer shall recommend
 3514 whether the most appropriate placement for the child is a
 3515 juvenile justice system program, including a serious or habitual
 3516 juvenile offender program or facility, or placement in the adult
 3517 correctional system.

3518
 3519 If treatment provided by a serious or habitual juvenile offender
 3520 program or facility is determined to be appropriate and needed
 3521 and placement is available, the juvenile probation officer and
 3522 the court shall identify the appropriate serious or habitual
 3523 juvenile offender program or facility best suited to the needs
 3524 of the child.

3525 (6)(i) ACTION ON RECOMMENDATIONS.--The treatment and
 3526 placement recommendations shall be submitted to the court for
 3527 further action under ~~pursuant to~~ this subsection ~~paragraph~~:

3528 (a)1- If it is recommended that placement in a serious or
 3529 habitual juvenile offender program or facility is inappropriate,
 3530 the court shall make an alternative disposition under ~~pursuant~~
 3531 ~~to~~ s. 985.489 ~~985.309~~ or other alternative sentencing as
 3532 applicable, using ~~utilizing~~ the recommendation as a guide.

3533 (b)2- If it is recommended that placement in a serious or
 3534 habitual juvenile offender program or facility is appropriate,
 3535 the court may commit the child to the department for placement
 3536 in the restrictiveness level designated for serious or habitual
 3537 delinquent children programs.

3538 (7)(k) DURATION OF COMMITMENT.--Any commitment of a child
 3539 to the department for placement in a serious or habitual
 3540 juvenile offender program or facility shall be for an
 3541 indeterminate period of time, but the time shall not exceed the
 3542 maximum term of imprisonment that ~~which~~ an adult may serve for
 3543 the same offense. ~~Notwithstanding the provisions of ss. 743.07~~
 3544 ~~and 985.231(1)(d), a serious or habitual juvenile offender shall~~
 3545 ~~not be held under commitment from a court pursuant to this~~
 3546 ~~section, s. 985.231, or s. 985.233 after becoming 21 years of~~
 3547 ~~age. This provision shall apply only for the purpose of~~
 3548 ~~completing the serious or habitual juvenile offender program~~
 3549 ~~pursuant to this chapter and shall be used solely for the~~
 3550 ~~purpose of treatment.~~

3551 (8)(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
 3552 ~~provisions of~~ this chapter and the establishment of appropriate
 3553 program guidelines and standards, contractual instruments, which
 3554 shall include safeguards of all constitutional rights, shall be
 3555 developed as follows:

- 3556 (a) The department shall provide for:
- 3557 1. The oversight of implementation of assessment and
 3558 treatment approaches.
 - 3559 2. The identification and prequalification of appropriate
 3560 individuals or not-for-profit organizations, including minority

3561 individuals or organizations when possible, to provide
 3562 assessment and treatment services to serious or habitual
 3563 delinquent children.

3564 3. The monitoring and evaluation of assessment and
 3565 treatment services for compliance with ~~the provisions of~~ this
 3566 chapter and all applicable rules and guidelines pursuant
 3567 thereto.

3568 4. The development of an annual report on the performance
 3569 of assessment and treatment to be presented to the Governor, the
 3570 Attorney General, the President of the Senate, the Speaker of
 3571 the House of Representatives, and the Auditor General no later
 3572 than January 1 of each year.

3573 (b) Assessment shall generally comprise the first 30 days
 3574 of treatment and be provided by the same provider as treatment,
 3575 but assessment and treatment services may be provided by
 3576 separate providers, where warranted. Providers shall be selected
 3577 who have the capacity to assess and treat the unique problems
 3578 presented by children with different racial and ethnic
 3579 backgrounds. The department shall retain contractual authority
 3580 to reject any assessment or treatment provider for lack of
 3581 qualification.

3582 ~~(9)(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--

3583 (a) There is created the serious or habitual juvenile
 3584 offender program. The program shall consist of at least 9 months
 3585 of intensive secure residential treatment. Conditional release
 3586 assessment and services shall be provided in accordance with s.
 3587 985.46 ~~985.316~~. The components of the program shall include, but
 3588 not be limited to:

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- 3589 | 1. Diagnostic evaluation services.
- 3590 | 2. Appropriate treatment modalities, including substance
- 3591 | abuse intervention, mental health services, and sexual behavior
- 3592 | dysfunction interventions and gang-related behavior
- 3593 | interventions.
- 3594 | 3. Prevocational and vocational services.
- 3595 | 4. Job training, job placement, and employability-skills
- 3596 | training.
- 3597 | 5. Case management services.
- 3598 | 6. Educational services, including special education and
- 3599 | pre-GED literacy.
- 3600 | 7. Self-sufficiency planning.
- 3601 | 8. Independent living skills.
- 3602 | 9. Parenting skills.
- 3603 | 10. Recreational and leisure time activities.
- 3604 | 11. Community involvement opportunities commencing, where
- 3605 | appropriate, with the direct and timely payment of restitution
- 3606 | to the victim.
- 3607 | 12. Intensive conditional release supervision.
- 3608 | 13. Graduated reentry into the community.
- 3609 | 14. A diversity of forms of individual and family
- 3610 | treatment appropriate to and consistent with the child's needs.
- 3611 | 15. Consistent and clear consequences for misconduct.
- 3612 | (b) The department is authorized to contract with private
- 3613 | companies to provide some or all of the components indicated in
- 3614 | paragraph (a).
- 3615 | (c) The department shall involve local law enforcement
- 3616 | agencies, the judiciary, school board personnel, the office of

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3617 the state attorney, the office of the public defender, and
 3618 community service agencies interested in or currently working
 3619 with juveniles, in planning and developing this program.

3620 (d) The department is authorized to accept funds or in-
 3621 kind contributions from public or private sources to be used for
 3622 the purposes of this section.

3623 (10)~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 3624 TREATMENT.--

3625 (a) Assessment and treatment shall be conducted by
 3626 treatment professionals with expertise in specific treatment
 3627 procedures. These, ~~which~~ professionals shall exercise all
 3628 professional judgment independently of the department.

3629 (b) Treatment provided to children in designated
 3630 facilities shall be suited to the assessed needs of each
 3631 individual child and shall be administered safely and humanely,
 3632 with respect for human dignity.

3633 (c) The department may promulgate rules for the
 3634 implementation and operation of programs and facilities for
 3635 serious or habitual juvenile offenders.

3636 (d) Any provider who acts in good faith is immune from
 3637 civil or criminal liability for his or her actions in connection
 3638 with the assessment, treatment, or transportation of a serious
 3639 or habitual juvenile offender under ~~the provisions of~~ this
 3640 chapter.

3641 (e)~~(j)~~ The following provisions shall apply to children in
 3642 serious or habitual juvenile offender programs and facilities:

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3643 1. A child shall begin participation in the conditional
 3644 release component of the program based upon a determination made
 3645 by the treatment provider and approved by the department.

3646 2. A child shall begin participation in the community
 3647 supervision component of conditional release based upon a
 3648 determination made by the treatment provider and approved by the
 3649 department. The treatment provider shall give written notice of
 3650 the determination to the circuit court having jurisdiction over
 3651 the child. If the court does not respond with a written
 3652 objection within 10 days, the child shall begin the conditional
 3653 release component.

3654 3. A child shall be discharged from the program based upon
 3655 a determination made by the treatment provider with the approval
 3656 of the department.

3657 4. In situations where the department does not agree with
 3658 the decision of the treatment provider, a reassessment shall be
 3659 performed, and the department shall use ~~utilize~~ the reassessment
 3660 determination to resolve the disagreement and make a final
 3661 decision.

3662 (11)~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

3663 (a) Pursuant to ~~the provisions of~~ this section, the
 3664 department shall implement the comprehensive assessment
 3665 instrument for the treatment needs of serious or habitual
 3666 juvenile offenders and for the assessment, which assessment
 3667 shall include the criteria under subsection (1) ~~s. 985.03(49)~~
 3668 and shall also include, but not be limited to, evaluation of the
 3669 child's:

3670 1. Amenability to treatment.

3671 2. Proclivity toward violence.
 3672 3. Tendency toward gang involvement.
 3673 4. Substance abuse or addiction and the level thereof.
 3674 5. History of being a victim of child abuse or sexual
 3675 abuse, or indication of sexual behavior dysfunction.
 3676 6. Number and type of previous adjudications, findings of
 3677 guilt, and convictions.
 3678 7. Potential for rehabilitation.

3679 (b) The department shall contract with multiple
 3680 individuals or not-for-profit organizations to perform the
 3681 assessments and treatment, and shall ensure that the staff of
 3682 each provider is ~~are~~ appropriately trained.

3683 (c) Assessment and treatment providers shall have a
 3684 written procedure developed, in consultation with licensed
 3685 treatment professionals, establishing conditions under which a
 3686 child's blood and urine samples will be tested for substance
 3687 abuse indications. ~~It is not unlawful for~~ The person receiving
 3688 the test results may ~~to~~ divulge the test results to the relevant
 3689 facility staff and department personnel; ~~however,~~ such
 3690 information is exempt from ~~the provisions of~~ ss. 119.01 and
 3691 119.07(1) and s. 24(a), Art. I of the State Constitution.

3692 (d) Serologic blood test and urinalysis results obtained
 3693 under ~~pursuant to~~ paragraph (c) are confidential, except that
 3694 they may be shared with employees or officers of the department,
 3695 the court, and any assessment or treatment provider and
 3696 designated facility treating the child. No person to whom the
 3697 results of a test have been disclosed under this section may

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3698 disclose the test results to another person not authorized under
3699 this section.

3700 (e) The results of any serologic blood or urine test on a
3701 serious or habitual juvenile offender shall become a part of
3702 that child's medical file. Upon transfer of the child to any
3703 other designated treatment facility, such file shall be
3704 transferred in an envelope marked confidential. The results of
3705 any test designed to identify the human immunodeficiency virus,
3706 or its antigen or antibody, shall be accessible only to persons
3707 designated by rule of the department. The provisions of such
3708 rule shall be consistent with the guidelines established by the
3709 Centers for Disease Control and Prevention.

3710 (f) A record of the assessment and treatment of each
3711 serious or habitual juvenile offender shall be maintained by the
3712 provider, which shall include data pertaining to the child's
3713 treatment and such other information as may be required under
3714 rules of the department. Unless waived by express and informed
3715 consent by the child or the guardian or, if the child is
3716 deceased, by the child's personal representative or by the
3717 person who stands next in line of intestate succession, the
3718 privileged and confidential status of the clinical assessment
3719 and treatment record shall not be lost by either authorized or
3720 unauthorized disclosure to any person, organization, or agency.

3721 (g) The assessment and treatment record shall not be a
3722 public record, and no part of it shall be released, except that:

3723 1. The record shall be released to such persons and
3724 agencies as are designated by the child or the guardian.

3725 2. The record shall be released to persons authorized by
 3726 order of court, excluding matters privileged by other provisions
 3727 of law.

3728 3. The record or any part thereof shall be disclosed to a
 3729 qualified researcher, as defined by rule; a staff member of the
 3730 designated treatment facility; or an employee of the department
 3731 when the administrator of the facility or the Secretary of
 3732 Juvenile Justice deems it necessary for treatment of the child,
 3733 maintenance of adequate records, compilation of treatment data,
 3734 or evaluation of programs.

3735 4. Information from the assessment and treatment record
 3736 may be used for statistical and research purposes if the
 3737 information is abstracted in such a way as to protect the
 3738 identity of individuals.

3739 (h) Notwithstanding other provisions of this section, the
 3740 department may request, receive, and provide assessment and
 3741 treatment information to facilitate treatment, rehabilitation,
 3742 and continuity of care of any serious or habitual juvenile
 3743 offender from any of the following:

3744 1. The Social Security Administration and the United
 3745 States Department of Veterans Affairs.

3746 2. Law enforcement agencies, state attorneys, defense
 3747 attorneys, and judges in regard to the child's status.

3748 3. Personnel in any facility in which the child may be
 3749 placed.

3750 4. Community agencies and others expected to provide
 3751 services to the child upon his or her return to the community.

3752 (i) Any law enforcement agency, designated treatment
 3753 facility, governmental or community agency, or other entity that
 3754 receives information under ~~pursuant to~~ this section shall
 3755 maintain such information as a nonpublic record as otherwise
 3756 provided herein.

3757 (j) Any agency, not-for-profit organization, or treatment
 3758 professional who acts in good faith in releasing information
 3759 under ~~pursuant to~~ this subsection shall not be subject to civil
 3760 or criminal liability for such release.

3761 (k) Assessment and treatment records are confidential as
 3762 described in this paragraph and exempt from ~~the provisions of~~ s.
 3763 119.07(1) and s. 24(a), Art. I of the State Constitution.

3764 1. The department shall have full access to the assessment
 3765 and treatment records to ensure coordination of services to the
 3766 child.

3767 2. The principles of confidentiality of records ~~as~~
 3768 provided in s. 985.04 ~~shall~~ apply to the assessment and
 3769 treatment records of serious or habitual juvenile offenders.

3770 (l) For purposes of effective administration, accurate
 3771 tracking and recordkeeping, and optimal treatment decisions,
 3772 each assessment and treatment provider shall maintain a central
 3773 identification file on the serious or habitual juvenile
 3774 offenders it treats.

3775 (m) The file of each serious or habitual juvenile offender
 3776 shall contain, but is not limited to, pertinent children-in-
 3777 need-of-services and delinquency record information maintained
 3778 by the department; pertinent school records information on
 3779 behavior, attendance, and achievement; and pertinent information

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3780 on delinquency or children in need of services maintained by law
 3781 enforcement agencies and the state attorney.

3782 (n) All providers under this section shall, as part of
 3783 their contractual duties, collect, maintain, and report to the
 3784 department all information necessary to comply with mandatory
 3785 reporting pursuant to the promulgation of rules by the
 3786 department for the implementation of serious or habitual
 3787 juvenile offender programs and the monitoring and evaluation
 3788 thereof.

3789 (o) The department is responsible for the development and
 3790 maintenance of a statewide automated tracking system for serious
 3791 or habitual juvenile offenders.

3792 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

3793 (a) Designated facilities shall be sited and constructed
 3794 by the department, directly or by contract, pursuant to
 3795 departmental rules, to ensure that facility design is compatible
 3796 with treatment. The department is authorized to contract for the
 3797 construction of the facilities and may also lease facilities.
 3798 The number of beds per facility shall not exceed 25. An
 3799 assessment of need for additional facilities shall be conducted
 3800 prior to the siting or construction of more than one facility in
 3801 any judicial circuit.

3802 (b) Designated facilities for serious or habitual juvenile
 3803 offenders shall be separate and secure facilities established
 3804 under the authority of the department for the treatment of such
 3805 children.

3806 (c) Security for designated facilities for serious or
 3807 habitual juvenile offenders shall be determined by the

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3808 department. The department is authorized to contract for the
 3809 provision of security.

3810 (d) With respect to the treatment of serious or habitual
 3811 juvenile offenders under this section, designated facilities
 3812 shall be immune from liability for civil damages except in
 3813 instances when the failure to act in good faith results in
 3814 serious injury or death, in which case liability shall be
 3815 governed by s. 768.28.

3816 (e) Minimum standards and requirements for designated
 3817 treatment facilities shall be contractually prescribed under
 3818 ~~pursuant to~~ subsection (8)~~(1)~~.

3819 Section 57. Subsection (32) of section 985.03, Florida
 3820 Statutes, is amended and renumbered as subsection (1) of section
 3821 985.475, Florida Statutes, and subsection (3) of section
 3822 985.231, Florida Statutes, is amended and renumbered as
 3823 subsection (2) of section 985.475, Florida Statutes, to read:

3824 985.475 Juvenile sexual offenders.--

3825 (1)~~(32)~~ CRITERIA.--A "juvenile sexual offender" means:

3826 (a) A juvenile who has been found by the court under s.
 3827 985.35 ~~985.228~~ to have committed a violation of chapter 794,
 3828 chapter 796, chapter 800, s. 827.071, or s. 847.0133;

3829 (b) A juvenile found to have committed any felony
 3830 violation of law or delinquent act involving juvenile sexual
 3831 abuse. "Juvenile sexual abuse" means any sexual behavior that
 3832 ~~which~~ occurs without consent, without equality, or as a result
 3833 of coercion. For purposes of this subsection, the following
 3834 definitions apply:

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3835 1. "Coercion" means the exploitation of authority, use of
 3836 bribes, threats of force, or intimidation to gain cooperation or
 3837 compliance.

3838 2. "Equality" means two participants operating with the
 3839 same level of power in a relationship, neither being controlled
 3840 nor coerced by the other.

3841 3. "Consent" means an agreement including all of the
 3842 following:

3843 a. Understanding what is proposed based on age, maturity,
 3844 developmental level, functioning, and experience.

3845 b. Knowledge of societal standards for what is being
 3846 proposed.

3847 c. Awareness of potential consequences and alternatives.

3848 d. Assumption that agreement or disagreement will be
 3849 accepted equally.

3850 e. Voluntary decision.

3851 f. Mental competence.

3852

3853 Juvenile sexual offender behavior ranges from noncontact sexual
 3854 behavior such as making obscene phone calls, exhibitionism,
 3855 voyeurism, and the showing or taking of lewd photographs to
 3856 varying degrees of direct sexual contact, such as frottage,
 3857 fondling, digital penetration, rape, fellatio, sodomy, and
 3858 various other sexually aggressive acts.

3859 ~~(2)-(3)~~ Following a delinquency adjudicatory hearing under
 3860 s. 985.35 ~~985.228~~, the court may on its own or upon request by
 3861 the state or the department and subject to specific
 3862 appropriation, determine whether a juvenile sexual offender

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3863 placement is required for the protection of the public and what
3864 would be the best approach to address the treatment needs of the
3865 juvenile sexual offender. When the court determines that a
3866 juvenile has no history of a recent comprehensive assessment
3867 focused on sexually deviant behavior, the court may, subject to
3868 specific appropriation, order the department to conduct or
3869 arrange for an examination to determine whether the juvenile
3870 sexual offender is amenable to community-based treatment.

3871 (a) The report of the examination shall include, at a
3872 minimum, the following:

3873 1. The juvenile sexual offender's account of the incident
3874 and the official report of the investigation.

3875 2. The juvenile sexual offender's offense history.

3876 3. A multidisciplinary assessment of the sexually deviant
3877 behaviors, including an assessment by a certified psychologist,
3878 therapist, or psychiatrist.

3879 4. An assessment of the juvenile sexual offender's family,
3880 social, educational, and employment situation. The report shall
3881 set forth the sources of the evaluator's information.

3882 (b) The report shall assess the juvenile sexual offender's
3883 amenability to treatment and relative risk to the victim and the
3884 community.

3885 (c) The department shall provide a proposed plan to the
3886 court that shall include, at a minimum:

3887 1. The frequency and type of contact between the offender
3888 and therapist.

3889 2. The specific issues and behaviors to be addressed in
3890 the treatment and description of planned treatment methods.

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3891 3. Monitoring plans, including any requirements regarding
 3892 living conditions, school attendance and participation,
 3893 lifestyle, and monitoring by family members, legal guardians, or
 3894 others.

3895 4. Anticipated length of treatment.

3896 5. Recommended crime-related prohibitions and curfew.

3897 6. Reasonable restrictions on the contact between the
 3898 juvenile sexual offender and either the victim or alleged
 3899 victim.

3900 (d) After receipt of the report on the proposed plan of
 3901 treatment, the court shall consider whether the community and
 3902 the offender will benefit from use of juvenile sexual offender
 3903 community-based treatment alternative disposition and consider
 3904 the opinion of the victim or the victim's family as to whether
 3905 the offender should receive a community-based treatment
 3906 alternative disposition under this subsection.

3907 (e) If the court determines that this juvenile sexual
 3908 offender community-based treatment alternative is appropriate,
 3909 the court may place the offender on community supervision for up
 3910 to 3 years. As a condition of community treatment and
 3911 supervision, the court may order the offender to:

3912 1. Undergo available outpatient juvenile sexual offender
 3913 treatment for up to 3 years. A program or provider may not be
 3914 used for such treatment unless it has an appropriate program
 3915 designed for sexual offender treatment. The department shall not
 3916 change the treatment provider without first notifying the state
 3917 attorney's office.

3918 2. Remain within described geographical boundaries and
 3919 notify the court or the department counselor prior to any change
 3920 in the offender's address, educational program, or employment.

3921 3. Comply with all requirements of the treatment plan.

3922 (f) The juvenile sexual offender treatment provider shall
 3923 submit quarterly reports on the respondent's progress in
 3924 treatment to the court and the parties to the proceedings. The
 3925 juvenile sexual offender reports shall reference the treatment
 3926 plan and include, at a minimum, the following:

3927 1. Dates of attendance.

3928 2. The juvenile sexual offender's compliance with the
 3929 requirements of treatment.

3930 3. A description of the treatment activities.

3931 4. The sexual offender's relative progress in treatment.

3932 5. The offender's family support of the treatment
 3933 objectives.

3934 6. Any other material specified by the court at the time
 3935 of the disposition.

3936 (g) At the disposition hearing, the court may set case
 3937 review hearings as the court considers appropriate.

3938 (h) If the juvenile sexual offender violates any condition
 3939 of the disposition or the court finds that the juvenile sexual
 3940 offender is failing to make satisfactory progress in treatment,
 3941 the court may revoke the community-based treatment alternative
 3942 and order commitment to the department under s. 985.441 ~~pursuant~~
 3943 ~~to subsection (1)~~.

3944 (i) If the court determines that the juvenile sexual
 3945 offender is not amenable to community-based treatment, the court

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3946 shall proceed with a juvenile sexual offender disposition
 3947 hearing under s. 985.441 ~~pursuant to subsection (1)~~.

3948 Section 58. Section 985.308, Florida Statutes, is
 3949 renumbered as section 985.48, Florida Statutes.

3950 Section 59. Subsection (7) of section 985.03, Florida
 3951 Statutes, is amended and renumbered as subsection (1) of section
 3952 985.483, Florida Statutes, subsections (2), (4), and (5) of
 3953 section 985.311, Florida Statutes, are amended and renumbered,
 3954 respectively, as subsections (9), (11), and (12) of section
 3955 985.483, Florida Statutes, paragraphs (e) through (i) and (k) of
 3956 subsection (3) of section 985.311, Florida Statutes, are amended
 3957 and renumbered, respectively, as subsections (2) through (6) and
 3958 (7) of section 985.483, Florida Statutes, subsection (1) of
 3959 section 985.311, Florida Statutes, is renumbered as subsection
 3960 (8) of section 985.483, Florida Statutes, and paragraphs (a)
 3961 through (d) and (j) of subsection (3) of section 985.311,
 3962 Florida Statutes, are renumbered as paragraphs (a) through (d)
 3963 and (e) of subsection (10) of section 985.483, Florida Statutes,
 3964 and amended to read:

3965 985.483 ~~985.311~~ Intensive residential treatment program
 3966 for offenders less than 13 years of age.--

3967 ~~(1)-(7)~~ CRITERIA.--A "child eligible for an intensive
 3968 residential treatment program for offenders less than 13 years
 3969 of age" means a child who has been found to have committed a
 3970 delinquent act or a violation of law in the case currently
 3971 before the court and who meets at least one of the following
 3972 criteria:

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3973 (a) The child is less than 13 years of age at the time of
 3974 the disposition for the current offense and has been adjudicated
 3975 on the current offense for:

- 3976 1. Arson;
- 3977 2. Sexual battery;
- 3978 3. Robbery;
- 3979 4. Kidnapping;
- 3980 5. Aggravated child abuse;
- 3981 6. Aggravated assault;
- 3982 7. Aggravated stalking;
- 3983 8. Murder;
- 3984 9. Manslaughter;
- 3985 10. Unlawful throwing, placing, or discharging of a
 3986 destructive device or bomb;
- 3987 11. Armed burglary;
- 3988 12. Aggravated battery;
- 3989 13. Any lewd or lascivious offense committed upon or in
 3990 the presence of a person less than 16 years of age; or
- 3991 14. Carrying, displaying, using, threatening, or
 3992 attempting to use a weapon or firearm during the commission of a
 3993 felony.

3994 (b) The child is less than 13 years of age at the time of
 3995 the disposition, the current offense is a felony, and the child
 3996 has previously been committed at least once to a delinquency
 3997 commitment program.

3998 (c) The child is less than 13 years of age and is
 3999 currently committed for a felony offense and transferred from a
 4000 moderate-risk or high-risk residential commitment placement.

4001 ~~(2)(3)(e)~~ DETERMINATION.--After a child has been
 4002 adjudicated delinquent under ~~pursuant to~~ s. ~~985.35~~985.228(5),
 4003 the court shall determine whether the child is eligible for an
 4004 intensive residential treatment program for offenders less than
 4005 13 years of age under subsection (1) ~~pursuant to s. 985.03(7)~~.
 4006 If the court determines that the child does not meet the
 4007 criteria, ss. 985.435, 985.437, 985.439, 985.441, 985.445,
 4008 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~ shall apply.

4009 ~~(3)(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
 4010 transferred for criminal prosecution, a circuit court judge may
 4011 direct a juvenile probation officer to consult with designated
 4012 staff from an appropriate intensive residential treatment
 4013 program for offenders less than 13 years of age for the purpose
 4014 of making recommendations to the court regarding the child's
 4015 placement in such program.

4016 ~~(4)(3)(g)~~ TIME AND PLACE FOR
 4017 RECOMMENDATIONS.--Recommendations as to a child's placement in
 4018 an intensive residential treatment program for offenders less
 4019 than 13 years of age may be based on a preliminary screening of
 4020 the child at appropriate sites, considering the child's location
 4021 while court action is pending, which may include the nearest
 4022 regional detention center or facility or jail.

4023 ~~(5)(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the
 4024 recommendations of the multidisciplinary assessment, the
 4025 juvenile probation officer shall make the following
 4026 recommendations to the court:

4027 ~~(a)1.~~ For each child who has not been transferred for
 4028 criminal prosecution, the juvenile probation officer shall

4029 recommend whether placement in such program is appropriate and
 4030 needed.

4031 (b)2- For each child who has been transferred for criminal
 4032 prosecution, the juvenile probation officer shall recommend
 4033 whether the most appropriate placement for the child is a
 4034 juvenile justice system program, including a child who is
 4035 eligible for an intensive residential treatment program for
 4036 offenders less than 13 years of age, or placement in the adult
 4037 correctional system.

4038
 4039 If treatment provided by an intensive residential treatment
 4040 program for offenders less than 13 years of age is determined to
 4041 be appropriate and needed and placement is available, the
 4042 juvenile probation officer and the court shall identify the
 4043 appropriate intensive residential treatment program for
 4044 offenders less than 13 years of age best suited to the needs of
 4045 the child.

4046 (6)(3)(i) ACTION ON RECOMMENDATIONS.--The treatment and
 4047 placement recommendations shall be submitted to the court for
 4048 further action under ~~pursuant to~~ this subsection ~~paragraph~~:

4049 (a)1- If it is recommended that placement in an intensive
 4050 residential treatment program for offenders less than 13 years
 4051 of age is inappropriate, the court shall make an alternative
 4052 disposition under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other
 4053 alternative sentencing as applicable, using ~~utilizing~~ the
 4054 recommendation as a guide.

4055 (b)2- If it is recommended that placement in an intensive
 4056 residential treatment program for offenders less than 13 years

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4057 of age is appropriate, the court may commit the child to the
 4058 department for placement in the restrictiveness level designated
 4059 for intensive residential treatment program for offenders less
 4060 than 13 years of age.

4061 (7)~~(3)~~~~(k)~~ DURATION OF COMMITMENT.--Any commitment of a
 4062 child to the department for placement in an intensive
 4063 residential treatment program for offenders less than 13 years
 4064 of age shall be for an indeterminate period of time, but the
 4065 time shall not exceed the maximum term of imprisonment that
 4066 ~~which~~ an adult may serve for the same offense. Any child who has
 4067 not completed the residential portion of the intensive
 4068 residential treatment program for offenders less than 13 years
 4069 of age by his or her fourteenth birthday may be transferred to
 4070 another program for committed delinquent offenders.

4071 (8)~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
 4072 ~~provisions of~~ this chapter and the establishment of appropriate
 4073 program guidelines and standards, contractual instruments, which
 4074 shall include safeguards of all constitutional rights, shall be
 4075 developed for intensive residential treatment programs for
 4076 offenders less than 13 years of age as follows:

4077 (a) The department shall provide for:

4078 1. The oversight of implementation of assessment and
 4079 treatment approaches.

4080 2. The identification and prequalification of appropriate
 4081 individuals or not-for-profit organizations, including minority
 4082 individuals or organizations when possible, to provide
 4083 assessment and treatment services to intensive offenders less
 4084 than 13 years of age.

4085 3. The monitoring and evaluation of assessment and
 4086 treatment services for compliance with ~~the provisions of~~ this
 4087 chapter and all applicable rules and guidelines pursuant
 4088 thereto.

4089 4. The development of an annual report on the performance
 4090 of assessment and treatment to be presented to the Governor, the
 4091 Attorney General, the President of the Senate, the Speaker of
 4092 the House of Representatives, the Auditor General, and the
 4093 Office of Program Policy Analysis and Government Accountability
 4094 no later than January 1 of each year.

4095 (b) Assessment shall generally comprise the first 30 days
 4096 of treatment and be provided by the same provider as treatment,
 4097 but assessment and treatment services may be provided by
 4098 separate providers, where warranted. Providers shall be selected
 4099 who have the capacity to assess and treat the unique problems
 4100 presented by children with different racial and ethnic
 4101 backgrounds. The department shall retain contractual authority
 4102 to reject any assessment or treatment provider for lack of
 4103 qualification.

4104 (9)~~(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
 4105 OFFENDERS UNDER AGE ~~LESS THAN 13 YEARS OF AGE~~.--

4106 (a) There is created the intensive residential treatment
 4107 program for offenders less than 13 years of age. The program
 4108 shall consist of at least 9 months of intensive secure
 4109 residential treatment. Conditional release assessment and
 4110 services shall be provided in accordance with s. 985.46 ~~985.316~~.
 4111 The components of the program shall include, but not be limited
 4112 to:

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- 4113 1. Diagnostic evaluation services.
- 4114 2. Appropriate treatment modalities, including substance
4115 abuse intervention, mental health services, and sexual behavior
4116 dysfunction interventions and gang-related behavior
4117 interventions.
- 4118 3. Life skills.
- 4119 4. Values clarification.
- 4120 5. Case management services.
- 4121 6. Educational services, including special and remedial
4122 education.
- 4123 7. Recreational and leisure time activities.
- 4124 8. Community involvement opportunities commencing, where
4125 appropriate, with the direct and timely payment of restitution
4126 to the victim.
- 4127 9. Intensive conditional release supervision.
- 4128 10. Graduated reentry into the community.
- 4129 11. A diversity of forms of individual and family
4130 treatment appropriate to and consistent with the child's needs.
- 4131 12. Consistent and clear consequences for misconduct.
- 4132 (b) The department is authorized to contract with private
4133 companies to provide some or all of the components indicated in
4134 paragraph (a).
- 4135 (c) The department shall involve local law enforcement
4136 agencies, the judiciary, school board personnel, the office of
4137 the state attorney, the office of the public defender, and
4138 community service agencies interested in or currently working
4139 with juveniles, in planning and developing this program.

4140 (d) The department is authorized to accept funds or in-
 4141 kind contributions from public or private sources to be used for
 4142 the purposes of this section.

4143 (e) The department shall establish quality assurance
 4144 standards to ensure the quality and substance of mental health
 4145 services provided to children with mental, nervous, or emotional
 4146 disorders who may be committed to intensive residential
 4147 treatment programs. The quality assurance standards shall
 4148 address the possession of credentials by the mental health
 4149 service providers.

4150 (10)~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 4151 TREATMENT.--

4152 (a) Assessment and treatment shall be conducted by
 4153 treatment professionals with expertise in specific treatment
 4154 procedures. These, ~~which~~ professionals shall exercise all
 4155 professional judgment independently of the department.

4156 (b) Treatment provided to children in designated
 4157 facilities shall be suited to the assessed needs of each
 4158 individual child and shall be administered safely and humanely,
 4159 with respect for human dignity.

4160 (c) The department may promulgate rules for the
 4161 implementation and operation of programs and facilities for
 4162 children who are eligible for an intensive residential treatment
 4163 program for offenders less than 13 years of age. The department
 4164 must involve the following groups in the promulgation of rules
 4165 for services for this population: local law enforcement
 4166 agencies, the judiciary, school board personnel, the office of
 4167 the state attorney, the office of the public defender, and

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4168 community service agencies interested in or currently working
4169 with juveniles. When promulgating these rules, the department
4170 must consider program principles, components, standards,
4171 procedures for intake, diagnostic and assessment activities,
4172 treatment modalities, and case management.

4173 (d) Any provider who acts in good faith is immune from
4174 civil or criminal liability for his or her actions in connection
4175 with the assessment, treatment, or transportation of an
4176 intensive offender less than 13 years of age under ~~the~~
4177 ~~provisions of~~ this chapter.

4178 (e) ~~(j)~~ The following provisions shall apply to children in
4179 an intensive residential treatment program for offenders less
4180 than 13 years of age:

4181 1. A child shall begin participation in the conditional
4182 release component of the program based upon a determination made
4183 by the treatment provider and approved by the department.

4184 2. A child shall begin participation in the community
4185 supervision component of conditional release based upon a
4186 determination made by the treatment provider and approved by the
4187 department. The treatment provider shall give written notice of
4188 the determination to the circuit court having jurisdiction over
4189 the child. If the court does not respond with a written
4190 objection within 10 days, the child shall begin the conditional
4191 release component.

4192 3. A child shall be discharged from the program based upon
4193 a determination made by the treatment provider with the approval
4194 of the department.

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4195 4. In situations where the department does not agree with
 4196 the decision of the treatment provider, a reassessment shall be
 4197 performed, and the department shall use ~~utilize~~ the reassessment
 4198 determination to resolve the disagreement and make a final
 4199 decision.

4200 (11) ~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

4201 (a) Under ~~Pursuant to the provisions of~~ this section, the
 4202 department shall implement the comprehensive assessment
 4203 instrument for the treatment needs of children who are eligible
 4204 for an intensive residential treatment program for offenders
 4205 less than 13 years of age and for the assessment, which
 4206 assessment shall include the criteria under subsection (1) ~~s.~~
 4207 ~~985.03(7)~~ and shall also include, but not be limited to,
 4208 evaluation of the child's:

- 4209 1. Amenability to treatment.
- 4210 2. Proclivity toward violence.
- 4211 3. Tendency toward gang involvement.
- 4212 4. Substance abuse or addiction and the level thereof.
- 4213 5. History of being a victim of child abuse or sexual
 4214 abuse, or indication of sexual behavior dysfunction.
- 4215 6. Number and type of previous adjudications, findings of
 4216 guilt, and convictions.
- 4217 7. Potential for rehabilitation.

4218 (b) The department shall contract with multiple
 4219 individuals or not-for-profit organizations to perform the
 4220 assessments and treatment, and shall ensure that the staff of
 4221 each provider is ~~are~~ appropriately trained.

4222 (c) Assessment and treatment providers shall have a
 4223 written procedure developed, in consultation with licensed
 4224 treatment professionals, establishing conditions under which a
 4225 child's blood and urine samples will be tested for substance
 4226 abuse indications. ~~It is not unlawful for~~ The person receiving
 4227 the test results may ~~to~~ divulge the test results to the relevant
 4228 facility staff and department personnel; ~~;~~ however, such
 4229 information is exempt from ~~the provisions of~~ ss. 119.01 and
 4230 119.07(1) and s. 24(a), Art. I of the State Constitution.

4231 (d) Serologic blood test and urinalysis results obtained
 4232 under ~~pursuant to~~ paragraph (c) are confidential, except that
 4233 they may be shared with employees or officers of the department,
 4234 the court, and any assessment or treatment provider and
 4235 designated facility treating the child. No person to whom the
 4236 results of a test have been disclosed under this section may
 4237 disclose the test results to another person not authorized under
 4238 this section.

4239 (e) The results of any serologic blood or urine test on a
 4240 child who is eligible for an intensive residential treatment
 4241 program for offenders less than 13 years of age shall become a
 4242 part of that child's permanent medical file. Upon transfer of
 4243 the child to any other designated treatment facility, such file
 4244 shall be transferred in an envelope marked confidential. The
 4245 results of any test designed to identify the human
 4246 immunodeficiency virus, or its antigen or antibody, shall be
 4247 accessible only to persons authorized ~~designated~~ by rule of the
 4248 department. The provisions of such rule shall be consistent with

4249 | the guidelines established by the Centers for Disease Control
 4250 | and Prevention.

4251 | (f) A record of the assessment and treatment of each child
 4252 | who is eligible for an intensive residential treatment program
 4253 | for offenders less than 13 years of age shall be maintained by
 4254 | the provider, which shall include data pertaining to the child's
 4255 | treatment and such other information as may be required under
 4256 | rules of the department. Unless waived by express and informed
 4257 | consent by the child or the guardian or, if the child is
 4258 | deceased, by the child's personal representative or by the
 4259 | person who stands next in line of intestate succession, the
 4260 | privileged and confidential status of the clinical assessment
 4261 | and treatment record shall not be lost by either authorized or
 4262 | unauthorized disclosure to any person, organization, or agency.

4263 | (g) The assessment and treatment record shall not be a
 4264 | public record, and no part of it shall be released, except that:

4265 | 1. The record shall be released to such persons and
 4266 | agencies as are designated by the child or the guardian.

4267 | 2. The record shall be released to persons authorized by
 4268 | order of court, excluding matters privileged by other provisions
 4269 | of law.

4270 | 3. The record or any part thereof shall be disclosed to a
 4271 | qualified researcher, as defined by rule; a staff member of the
 4272 | designated treatment facility; or an employee of the department
 4273 | when the administrator of the facility or the Secretary of
 4274 | Juvenile Justice deems it necessary for treatment of the child,
 4275 | maintenance of adequate records, compilation of treatment data,
 4276 | or evaluation of programs.

4277 4. Information from the assessment and treatment record
 4278 may be used for statistical and research purposes if the
 4279 information is abstracted in such a way as to protect the
 4280 identity of individuals.

4281 (h) Notwithstanding other provisions of this section, the
 4282 department may request, receive, and provide assessment and
 4283 treatment information to facilitate treatment, rehabilitation,
 4284 and continuity of care of any child who is eligible for an
 4285 intensive residential treatment program for offenders less than
 4286 13 years of age from any of the following:

4287 1. The Social Security Administration and the United
 4288 States Department of Veterans Affairs.

4289 2. Law enforcement agencies, state attorneys, defense
 4290 attorneys, and judges in regard to the child's status.

4291 3. Personnel in any facility in which the child may be
 4292 placed.

4293 4. Community agencies and others expected to provide
 4294 services to the child upon his or her return to the community.

4295 (i) Any law enforcement agency, designated treatment
 4296 facility, governmental or community agency, or other entity that
 4297 receives information under ~~pursuant to~~ this section shall
 4298 maintain such information as a nonpublic record as otherwise
 4299 provided herein.

4300 (j) Any agency, not-for-profit organization, or treatment
 4301 professional who acts in good faith in releasing information
 4302 under ~~pursuant to~~ this subsection shall not be subject to civil
 4303 or criminal liability for such release.

4304 (k) Assessment and treatment records are confidential as
 4305 described in this paragraph and exempt from ~~the provisions of s.~~
 4306 119.07(1) and s. 24(a), Art. I of the State Constitution.

4307 1. The department shall have full access to the assessment
 4308 and treatment records to ensure coordination of services to the
 4309 child.

4310 2. The principles of confidentiality of records as
 4311 provided in s. 985.045 ~~985.05~~ shall apply to the assessment and
 4312 treatment records of children who are eligible for an intensive
 4313 residential treatment program for offenders less than 13 years
 4314 of age.

4315 (l) For purposes of effective administration, accurate
 4316 tracking and recordkeeping, and optimal treatment decisions,
 4317 each assessment and treatment provider shall maintain a central
 4318 identification file on each child it treats in the intensive
 4319 residential treatment program for offenders less than 13 years
 4320 of age.

4321 (m) The file of each child treated in the intensive
 4322 residential treatment program for offenders less than 13 years
 4323 of age shall contain, but is not limited to, pertinent children-
 4324 in-need-of-services and delinquency record information
 4325 maintained by the department; pertinent school records
 4326 information on behavior, attendance, and achievement; and
 4327 pertinent information on delinquency or children in need of
 4328 services maintained by law enforcement agencies and the state
 4329 attorney.

4330 (n) All providers under this section shall, as part of
 4331 their contractual duties, collect, maintain, and report to the

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4332 department all information necessary to comply with mandatory
4333 reporting pursuant to the promulgation of rules by the
4334 department for the implementation of intensive residential
4335 treatment programs for offenders less than 13 years of age and
4336 the monitoring and evaluation thereof.

4337 (o) The department is responsible for the development and
4338 maintenance of a statewide automated tracking system for
4339 children who are treated in an intensive residential treatment
4340 program for offenders less than 13 years of age.

4341 (12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

4342 (a) Designated facilities shall be sited and constructed
4343 by the department, directly or by contract, pursuant to
4344 departmental rules, to ensure that facility design is compatible
4345 with treatment. The department is authorized to contract for the
4346 construction of the facilities and may also lease facilities.
4347 The number of beds per facility shall not exceed 25. An
4348 assessment of need for additional facilities shall be conducted
4349 prior to the siting or construction of more than one facility in
4350 any judicial circuit.

4351 (b) Designated facilities for an intensive residential
4352 treatment program for offenders less than 13 years of age shall
4353 be separate and secure facilities established under the
4354 authority of the department for the treatment of such children.

4355 (c) Security for designated facilities for children who
4356 are eligible for an intensive residential treatment program for
4357 offenders less than 13 years of age shall be determined by the
4358 department. The department is authorized to contract for the
4359 provision of security.

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4360 (d) With respect to the treatment of children who are
 4361 eligible for an intensive residential treatment program for
 4362 offenders less than 13 years of age under this section,
 4363 designated facilities shall be immune from liability for civil
 4364 damages except in instances when the failure to act in good
 4365 faith results in serious injury or death, in which case
 4366 liability shall be governed by s. 768.28.

4367 (e) Minimum standards and requirements for designated
 4368 treatment facilities shall be contractually prescribed under
 4369 ~~pursuant to~~ subsection (8)~~(1)~~.

4370 Section 60. Section 985.312, Florida Statutes, is
 4371 renumbered as section 985.486, Florida Statutes, and amended to
 4372 read:

4373 985.486 ~~985.312~~ Intensive residential treatment programs
 4374 for offenders less than 13 years of age; prerequisite for
 4375 commitment.--No child who is eligible for commitment to an
 4376 intensive residential treatment program for offenders less than
 4377 13 years of age as established in s. 985.483(1) ~~985.03(7)~~, may
 4378 be committed to any intensive residential treatment program for
 4379 offenders less than 13 years of age as established in s. 985.483
 4380 ~~985.311~~, unless such program has been established by the
 4381 department through existing resources or specific appropriation,
 4382 for such program.

4383 Section 61. Section 985.309, Florida Statutes, is
 4384 renumbered as section 985.489, Florida Statutes, and subsection
 4385 (6) of that section is amended to read:

4386 985.489 ~~985.309~~ Boot camp for children.--

4387 (6) A boot camp operated by the department, a county, or a
 4388 municipality must provide for the following minimum periods of
 4389 participation:

4390 (a) A participant in a low-risk residential program must
 4391 spend at least 2 months in the boot camp component of the
 4392 program. Conditional release assessment and services shall be
 4393 provided in accordance with s. 985.46 ~~985.316~~.

4394 (b) A participant in a moderate-risk residential program
 4395 must spend at least 4 months in the boot camp component of the
 4396 program. Conditional release assessment and services shall be
 4397 provided in accordance with s. 985.46 ~~985.316~~.

4398
 4399 This subsection does not preclude the operation of a program
 4400 that requires the participants to spend more than 4 months in
 4401 the boot camp component of the program or that requires the
 4402 participants to complete two sequential programs of 4 months
 4403 each in the boot camp component of the program.

4404 Section 62. Section 985.314, Florida Statutes, is
 4405 renumbered as section 985.494, Florida Statutes, and amended to
 4406 read:

4407 985.494 ~~985.314~~ Commitment programs for juvenile felony
 4408 offenders.--

4409 (1) Notwithstanding any other law and regardless of the
 4410 child's age, a child who is adjudicated delinquent, or for whom
 4411 adjudication is withheld, for an act that would be a felony if
 4412 committed by an adult, shall be committed to:

4413 (a) A boot camp program under s. 985.489 ~~985.309~~ if the
 4414 child has participated in an early delinquency intervention
 4415 program as provided in s. 985.61 ~~985.305~~.

4416 (b) A program for serious or habitual juvenile offenders
 4417 under s. 985.47 ~~985.31~~ or an intensive residential treatment
 4418 program for offenders less than 13 years of age under s. 985.483
 4419 ~~985.311~~, if the child has participated in an early delinquency
 4420 intervention program and has completed a boot camp program.

4421 (c) A maximum-risk residential program, if the child has
 4422 participated in an early delinquency intervention program, has
 4423 completed a boot camp program, and has completed a program for
 4424 serious or habitual juvenile offenders or an intensive
 4425 residential treatment program for offenders less than 13 years
 4426 of age. The commitment of a child to a maximum-risk residential
 4427 program must be for an indeterminate period, but may not exceed
 4428 the maximum term of imprisonment that an adult may serve for the
 4429 same offense.

4430 (2) In committing a child to the appropriate program, the
 4431 court may consider an equivalent program of similar intensity as
 4432 being comparable to a program required under subsection (1).

4433 Section 63. Section 985.511, Florida Statutes, is created
 4434 to read:

4435 985.511 Costs of representation.--The responsibilities of
 4436 the parents or legal guardian of the child to pay costs
 4437 associated with the representation of the child are prescribed
 4438 under s. 985.033.

4439 Section 64. Section 985.204, Florida Statutes, is
 4440 renumbered as section 985.512, Florida Statutes.

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4441 Section 65. Paragraph (e) of subsection (1) of section
4442 985.231, Florida Statutes, is amended and renumbered as
4443 subsection (2) of section 985.513, Florida Statutes, which is
4444 created to read:

4445 985.513 Powers of the court over parent or guardian at
4446 disposition.--

4447 (1) The court that has jurisdiction over an adjudicated
4448 delinquent child may, by an order stating the facts upon which a
4449 determination of a sanction and rehabilitative program was made
4450 at the disposition hearing:

4451 (a) Order the child's parent or guardian together with the
4452 child to render community service in a public service program or
4453 to participate in a community work project. In addition to the
4454 sanctions imposed on the child, the court may order the child's
4455 parent or guardian to perform community service if the court
4456 finds that the parent or guardian did not make a diligent and
4457 good faith effort to prevent the child from engaging in
4458 delinquent acts.

4459 (b) Order the parent or guardian to make restitution in
4460 money or in kind for any damage or loss caused by the child's
4461 offense. The court may also require the child's parent or legal
4462 guardian to be responsible for any restitution ordered against
4463 the child, as provided under s. 985.437. The court shall
4464 determine a reasonable amount or manner of restitution, and
4465 payment shall be made to the clerk of the circuit court as
4466 provided in s. 985.437. The court may retain jurisdiction, as
4467 provided under s. 985.0301, over the child and the child's
4468 parent or legal guardian whom the court has ordered to pay

4469 restitution until the restitution order is satisfied or the
 4470 court orders otherwise.

4471 ~~(1)~~

4472 (2)(e) Notwithstanding whether adjudication is imposed or
 4473 withheld ~~In carrying out the provisions of this part,~~ the court
 4474 may order the natural parents or legal custodian or guardian of
 4475 a child who is found to have committed a delinquent act to
 4476 participate in family counseling and other professional
 4477 counseling activities deemed necessary for the rehabilitation of
 4478 the child or to enhance their ability to provide the child with
 4479 adequate support, guidance, and supervision. The court may also
 4480 order that the parent, custodian, or guardian support the child
 4481 and participate with the child in fulfilling a court-imposed
 4482 sanction. In addition, the court may use its contempt powers to
 4483 enforce a court-imposed sanction.

4484 Section 66. Section 985.514, Florida Statutes, is created
 4485 to read:

4486 985.514 Responsibility for cost of care; fees.--

4487 (1) When any child is placed into secure or home detention
 4488 care or into other placement for the purpose of being supervised
 4489 by the department pursuant to a court order following a
 4490 detention hearing, the court shall order the child's parents to
 4491 pay fees to the department as provided in s. 985.039.

4492 (2) When any child is found by the court to have committed
 4493 a delinquent act and is placed on probation, regardless of
 4494 adjudication, under the supervision of or in the temporary legal
 4495 custody of the department, the court shall order the child's
 4496 parents to pay fees to the department as provided in s. 985.039.

4497 (3) When the court under s. 985.565 orders any child
 4498 prosecuted as an adult to be supervised by or committed to the
 4499 department for treatment in any of the department's programs for
 4500 children, the court shall order the child's parents to pay fees
 4501 as provided in s. 985.039.

4502 Section 67. Section 985.234, Florida Statutes, is
 4503 renumbered as section 985.534, Florida Statutes, and subsection
 4504 (1) of that section is amended to read:

4505 985.534 ~~985.234~~ Appeal.--

4506 (1) An appeal from an order of the court affecting a party
 4507 to a case involving a child under ~~pursuant to this chapter part~~
 4508 may be taken to the appropriate district court of appeal within
 4509 the time and in the manner prescribed by s. 924.051 and the
 4510 Florida Rules of Appellate Procedure by:

4511 (a) Any child, and any parent or legal guardian or
 4512 custodian of any child.

4513 (b) The state, which may appeal from:

- 4514 1. An order dismissing a petition or any section thereof;
- 4515 2. An order granting a new adjudicatory hearing;
- 4516 3. An order arresting judgment;
- 4517 4. A ruling on a question of law when the child is
 4518 adjudicated delinquent and appeals from the judgment;
- 4519 5. The disposition, on the ground that it is illegal;
- 4520 6. A judgment discharging a child on habeas corpus;
- 4521 7. An order adjudicating a child insane under the Florida
 4522 Rules of Juvenile Procedure; and

4523 8. All other preadjudicatory hearings, except that the
 4524 state may not take more than one appeal under this subsection in
 4525 any case.

4526
 4527 In the case of an appeal by the state, the notice of appeal
 4528 shall be filed by the appropriate state attorney or his or her
 4529 authorized assistant under ~~pursuant to the provisions of s.~~
 4530 27.18. Such an appeal shall embody all assignments of error in
 4531 each preadjudicatory hearing order that the state seeks to have
 4532 reviewed. The state shall pay all costs of the appeal except for
 4533 the child's attorney's fee.

4534 Section 68. Sections 985.235 and 985.236, Florida
 4535 Statutes, are renumbered, respectively, as sections 985.535 and
 4536 985.536, Florida Statutes.

4537 Section 69. Section 985.226, Florida Statutes, is
 4538 renumbered as section 985.556, Florida Statutes, and amended to
 4539 read:

4540 985.556 ~~985.226~~ Waiver of juvenile court jurisdiction;
 4541 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~
 4542 ~~hearing on motion to transfer for prosecution as an adult.--~~

4543 (1) VOLUNTARY WAIVER.--The court shall transfer and
 4544 certify a child's criminal case for trial as an adult if the
 4545 child is alleged to have committed a violation of law and, prior
 4546 to the commencement of an adjudicatory hearing, the child,
 4547 joined by a parent or, in the absence of a parent, by the
 4548 guardian or guardian ad litem, demands in writing to be tried as
 4549 an adult. Once a child has been transferred for criminal
 4550 prosecution pursuant to a voluntary waiver hearing and has been

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4551 found to have committed the presenting offense or a lesser
 4552 included offense, the child shall be handled thereafter in every
 4553 respect as an adult for any subsequent violation of state law,
 4554 unless the court imposes juvenile sanctions under s. 985.565
 4555 ~~985.233~~ (4) (b) .

4556 (2) INVOLUNTARY DISCRETIONARY WAIVER.--

4557 ~~(a) Discretionary waiver.~~ Except as provided in
 4558 subsection (3) paragraph (b), the state attorney may file a
 4559 motion requesting the court to transfer the child for criminal
 4560 prosecution if the child was 14 years of age or older at the
 4561 time the alleged delinquent act or violation of law was
 4562 committed.

4563 (3) INVOLUNTARY MANDATORY WAIVER.--

4564 ~~(b) Mandatory waiver.~~

4565 (a)1. If the child was 14 years of age or older, and if
 4566 the child has been previously adjudicated delinquent for an act
 4567 classified as a felony, which adjudication was for the
 4568 commission of, attempt to commit, or conspiracy to commit
 4569 murder, sexual battery, armed or strong-armed robbery,
 4570 carjacking, home-invasion robbery, aggravated battery,
 4571 aggravated assault, or burglary with an assault or battery, and
 4572 the child is currently charged with a second or subsequent
 4573 violent crime against a person; or

4574 (b)2. If the child was 14 years of age or older at the
 4575 time of commission of a fourth or subsequent alleged felony
 4576 offense and the child was previously adjudicated delinquent or
 4577 had adjudication withheld for or was found to have committed, or
 4578 to have attempted or conspired to commit, three offenses that

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4579 are felony offenses if committed by an adult, and one or more of
 4580 such felony offenses involved the use or possession of a firearm
 4581 or violence against a person;

4582
 4583 the state attorney shall request the court to transfer and
 4584 certify the child for prosecution as an adult or shall provide
 4585 written reasons to the court for not making such request, or
 4586 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the state
 4587 attorney's request, the court shall either enter an order
 4588 transferring the case and certifying the case for trial as if
 4589 the child were an adult or provide written reasons for not
 4590 issuing such an order.

4591 (4) ~~(3)~~ WAIVER HEARING.--

4592 (a) Within 7 days, excluding Saturdays, Sundays, and legal
 4593 holidays, after the date a petition alleging that a child has
 4594 committed a delinquent act or violation of law has been filed,
 4595 or later with the approval of the court, but before an
 4596 adjudicatory hearing and after considering the recommendation of
 4597 the juvenile probation officer, the state attorney may file a
 4598 motion requesting the court to transfer the child for criminal
 4599 prosecution.

4600 (b) After the filing of the motion of the state attorney,
 4601 summonses must be issued and served in conformity with s.
 4602 985.319 ~~985.219~~. A copy of the motion and a copy of the
 4603 delinquency petition, if not already served, must be attached to
 4604 each summons.

4605 (c) The court shall conduct a hearing on all transfer
 4606 request motions for the purpose of determining whether a child

4607 | should be transferred. In making its determination, the court
 4608 | shall consider:

4609 | 1. The seriousness of the alleged offense to the community
 4610 | and whether the protection of the community is best served by
 4611 | transferring the child for adult sanctions.

4612 | 2. Whether the alleged offense was committed in an
 4613 | aggressive, violent, premeditated, or willful manner.

4614 | 3. Whether the alleged offense was against persons or
 4615 | against property, greater weight being given to offenses against
 4616 | persons, especially if personal injury resulted.

4617 | 4. The probable cause as found in the report, affidavit,
 4618 | or complaint.

4619 | 5. The desirability of trial and disposition of the entire
 4620 | offense in one court when the child's associates in the alleged
 4621 | crime are adults or children who are to be tried as adults.

4622 | 6. The sophistication and maturity of the child.

4623 | 7. The record and previous history of the child,
 4624 | including:

4625 | a. Previous contacts with the department, the Department
 4626 | of Corrections, the former Department of Health and
 4627 | Rehabilitative Services, the Department of Children and Family
 4628 | Services, other law enforcement agencies, and courts;

4629 | b. Prior periods of probation;

4630 | c. Prior adjudications that the child committed a
 4631 | delinquent act or violation of law, greater weight being given
 4632 | if the child has previously been found by a court to have
 4633 | committed a delinquent act or violation of law involving an
 4634 | offense classified as a felony or has twice previously been

4635 found to have committed a delinquent act or violation of law
 4636 involving an offense classified as a misdemeanor; and

4637 d. Prior commitments to institutions.

4638 8. The prospects for adequate protection of the public and
 4639 the likelihood of reasonable rehabilitation of the child, if the
 4640 child is found to have committed the alleged offense, by the use
 4641 of procedures, services, and facilities currently available to
 4642 the court.

4643 (d) Prior to a hearing on the transfer request motion by
 4644 the state attorney, a study and report to the court relevant to
 4645 the factors in paragraph (c) must be made in writing by an
 4646 authorized agent of the department. The child and the child's
 4647 parents or legal guardians and counsel and the state attorney
 4648 shall have the right to examine these reports and to question
 4649 the parties responsible for them at the hearing.

4650 (e) Any decision to transfer a child for criminal
 4651 prosecution must be in writing and include consideration of, and
 4652 findings of fact with respect to, all criteria in paragraph (c).
 4653 The court shall render an order including a specific finding of
 4654 fact and the reasons for a decision to impose adult sanctions.
 4655 The order shall be reviewable on appeal under s. 985.534 ~~985.234~~
 4656 and the Florida Rules of Appellate Procedure.

4657 (5)~~(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--

4658 (a) Once a child has been transferred for criminal
 4659 prosecution pursuant to an involuntary waiver hearing and has
 4660 been found to have committed the presenting offense or a lesser
 4661 included offense, the child shall thereafter be handled in every
 4662 respect as an adult for any subsequent violation of state law,

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4663 unless the court imposes juvenile sanctions under s. 985.565
 4664 ~~985.233~~.

4665 (b) When a child is transferred for criminal prosecution
 4666 as an adult, the court shall immediately transfer and certify to
 4667 the adult circuit court all felony cases pertaining to the
 4668 child, for prosecution of the child as an adult, which have not
 4669 yet resulted in a plea of guilty or nolo contendere or in which
 4670 a finding of guilt has not been made. If the child is acquitted
 4671 of all charged offenses or lesser included offenses contained in
 4672 the original case transferred to adult court, all felony cases
 4673 that were transferred to adult court under ~~pursuant to~~ this
 4674 paragraph shall be subject to the same penalties such cases were
 4675 subject to before being transferred to adult court.

4676 Section 70. Section 985.227, Florida Statutes, is
 4677 renumbered as section 985.557, Florida Statutes, and amended to
 4678 read:

4679 985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by the~~
 4680 ~~Direct filing of an information in the criminal division of the~~
 4681 ~~circuit court; discretionary and eriteria;~~ mandatory criteria.--

4682 (1) DISCRETIONARY DIRECT FILE; ~~CRITERIA~~.--

4683 (a) With respect to any child who was 14 or 15 years of
 4684 age at the time the alleged offense was committed, the state
 4685 attorney may file an information when in the state attorney's
 4686 judgment and discretion the public interest requires that adult
 4687 sanctions be considered or imposed and when the offense charged
 4688 is for the commission of, attempt to commit, or conspiracy to
 4689 commit:

4690 1. Arson;

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- 4691 | 2. Sexual battery;
- 4692 | 3. Robbery;
- 4693 | 4. Kidnapping;
- 4694 | 5. Aggravated child abuse;
- 4695 | 6. Aggravated assault;
- 4696 | 7. Aggravated stalking;
- 4697 | 8. Murder;
- 4698 | 9. Manslaughter;
- 4699 | 10. Unlawful throwing, placing, or discharging of a
- 4700 | destructive device or bomb;
- 4701 | 11. Armed burglary in violation of s. 810.02(2)(b) or
- 4702 | specified burglary of a dwelling or structure in violation of s.
- 4703 | 810.02(2)(c), or burglary with an assault or battery in
- 4704 | violation of s. 810.02(2)(a);
- 4705 | 12. Aggravated battery;
- 4706 | 13. Any lewd or lascivious offense committed upon or in
- 4707 | the presence of a person less than 16 years of age;
- 4708 | 14. Carrying, displaying, using, threatening, or
- 4709 | attempting to use a weapon or firearm during the commission of a
- 4710 | felony;
- 4711 | 15. Grand theft in violation of s. 812.014(2)(a);
- 4712 | 16. Possessing or discharging any weapon or firearm on
- 4713 | school property in violation of s. 790.115;
- 4714 | 17. Home invasion robbery;
- 4715 | 18. Carjacking; or
- 4716 | 19. Grand theft of a motor vehicle in violation of s.
- 4717 | 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 4718 | \$20,000 or more in violation of s. 812.014(2)(b) if the child

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4719 has a previous adjudication for grand theft of a motor vehicle
 4720 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

4721 (b) With respect to any child who was 16 or 17 years of
 4722 age at the time the alleged offense was committed, the state
 4723 attorney may file an information when in the state attorney's
 4724 judgment and discretion the public interest requires that adult
 4725 sanctions be considered or imposed. However, the state attorney
 4726 may not file an information on a child charged with a
 4727 misdemeanor, unless the child has had at least two previous
 4728 adjudications or adjudications withheld for delinquent acts, one
 4729 of which involved an offense classified as a felony under state
 4730 law.

4731 (2) MANDATORY DIRECT FILE.--

4732 (a) With respect to any child who was 16 or 17 years of
 4733 age at the time the alleged offense was committed, the state
 4734 attorney shall file an information if the child has been
 4735 previously adjudicated delinquent for an act classified as a
 4736 felony, which adjudication was for the commission of, attempt to
 4737 commit, or conspiracy to commit murder, sexual battery, armed or
 4738 strong-armed robbery, carjacking, home-invasion robbery,
 4739 aggravated battery, or aggravated assault, and the child is
 4740 currently charged with a second or subsequent violent crime
 4741 against a person.

4742 (b) With respect to any child 16 or 17 years of age at the
 4743 time an offense classified as a forcible felony, as defined in
 4744 s. 776.08, was committed, the state attorney shall file an
 4745 information if the child has previously been adjudicated
 4746 delinquent or had adjudication withheld for three acts

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4747 classified as felonies each of which occurred at least 45 days
4748 apart from each other. This paragraph does not apply when the
4749 state attorney has good cause to believe that exceptional
4750 circumstances exist which preclude the just prosecution of the
4751 juvenile in adult court.

4752 (c) The state attorney must file an information if a
4753 child, regardless of the child's age at the time the alleged
4754 offense was committed, is alleged to have committed an act that
4755 would be a violation of law if the child were an adult, that
4756 involves stealing a motor vehicle, including, but not limited
4757 to, a violation of s. 812.133, relating to carjacking, or s.
4758 812.014(2)(c)6., relating to grand theft of a motor vehicle, and
4759 while the child was in possession of the stolen motor vehicle
4760 the child caused serious bodily injury to or the death of a
4761 person who was not involved in the underlying offense. For
4762 purposes of this section, the driver and all willing passengers
4763 in the stolen motor vehicle at the time such serious bodily
4764 injury or death is inflicted shall also be subject to mandatory
4765 transfer to adult court. "Stolen motor vehicle," for the
4766 purposes of this section, means a motor vehicle that has been
4767 the subject of any criminal wrongful taking. For purposes of
4768 this section, "willing passengers" means all willing passengers
4769 who have participated in the underlying offense.

4770 (d)1. With respect to any child who was 16 or 17 years of
4771 age at the time the alleged offense was committed, the state
4772 attorney shall file an information if the child has been charged
4773 with committing or attempting to commit an offense listed in s.

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4774 775.087(2)(a)1.a.-q., and, during the commission of or attempt
 4775 to commit the offense, the child:

4776 a. Actually possessed a firearm or destructive device, as
 4777 those terms are defined in s. 790.001.

4778 b. Discharged a firearm or destructive device, as
 4779 described in s. 775.087(2)(a)2.

4780 c. Discharged a firearm or destructive device, as
 4781 described in s. 775.087(2)(a)3., and, as a result of the
 4782 discharge, death or great bodily harm was inflicted upon any
 4783 person.

4784 2. Upon transfer, any child who is:

4785 a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and who
 4786 has been previously adjudicated or had adjudication withheld for
 4787 a forcible felony offense or any offense involving a firearm, or
 4788 who has been previously placed in a residential commitment
 4789 program, shall be subject to sentencing under s. 775.087(2)(a),
 4790 notwithstanding s. 985.565 ~~985.233~~.

4791 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or sub-
 4792 subparagraph 1.c., shall be subject to sentencing under s.
 4793 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

4794 3. Upon transfer, any child who is charged under ~~pursuant~~
 4795 ~~to~~ this paragraph, but who does not meet the requirements
 4796 specified in subparagraph 2., shall be sentenced under ~~pursuant~~
 4797 ~~to~~ s. 985.565 ~~985.233~~; however, if the court imposes a juvenile
 4798 sanction, the court must commit the child to a high-risk or
 4799 maximum-risk juvenile facility.

4800 4. This paragraph shall not apply if the state attorney
 4801 has good cause to believe that exceptional circumstances exist

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4802 that ~~which~~ preclude the just prosecution of the child in adult
4803 court.

4804 5. The Department of Corrections shall make every
4805 reasonable effort to ensure that any child 16 or 17 years of age
4806 who is convicted and sentenced under this paragraph be
4807 completely separated such that there is no physical contact with
4808 adult offenders in the facility, to the extent that it is
4809 consistent with chapter 958.

4810 (3) EFFECT OF DIRECT FILE.--

4811 (a) Once a child has been transferred for criminal
4812 prosecution pursuant to an information and has been found to
4813 have committed the presenting offense or a lesser included
4814 offense, the child shall be handled thereafter in every respect
4815 as if an adult for any subsequent violation of state law, unless
4816 the court imposes juvenile sanctions under s. 985.565 ~~985.233~~.

4817 (b) When a child is transferred for criminal prosecution
4818 as an adult, the court shall immediately transfer and certify to
4819 the adult circuit court all felony cases pertaining to the
4820 child, for prosecution of the child as an adult, which have not
4821 yet resulted in a plea of guilty or nolo contendere or in which
4822 a finding of guilt has not been made. If a child is acquitted of
4823 all charged offenses or lesser included offenses contained in
4824 the original case transferred to adult court, all felony cases
4825 that were transferred to adult court as a result of this
4826 paragraph shall be subject to the same penalties to which such
4827 cases would have been subject before being transferred to adult
4828 court.

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4829 (c) When a child has been transferred for criminal
 4830 prosecution as an adult and has been found to have committed a
 4831 violation of state law, the disposition of the case may be made
 4832 under s. 985.565 ~~985.233~~ and may include the enforcement of any
 4833 restitution ordered in any juvenile proceeding.

4834 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
 4835 attorney shall develop written policies and guidelines to govern
 4836 determinations for filing an information on a juvenile, to be
 4837 submitted to the Executive Office of the Governor, the President
 4838 of the Senate, and the Speaker of the House of Representatives
 4839 not later than January 1 of each year.

4840 (5) An information filed pursuant to this section may
 4841 include all charges that are based on the same act, criminal
 4842 episode, or transaction as the primary offenses.

4843 Section 71. Section 985.225, Florida Statutes, is
 4844 renumbered as section 985.56, Florida Statutes, and amended to
 4845 read:

4846 985.56 ~~985.225~~ Indictment of a juvenile.--

4847 (1) A child of any age who is charged with a violation of
 4848 state law punishable by death or by life imprisonment is subject
 4849 to the jurisdiction of the court as set forth in s. 985.0301(2)
 4850 ~~985.219(8)~~ unless and until an indictment on the charge is
 4851 returned by the grand jury. When such indictment is returned,
 4852 the petition for delinquency, if any, must be dismissed and the
 4853 child must be tried and handled in every respect as an adult:

4854 (a) On the offense punishable by death or by life
 4855 imprisonment; and

4856 (b) On all other felonies or misdemeanors charged in the
 4857 indictment which are based on the same act or transaction as the
 4858 offense punishable by death or by life imprisonment or on one or
 4859 more acts or transactions connected with the offense punishable
 4860 by death or by life imprisonment.

4861 (2) An adjudicatory hearing may not be held until 21 days
 4862 after the child is taken into custody and charged with having
 4863 committed an offense punishable by death or by life
 4864 imprisonment, unless the state attorney advises the court in
 4865 writing that he or she does not intend to present the case to
 4866 the grand jury, or has presented the case to the grand jury and
 4867 the grand jury has not returned an indictment. If the court
 4868 receives such a notice from the state attorney, or if the grand
 4869 jury fails to act within the 21-day period, the court may
 4870 proceed as otherwise authorized under this part.

4871 (3) If the child is found to have committed the offense
 4872 punishable by death or by life imprisonment, the child shall be
 4873 sentenced as an adult. If the juvenile is not found to have
 4874 committed the indictable offense but is found to have committed
 4875 a lesser included offense or any other offense for which he or
 4876 she was indicted as a part of the criminal episode, the court
 4877 may sentence under ~~pursuant to~~ s. 985.565 ~~985.233~~.

4878 (4) (a) Once a child has been indicted pursuant to this
 4879 section ~~subsection~~ and has been found to have committed any
 4880 offense for which he or she was indicted as a part of the
 4881 criminal episode, the child shall be handled thereafter in every
 4882 respect as if an adult for any subsequent violation of state

4883 law, unless the court imposes juvenile sanctions under s.
 4884 985.565 ~~985.233~~.

4885 (b) When a child has been indicted pursuant to this
 4886 section, ~~subsection~~ the court shall immediately transfer and
 4887 certify to the adult circuit court all felony cases pertaining
 4888 to the child, for prosecution of the child as an adult, which
 4889 have not yet resulted in a plea of guilty or nolo contendere or
 4890 in which a finding of guilt has not been made. If the child is
 4891 acquitted of all charged offenses or lesser included offenses
 4892 contained in the indictment case, all felony cases that were
 4893 transferred to adult court pursuant to this paragraph shall be
 4894 subject to the same penalties such cases were subject to before
 4895 being transferred to adult court.

4896 Section 72. Subsections (1) through (4) of section
 4897 985.233, Florida Statutes, are renumbered, respectively, as
 4898 subsections (1) through (3) and paragraphs (c) and (d) of
 4899 subsection (4) of section 985.565, Florida Statutes, and
 4900 paragraphs (a), (b), (c), (e), and (f) of subsection (4) of
 4901 section 985.233, Florida Statutes, are amended and renumbered,
 4902 respectively, as paragraphs (a), (b), and (e) of subsection (4)
 4903 of section 985.565, Florida Statutes, to read:

4904 985.565 ~~985.233~~ Sentencing powers; procedures;
 4905 alternatives for juveniles prosecuted as adults.--

4906 (4) SENTENCING ALTERNATIVES.--

4907 (a) ~~Sentencing to~~ Adult sanctions.--

4908 1. Cases prosecuted on indictment.--If the child is found
 4909 to have committed the offense punishable by death or life
 4910 imprisonment, the child shall be sentenced as an adult. If the

4911 juvenile is not found to have committed the indictable offense
 4912 but is found to have committed a lesser included offense or any
 4913 other offense for which he or she was indicted as a part of the
 4914 criminal episode, the court may sentence as follows:

- 4915 a. As an adult;
- 4916 b. Under ~~Pursuant to~~ chapter 958; or
- 4917 c. As a juvenile under ~~pursuant to~~ this section.

4918 2. Other cases.--If a child who has been transferred for
 4919 criminal prosecution pursuant to information or waiver of
 4920 juvenile court jurisdiction is found to have committed a
 4921 violation of state law or a lesser included offense for which he
 4922 or she was charged as a part of the criminal episode, the court
 4923 may sentence as follows:

- 4924 a. As an adult;
- 4925 b. Under ~~Pursuant to~~ chapter 958; or
- 4926 c. As a juvenile under ~~pursuant to~~ this section.

4927 3. Notwithstanding any other provision to the contrary, if
 4928 the state attorney is required to file a motion to transfer and
 4929 certify the juvenile for prosecution as an adult under ~~pursuant~~
 4930 ~~to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that motion is granted, or if
 4931 the state attorney is required to file an information under
 4932 ~~pursuant to~~ s. 985.557 ~~985.227(2)(a) or (b)~~, the court must
 4933 impose adult sanctions.

4934 4. Any sentence imposing adult sanctions is presumed
 4935 appropriate, and the court is not required to set forth specific
 4936 findings or enumerate the criteria in this subsection as any
 4937 basis for its decision to impose adult sanctions.

4938 5. When a child has been transferred for criminal
 4939 prosecution as an adult and has been found to have committed a
 4940 violation of state law, the disposition of the case may include
 4941 the enforcement of any restitution ordered in any juvenile
 4942 proceeding.

4943 (b) ~~Sentencing to Juvenile sanctions.--~~For juveniles
 4944 transferred to adult court but who do not qualify for such
 4945 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.
 4946 985.557 ~~985.227(2)(a)~~ or (b), the court may impose juvenile
 4947 sanctions under this paragraph. If juvenile sentences are
 4948 imposed, the court shall, under ~~pursuant to~~ this paragraph,
 4949 adjudge the child to have committed a delinquent act.
 4950 Adjudication of delinquency shall not be deemed a conviction,
 4951 nor shall it operate to impose any of the civil disabilities
 4952 ordinarily resulting from a conviction. The court shall impose
 4953 an adult sanction or a juvenile sanction and may not sentence
 4954 the child to a combination of adult and juvenile punishments. An
 4955 adult sanction or a juvenile sanction may include enforcement of
 4956 an order of restitution or probation previously ordered in any
 4957 juvenile proceeding. However, if the court imposes a juvenile
 4958 sanction and the department determines that the sanction is
 4959 unsuitable for the child, the department shall return custody of
 4960 the child to the sentencing court for further proceedings,
 4961 including the imposition of adult sanctions. Upon adjudicating a
 4962 child delinquent under subsection (1), the court may:

4963 1. Place the child in a probation program under the
 4964 supervision of the department for an indeterminate period of

4965 time until the child reaches the age of 19 years or sooner if
 4966 discharged by order of the court.

4967 2. Commit the child to the department for treatment in an
 4968 appropriate program for children for an indeterminate period of
 4969 time until the child is 21 or sooner if discharged by the
 4970 department. The department shall notify the court of its intent
 4971 to discharge no later than 14 days prior to discharge. Failure
 4972 of the court to timely respond to the department's notice shall
 4973 be considered approval for discharge.

4974 3. Order disposition under ss. 985.435, 985.437, 985.439,
 4975 985.441, 985.445, 985.45, and 985.455 ~~pursuant to s. 985.231~~ as
 4976 an alternative to youthful offender or adult sentencing if the
 4977 court determines not to impose youthful offender or adult
 4978 sanctions.

4979 (c) ~~Imposition of~~ Adult sanctions upon failure of juvenile
 4980 sanctions.--If a child proves not to be suitable to a commitment
 4981 program, in a juvenile probation program, or treatment program
 4982 under ~~the provisions of~~ paragraph (b), the department shall
 4983 provide the sentencing court with a written report outlining the
 4984 basis for its objections to the juvenile sanction and shall
 4985 simultaneously provide a copy of the report to the state
 4986 attorney and the defense counsel. The department shall schedule
 4987 a hearing within 30 days. Upon hearing, the court may revoke the
 4988 previous adjudication, impose an adjudication of guilt, and
 4989 impose any sentence which it may lawfully impose, giving credit
 4990 for all time spent by the child in the department. The court may
 4991 also classify the child as a youthful offender under ~~pursuant to~~
 4992 s. 958.04, if appropriate. For purposes of this paragraph, a

4993 child may be found not suitable to a commitment program,
 4994 community control program, or treatment program under ~~the~~
 4995 ~~provisions of~~ paragraph (b) if the child commits a new violation
 4996 of law while under juvenile sanctions, if the child commits any
 4997 other violation of the conditions of juvenile sanctions, or if
 4998 the child's actions are otherwise determined by the court to
 4999 demonstrate a failure of juvenile sanctions.

5000 (d) ~~(e)~~ Further proceedings heard in adult court.--When a
 5001 child is sentenced to juvenile sanctions, further proceedings
 5002 involving those sanctions shall continue to be heard in the
 5003 adult court.

5004 (e) ~~(f)~~ School attendance.--If the child is attending or is
 5005 eligible to attend public school and the court finds that the
 5006 victim or a sibling of the victim in the case is attending or
 5007 may attend the same school as the child, the court placement
 5008 order shall include a finding pursuant to the proceeding
 5009 described in s. 985.455(2), regardless of whether adjudication
 5010 is withheld ~~985.23(1)(d)~~.

5011
 5012 It is the intent of the Legislature that the criteria and
 5013 guidelines in this subsection are mandatory and that a
 5014 determination of disposition under this subsection is subject to
 5015 the right of the child to appellate review under s. 985.534
 5016 ~~985.234~~.

5017 Section 73. Section 985.417, Florida Statutes, is
 5018 renumbered as section 985.57, Florida Statutes.

5019 Section 74. Subsections (1) through (3) and (6) through
 5020 (11) of section 985.404, Florida Statutes, are renumbered as

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5021 subsections (1) through (3) and (5) through (10) of section
 5022 985.601, Florida Statutes, and subsections (4), (5), and (9) of
 5023 that section are amended to read:

5024 985.601 ~~985.404~~ Administering the juvenile justice
 5025 continuum.--

5026 ~~(4) The department may transfer a child, when necessary to~~
 5027 ~~appropriately administer the child's commitment, from one~~
 5028 ~~facility or program to another facility or program operated,~~
 5029 ~~contracted, subcontracted, or designated by the department,~~
 5030 ~~including a postcommitment nonresidential conditional release~~
 5031 ~~program. The department shall notify the court that committed~~
 5032 ~~the child to the department and any attorney of record, in~~
 5033 ~~writing, of its intent to transfer the child from a commitment~~
 5034 ~~facility or program to another facility or program of a higher~~
 5035 ~~or lower restrictiveness level. The court that committed the~~
 5036 ~~child may agree to the transfer or may set a hearing to review~~
 5037 ~~the transfer. If the court does not respond within 10 days after~~
 5038 ~~receipt of the notice, the transfer of the child shall be deemed~~
 5039 ~~granted.~~

5040 (4)~~(5)~~ The department shall maintain continuing
 5041 cooperation with the Department of Education, the Department of
 5042 Children and Family Services, the Agency for Workforce
 5043 Innovation ~~Department of Labor and Employment Security~~, and the
 5044 Department of Corrections for the purpose of participating in
 5045 agreements with respect to dropout prevention and the reduction
 5046 of suspensions, expulsions, and truancy; increased access to and
 5047 participation in GED, vocational, and alternative education
 5048 programs; and employment training and placement assistance. The

5049 cooperative agreements between the departments shall include an
 5050 interdepartmental plan to cooperate in accomplishing the
 5051 reduction of inappropriate transfers of children into the adult
 5052 criminal justice and correctional systems.

5053 ~~(8)-(9)~~ The department shall ensure that personnel
 5054 responsible for the care, supervision, and individualized
 5055 treatment of children are appropriately apprised of the
 5056 requirements of this chapter part and trained in the specialized
 5057 areas required to comply with standards established by rule.

5058 Section 75. Section 985.4043, Florida Statutes, is
 5059 renumbered as section 985.6015, Florida Statutes, and subsection
 5060 (1) of that section is amended to read:

5061 985.6015 ~~985.4043~~ Shared County/State Juvenile Detention
 5062 Trust Fund.--

5063 (1) The Shared County/State Juvenile Detention Trust Fund
 5064 is created within the department ~~of Juvenile Justice~~.

5065 Section 76. Section 985.3045, Florida Statutes, is
 5066 renumbered as section 985.605, Florida Statutes, and subsections
 5067 (2) and (3) of that section are amended to read:

5068 985.605 ~~985.3045~~ Prevention service program; monitoring;
 5069 ~~report;~~ uniform performance measures.--

5070 ~~(2) No later than January 31, 2001, the prevention service~~
 5071 ~~program shall submit a report to the Governor, the Speaker of~~
 5072 ~~the House, and the President of the Senate concerning the~~
 5073 ~~implementation of a statewide multiagency plan to coordinate the~~
 5074 ~~efforts of all state-funded programs, grants, appropriations, or~~
 5075 ~~activities that are designed to prevent juvenile crime,~~
 5076 ~~delinquency, gang membership, or status offense behaviors and~~

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5077 ~~all state funded programs, grants, appropriations, or activities~~
5078 ~~that are designed to prevent a child from becoming a "child in~~
5079 ~~need of services," as defined in chapter 984. The report shall~~
5080 ~~include a proposal for a statewide coordinated multiagency~~
5081 ~~juvenile delinquency prevention policy. In preparing the report,~~
5082 ~~the department shall coordinate with and receive input from each~~
5083 ~~state agency or entity that receives or uses state~~
5084 ~~appropriations to fund programs, grants, appropriations, or~~
5085 ~~activities that are designed to prevent juvenile crime,~~
5086 ~~delinquency, gang membership, status offense, or that are~~
5087 ~~designed to prevent a child from becoming a "child in need of~~
5088 ~~services," as defined in chapter 984. The report shall identify~~
5089 ~~whether legislation will be needed to effect a statewide plan to~~
5090 ~~coordinate the efforts of all state funded programs, grants,~~
5091 ~~appropriations, or activities that are designed to prevent~~
5092 ~~juvenile crime, delinquency, gang membership, or status offense~~
5093 ~~behaviors and all state funded programs, grants, appropriations,~~
5094 ~~or activities that are designed to prevent a child from becoming~~
5095 ~~a "child in need of services," as defined in chapter 984. The~~
5096 ~~report shall consider the potential impact of requiring such~~
5097 ~~state-funded efforts to target at least one of the following~~
5098 ~~strategies designed to prevent youth from entering or reentering~~
5099 ~~the juvenile justice system and track the associated outcome~~
5100 ~~data:~~

5101 ~~(a) Encouraging youth to attend school, which may include~~
5102 ~~special assistance and tutoring to address deficiencies in~~
5103 ~~academic performance; outcome data to reveal the number of days~~
5104 ~~youth attended school while participating in the program.~~

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5105 ~~(b) Engaging youth in productive and wholesome activities~~
5106 ~~during nonschool hours that build positive character or instill~~
5107 ~~positive values, or that enhance educational experiences;~~
5108 ~~outcome data to reveal the number of youth who are arrested~~
5109 ~~during nonschool hours while participating in the program.~~

5110 ~~(c) Encouraging youth to avoid the use of violence;~~
5111 ~~outcome data to reveal the number of youth who are arrested for~~
5112 ~~crimes involving violence while participating in the program.~~

5113 ~~(d) Assisting youth to acquire skills needed to find~~
5114 ~~meaningful employment, which may include assistance in finding a~~
5115 ~~suitable employer for the youth; outcome data to reveal the~~
5116 ~~number of youth who obtain and maintain employment for at least~~
5117 ~~180 days.~~

5118
5119 ~~The department is encouraged to identify additional strategies~~
5120 ~~which may be relevant to preventing youth from becoming children~~
5121 ~~in need of services and to preventing juvenile crime,~~
5122 ~~delinquency, gang membership and status offense behaviors. The~~
5123 ~~report shall consider the feasibility of developing uniform~~
5124 ~~performance measures and methodology for collecting such outcome~~
5125 ~~data to be utilized by all state-funded programs, grants,~~
5126 ~~appropriations, or activities that are designed to prevent~~
5127 ~~juvenile crime, delinquency, gang membership, or status offense~~
5128 ~~behaviors and all state funded programs, grants, appropriations,~~
5129 ~~or activities that are designed to prevent a child from becoming~~
5130 ~~a "child in need of services," as defined in chapter 984. The~~
5131 ~~prevention service program is encouraged to identify other~~
5132 ~~issues that may be of critical importance to preventing a child~~

5133 ~~from becoming a child in need of services, as defined in chapter~~
 5134 ~~984, or to preventing juvenile crime, delinquency, gang~~
 5135 ~~membership, or status offense behaviors.~~

5136 (2)~~(3)~~ The department shall expend funds related to the
 5137 prevention of juvenile delinquency in a manner consistent with
 5138 the policies expressed in ss. 984.02 and 985.02. The department
 5139 shall expend said funds in a manner that maximizes public
 5140 accountability and ensures the documentation of outcomes.

5141 (a) All entities that receive or use state moneys to fund
 5142 juvenile delinquency prevention services through contracts or
 5143 grants with the department shall design the programs providing
 5144 such services to further one or more of the following
 5145 strategies: ~~specified in paragraphs (2) (a) (d).~~

5146 1. Encouraging youth to attend school, which may include
 5147 special assistance and tutoring to address deficiencies in
 5148 academic performance and collecting outcome data to reveal the
 5149 number of days youth attended school while participating in the
 5150 program.

5151 2. Engaging youth in productive and wholesome activities
 5152 during nonschool hours that build positive character, instill
 5153 positive values, or enhance educational experiences and
 5154 collecting outcome data to reveal the number of youths who are
 5155 arrested during nonschool hours while participating in the
 5156 program.

5157 3. Encouraging youth to avoid the use of violence and
 5158 collecting outcome data to reveal the number of youths who are
 5159 arrested for crimes involving violence while participating in
 5160 the program.

5161 4. Assisting youth to acquire skills needed to find
 5162 meaningful employment, which may include assistance in finding a
 5163 suitable employer for the youth and collecting outcome data to
 5164 reveal the number of youths who obtain and maintain employment
 5165 for at least 180 days.

5166 (b) The department shall develop an outcome measure for
 5167 each program strategy specified in paragraph (a) ~~paragraphs~~
 5168 ~~(2)(a)-(d)~~ that logically relates to the risk factor addressed
 5169 by the strategy.

5170 (c) All entities that receive or use state moneys to fund
 5171 the juvenile delinquency prevention services through contracts
 5172 or grants with the department shall, as a condition of receipt
 5173 of state funds, provide the department with personal demographic
 5174 information concerning all participants in the service
 5175 sufficient to allow the department to verify criminal or
 5176 delinquent history information, school attendance or academic
 5177 information, employment information, or other requested
 5178 performance information.

5179 Section 77. Section 985.3046, Florida Statutes, is
 5180 renumbered as section 985.606, Florida Statutes, and amended to
 5181 read:

5182 985.606 ~~985.3046~~ ~~Agencies and entities providing~~
 5183 ~~Prevention services~~ providers; ~~collection of performance data~~
 5184 collection; reporting requirements.--Each state agency or entity
 5185 that receives or uses state appropriations to fund programs,
 5186 grants, appropriations, or activities that are designed to
 5187 prevent juvenile crime, delinquency, gang membership, status
 5188 offense, or that are designed to prevent a child from becoming a

5189 "child in need of services," as defined in chapter 984, shall
 5190 collect data relative to the performance of such activities and
 5191 shall provide said data to the Governor, the President of the
 5192 Senate, and the Speaker of the House no later than January 31st
 5193 of each year for the preceding fiscal year, ~~beginning in 2002.~~
 5194 ~~Further, each state agency or entity that receives or uses state~~
 5195 ~~appropriations to fund programs, grants, appropriations, or~~
 5196 ~~activities that are designed to prevent juvenile crime,~~
 5197 ~~delinquency, gang membership, status offense, or that are~~
 5198 ~~designed to prevent a child from becoming a "child in need of~~
 5199 ~~services," as defined in chapter 984, shall cooperate with the~~
 5200 ~~Department of Juvenile Justice with regard to the report~~
 5201 ~~described in s. 985.3045(2).~~

5202 Section 78. Section 985.305, Florida Statutes, is
 5203 renumbered as section 985.61, Florida Statutes.

5204 Section 79. Section 985.2066, Florida Statutes, is
 5205 renumbered as section 985.614, Florida Statutes, and amended to
 5206 read:

5207 985.614 ~~985.2066~~ Children locked out of the home;
 5208 interagency cooperation.--The department ~~of Juvenile Justice~~ and
 5209 the Department of Children and Family Services shall encourage
 5210 interagency cooperation within each circuit and shall develop
 5211 comprehensive agreements between the staff and providers for
 5212 each department in order to coordinate the services provided to
 5213 children who are locked out of the home and the families of
 5214 those children.

5215 Section 80. Section 985.315, Florida Statutes, is
 5216 renumbered as section 985.618, Florida Statutes, and paragraph
 5217 (b) of subsection (4) of that section is amended to read:

5218 985.618 ~~985.315~~ Educational and career-related programs.--

5219 (4)

5220 (b) Evaluations of juvenile educational and career-related
 5221 programs shall be conducted according to the following
 5222 guidelines:

5223 1. Systematic evaluations and quality assurance monitoring
 5224 shall be implemented, in accordance with s. 985.632 ~~985.412~~(1),
 5225 (2), and (5), to determine whether the programs are related to
 5226 successful postrelease adjustments.

5227 2. Operations and policies of the programs shall be
 5228 reevaluated to determine if they are consistent with their
 5229 primary objectives.

5230 Section 81. Section 985.3155, Florida Statutes, is
 5231 renumbered as section 985.622, Florida Statutes.

5232 Section 82. Section 985.317, Florida Statutes, is
 5233 renumbered as section 985.625, Florida Statutes, and subsection
 5234 (3) of that section is amended to read:

5235 985.625 ~~985.317~~ Literacy programs for juvenile
 5236 offenders.--

5237 (3) INITIAL ASSESSMENT.--When an offender is admitted to a
 5238 residential commitment facility, the department or a provider
 5239 under contract with the department shall immediately assess
 5240 whether the offender has achieved a sixth-grade or higher
 5241 reading and writing level. An assessment may be conducted at a
 5242 juvenile assessment center as provided in s. 985.135 ~~985.209~~ as

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5243 a part of the intake process. If the department or a provider
 5244 determines that an offender has not achieved a sixth-grade or
 5245 higher reading and writing level, the offender shall participate
 5246 in a program if the offender meets the criteria for
 5247 participation.

5248 Section 83. Section 985.419, Florida Statutes, is
 5249 renumbered as section 985.629, Florida Statutes.

5250 Section 84. Section 985.412, Florida Statutes, is
 5251 renumbered as section 985.632, Florida Statutes.

5252 Section 85. Section 985.42, Florida Statutes, is
 5253 renumbered as section 985.636, Florida Statutes.

5254 Section 86. Section 985.405, Florida Statutes, is
 5255 renumbered as section 985.64, Florida Statutes, and that section
 5256 is amended to read:

5257 985.64 ~~985.405~~ Rulemaking Rules for implementation.--The
 5258 department ~~of Juvenile Justice~~ shall adopt rules pursuant to ss.
 5259 120.536(1) and 120.54 to implement the provisions of this
 5260 chapter. Such rules may not conflict with the Florida Rules of
 5261 Juvenile Procedure. All rules and policies must conform to
 5262 accepted standards of care and treatment.

5263 Section 87. Subsection (2) of section 985.01, Florida
 5264 Statutes, is renumbered as subsection (1) of section 985.644,
 5265 Florida Statutes, and subsections (1) through (5) of section
 5266 985.407, Florida Statutes, are renumbered as subsections (2)
 5267 through (6) of section 985.644, Florida Statutes.

5268 Section 88. Section 985.408, Florida Statutes, is
 5269 renumbered as section 985.648, Florida Statutes, and amended to
 5270 read:

5271 985.648 ~~985.408~~ Consultants.--The department may hire
 5272 consultants to advise and confer with the judges of the circuit
 5273 courts upon request of any such court and for the purpose of
 5274 advising the department on programs, facilities, institutions,
 5275 care, supervision, and all other services and treatment for
 5276 children committed to the department's care under ~~pursuant to~~
 5277 this chapter ~~part~~.

5278 Section 89. Section 985.409, Florida Statutes, is
 5279 renumbered as section 985.652, Florida Statutes.

5280 Section 90. Section 985.406, Florida Statutes, is
 5281 renumbered as section 985.66, Florida Statutes, and paragraph
 5282 (a) of subsection (3) of that section is amended to read:

5283 985.66 ~~985.406~~ Juvenile justice training academies
 5284 ~~established~~; Juvenile Justice Standards and Training Commission
 5285 ~~created~~; Juvenile Justice Training Trust Fund ~~created~~--

5286 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
 5287 shall establish a certifiable program for juvenile justice
 5288 training pursuant to this section, and all department ~~of~~
 5289 ~~Juvenile Justice~~ program staff and providers who deliver direct
 5290 care services pursuant to contract with the department shall be
 5291 required to participate in and successfully complete the
 5292 commission-approved program of training pertinent to their areas
 5293 of responsibility. Judges, state attorneys, and public
 5294 defenders, law enforcement officers, and school district
 5295 personnel may participate in such training program. For the
 5296 juvenile justice program staff, the commission shall, based on a
 5297 job-task analysis:

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5298 (a) Design, implement, maintain, evaluate, and revise a
5299 basic training program, including a competency-based
5300 examination, for the purpose of providing minimum employment
5301 training qualifications for all juvenile justice personnel. All
5302 program staff of the department of ~~Juvenile Justice~~ and
5303 providers who deliver direct-care services who are hired after
5304 October 1, 1999, must meet the following minimum requirements:

- 5305 1. Be at least 19 years of age.
- 5306 2. Be a high school graduate or its equivalent as
5307 determined by the commission.
- 5308 3. Not have been convicted of any felony or a misdemeanor
5309 involving perjury or a false statement, or have received a
5310 dishonorable discharge from any of the Armed Forces of the
5311 United States. Any person who, after September 30, 1999, pleads
5312 guilty or nolo contendere to or is found guilty of any felony or
5313 a misdemeanor involving perjury or false statement is not
5314 eligible for employment, notwithstanding suspension of sentence
5315 or withholding of adjudication. Notwithstanding this
5316 subparagraph, any person who pled ~~pleads~~ nolo contendere to a
5317 misdemeanor involving a false statement before October 1, 1999,
5318 and who has had such record of that plea sealed or expunged is
5319 not ineligible for employment for that reason.
- 5320 4. Abide by all the provisions of s. 985.644(1) ~~985.01(2)~~
5321 regarding fingerprinting and background investigations and other
5322 screening requirements for personnel.
- 5323 5. Execute and submit to the department an affidavit-of-
5324 application form, adopted by the department, attesting to his or
5325 her compliance with subparagraphs 1.-4. The affidavit must be

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5326 | executed under oath and constitutes an official statement under
 5327 | s. 837.06. The affidavit must include conspicuous language that
 5328 | the intentional false execution of the affidavit constitutes a
 5329 | misdemeanor of the second degree. The employing agency shall
 5330 | retain the affidavit.

5331 | Section 91. Section 985.4135, Florida Statutes, is
 5332 | renumbered as section 985.664, Florida Statutes, and subsection
 5333 | (5) of that section is amended to read:

5334 | 985.664 ~~985.4135~~ Juvenile justice circuit boards and
 5335 | juvenile justice county councils.--

5336 | (5) Juvenile justice circuit boards and county councils
 5337 | shall advise and assist the department in the evaluation and
 5338 | award of prevention and early intervention grant programs,
 5339 | including the Community Juvenile Justice Partnership Grant
 5340 | program established in s. 985.676 ~~985.415~~ and proceeds from the
 5341 | Invest in Children license plate annual use fees.

5342 | Section 92. Sections 985.416 and 985.4145, Florida
 5343 | Statutes, are renumbered, respectively, as sections 985.668 and
 5344 | 985.672, Florida Statutes.

5345 | Section 93. Section 985.415, Florida Statutes, is
 5346 | renumbered as section 985.676, Florida Statutes, and paragraph
 5347 | (a) of subsection (1) and paragraphs (a) and (e) of subsection
 5348 | (2) of that section are amended to read:

5349 | 985.676 ~~985.415~~ Community juvenile justice partnership
 5350 | grants.--

5351 | (1) GRANTS; CRITERIA.--

5352 | (a) In order to encourage the development of county and
 5353 | circuit juvenile justice plans and the development and

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5354 implementation of county and circuit interagency agreements
5355 under ~~pursuant to~~ s. 985.664 ~~985.4135~~, the community juvenile
5356 justice partnership grant program is established, and shall be
5357 administered by the department ~~of Juvenile Justice~~.

5358 (2) GRANT APPLICATION PROCEDURES.--

5359 (a) Each entity wishing to apply for an annual community
5360 juvenile justice partnership grant, which may be renewed for a
5361 maximum of 2 additional years for the same provision of
5362 services, shall submit a grant proposal for funding or continued
5363 funding to the department. The department shall establish the
5364 grant application procedures. In order to be considered for
5365 funding, the grant proposal shall include the following
5366 assurances and information:

5367 1. A letter from the chair of the juvenile justice circuit
5368 board confirming that the grant application has been reviewed
5369 and found to support one or more purposes or goals of the
5370 juvenile justice plan as developed by the board.

5371 2. A rationale and description of the program and the
5372 services to be provided, including goals and objectives.

5373 3. A method for identification of the juveniles most
5374 likely to be involved in the juvenile justice system who will be
5375 the focus of the program.

5376 4. Provisions for the participation of parents and
5377 guardians in the program.

5378 5. Coordination with other community-based and social
5379 service prevention efforts, including, but not limited to, drug
5380 and alcohol abuse prevention and dropout prevention programs,
5381 that serve the target population or neighborhood.

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5382 6. An evaluation component to measure the effectiveness of
 5383 the program in accordance with ~~the provisions of s. 985.632~~
 5384 ~~985.412~~.

5385 7. A program budget, including the amount and sources of
 5386 local cash and in-kind resources committed to the budget. The
 5387 proposal must establish to the satisfaction of the department
 5388 that the entity will make a cash or in-kind contribution to the
 5389 program of a value that is at least equal to 20 percent of the
 5390 amount of the grant.

5391 8. The necessary program staff.

5392 (e) Each entity that is awarded a grant as provided for in
 5393 this section shall submit an annual evaluation report to the
 5394 department, the circuit juvenile justice manager, the juvenile
 5395 justice circuit board, and the juvenile justice county council,
 5396 by a date subsequent to the end of the contract period
 5397 established by the department, documenting the extent to which
 5398 the program objectives have been met, the effect of the program
 5399 on the juvenile arrest rate, and any other information required
 5400 by the department. The department shall coordinate and
 5401 incorporate all such annual evaluation reports with ~~the~~
 5402 ~~provisions of s. 985.632 985.412~~. Each entity is also subject to
 5403 a financial audit and a performance audit.

5404 Section 94. Section 985.41, Florida Statutes, is
 5405 renumbered as section 985.682, Florida Statutes, and subsection
 5406 (1) of that section is amended to read:

5407 985.682 ~~985.41~~ Siting of facilities; study; criteria.--

5408 (1) The department is directed to conduct or contract for
 5409 a statewide comprehensive study to determine current and future

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5410 needs for all types of facilities for children committed to the
5411 custody, care, or supervision of the department under ~~pursuant~~
5412 ~~to~~ this chapter ~~part~~.

5413 Section 95. Section 985.2155, Florida Statutes, is
5414 renumbered as section 985.686, Florida Statutes.

5415 Section 96. Section 985.411, Florida Statutes, is
5416 renumbered as section 985.688, Florida Statutes, and paragraph
5417 (b) of subsection (10) of that section is amended to read:

5418 985.688 ~~985.411~~ Administering county and municipal
5419 delinquency programs and facilities.--

5420 (10)

5421 (b) The department may institute proceedings against a
5422 county or municipality to terminate the operation of a facility
5423 when any of the following conditions exist:

5424 1. The facility fails to take preventive or corrective
5425 measures in accordance with any order of the department.

5426 2. The facility fails to abide by any final order of the
5427 department once it has become effective and binding.

5428 3. The facility commits any violation of this section
5429 constituting an emergency requiring immediate action as provided
5430 in this chapter.

5431 4. The facility has willfully and knowingly refused to
5432 comply with the screening requirement for personnel under
5433 ~~pursuant to~~ s. 985.644(1) ~~985.01~~ or has refused to dismiss
5434 personnel found to be in noncompliance with the requirements for
5435 good moral character.

5436 Section 97. Sections 985.4075, 985.4041, and 985.4042,
 5437 Florida Statutes, are renumbered, respectively, as sections
 5438 985.69, 985.692, and 985.694, Florida Statutes.

5439 Section 98. Sections 985.4045 and 985.4046, Florida
 5440 Statutes, are renumbered, respectively, as sections 985.701 and
 5441 985.711, Florida Statutes.

5442 Section 99. Section 985.3141, Florida Statutes, is
 5443 renumbered as section 985.721, Florida Statutes, and subsection
 5444 (2) of that section is amended to read:

5445 985.721 ~~985.3141~~ Escapes from secure detention or
 5446 residential commitment facility.--An escape from:

5447 (2) Any residential commitment facility described in s.
 5448 985.03 (44) ~~(46)~~, maintained for the custody, treatment,
 5449 punishment, or rehabilitation of children found to have
 5450 committed delinquent acts or violations of law; or

5451
 5452 constitutes escape within the intent and meaning of s. 944.40
 5453 and is a felony of the third degree, punishable as provided in
 5454 s. 775.082, s. 775.083, or s. 775.084.

5455 Section 100. Section 985.2065, Florida Statutes, is
 5456 renumbered as section 985.731, Florida Statutes, and paragraph
 5457 (a) of subsection (1) of that section is amended to read:

5458 985.731 ~~985.2065~~ Sheltering unmarried minors; aiding
 5459 unmarried minor runaways; violations.--

5460 (1) (a) A person who is not an authorized agent of the
 5461 department ~~of Juvenile Justice~~ or the Department of Children and
 5462 Family Services may not knowingly shelter an unmarried minor for
 5463 more than 24 hours without the consent of the minor's parent or

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5464 guardian or without notifying a law enforcement officer of the
 5465 minor's name and the fact that the minor is being provided
 5466 shelter.

5467 Section 101. Sections 985.501, 985.502, 985.503, 985.504,
 5468 985.505, 985.506, and 985.507, Florida Statutes, are renumbered,
 5469 respectively, as sections 985.801, 985.802, 985.803, 985.804,
 5470 985.805, 985.806, and 985.807, Florida Statutes.

5471 Section 102. Section 985.5025, Florida Statutes, is
 5472 renumbered as section 985.8025, Florida Statutes, and subsection
 5473 (1) of that section is amended to read:

5474 985.8025 ~~985.5025~~ State Council for Interstate Juvenile
 5475 Offender Supervision.--

5476 (1) Pursuant to Article IX of the Interstate Compact for
 5477 Juveniles in s. 985.802 ~~985.502~~, the State Council for
 5478 Interstate Juvenile Offender Supervision is created. The purpose
 5479 of the council is to oversee state participation in the
 5480 activities of the Interstate Commission for Juveniles.

5481 Section 103. Subsection (6) of section 985.215, Florida
 5482 Statutes, paragraphs (b), (c), (f), and (i) of subsection (1)
 5483 and subsection (2) of section 985.231, Florida Statutes, and
 5484 paragraph (d) of subsection (4) of section 985.233, Florida
 5485 Statutes, are repealed.

5486 Section 104. Subsection (11) of section 29.004, Florida
 5487 Statutes, is amended to read:

5488 29.004 State courts system.--For purposes of implementing
 5489 s. 14, Art. V of the State Constitution, the elements of the
 5490 state courts system to be provided from state revenues
 5491 appropriated by general law are as follows:

5492 (11) Mediation and arbitration, limited to trial court
 5493 referral of a pending judicial case to a mediator or a court-
 5494 related mediation program, or to an arbitrator or a court-
 5495 related arbitration program, for the limited purpose of
 5496 encouraging and assisting the litigants in partially or
 5497 completely settling the case prior to adjudication on the merits
 5498 by the court. This does not include citizen dispute settlement
 5499 centers under s. 44.201 and community arbitration programs under
 5500 s. 985.16 ~~985.304~~.

5501 Section 105. Paragraph (b) of subsection (3) of section
 5502 29.008, Florida Statutes, is amended to read:

5503 29.008 County funding of court-related functions.--

5504 (3) The following shall be considered a local requirement
 5505 pursuant to subparagraph (2)(a)1.:

5506 (b) Alternative sanctions coordinators pursuant to ss.
 5507 984.09 and 985.037 ~~985.216~~.

5508 Section 106. Subsection (17) of section 253.025, Florida
 5509 Statutes, is amended to read:

5510 253.025 Acquisition of state lands for purposes other than
 5511 preservation, conservation, and recreation.--

5512 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of
 5513 Juvenile Justice is responsible for obtaining appraisals and
 5514 entering into option agreements and agreements for the purchase
 5515 of state juvenile justice facility sites. An option agreement or
 5516 agreement for purchase is not binding upon the state until it is
 5517 approved by the Board of Trustees of the Internal Improvement
 5518 Trust Fund. The provisions of paragraphs (6)(b), (c), and (d)
 5519 and (7)(b), (c), and (d) apply to all appraisals, offers, and

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5520 counteroffers of the Department of Juvenile Justice for state
5521 juvenile justice facility sites.

5522 Section 107. Subsection (1) of section 318.21, Florida
5523 Statutes, is amended to read:

5524 318.21 Disposition of civil penalties by county
5525 courts.--All civil penalties received by a county court pursuant
5526 to the provisions of this chapter shall be distributed and paid
5527 monthly as follows:

5528 (1) One dollar from every civil penalty shall be remitted
5529 to the Department of Revenue for deposit into the Child Welfare
5530 Training Trust Fund for child welfare training purposes pursuant
5531 to s. 402.40. One dollar from every civil penalty shall be
5532 remitted to the Department of Revenue for deposit into the
5533 Juvenile Justice Training Trust Fund for juvenile justice
5534 purposes pursuant to s. 985.66 ~~985.406~~.

5535 Section 108. Subsection (3) of section 397.334, Florida
5536 Statutes, is amended to read:

5537 397.334 Treatment-based drug court programs.--

5538 (3) Treatment-based drug court programs may include
5539 pretrial intervention programs as provided in ss. 948.08,
5540 948.16, and 985.345 ~~985.306~~.

5541 Section 109. Subsection (3) of section 400.953, Florida
5542 Statutes, is amended to read:

5543 400.953 Background screening of home medical equipment
5544 provider personnel.--The agency shall require employment
5545 screening as provided in chapter 435, using the level 1
5546 standards for screening set forth in that chapter, for home
5547 medical equipment provider personnel.

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5548 (3) Proof of compliance with the screening requirements of
 5549 s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305,
 5550 s. 402.313, s. 409.175, s. 464.008, or s. 985.644 ~~985.407~~ or
 5551 this part must be accepted in lieu of the requirements of this
 5552 section if the person has been continuously employed in the same
 5553 type of occupation for which he or she is seeking employment
 5554 without a breach in service that exceeds 180 days, the proof of
 5555 compliance is not more than 2 years old, and the person has been
 5556 screened by the Department of Law Enforcement. An employer or
 5557 contractor shall directly provide proof of compliance to another
 5558 employer or contractor, and a potential employer or contractor
 5559 may not accept any proof of compliance directly from the person
 5560 requiring screening. Proof of compliance with the screening
 5561 requirements of this section shall be provided, upon request, to
 5562 the person screened by the home medical equipment provider.

5563 Section 110. Paragraph (d) of subsection (1) of section
 5564 419.001, Florida Statutes, is amended to read:

5565 419.001 Site selection of community residential homes.--

5566 (1) For the purposes of this section, the following
 5567 definitions shall apply:

5568 (d) "Resident" means any of the following: a frail elder
 5569 as defined in s. 400.618; a physically disabled or handicapped
 5570 person as defined in s. 760.22(7)(a); a developmentally disabled
 5571 person as defined in s. 393.063; a nondangerous mentally ill
 5572 person as defined in s. 394.455(18); or a child as defined in s.
 5573 39.01(14), s. 984.03(9) or (12), or s. ~~985.03(8)~~.

5574 Section 111. Paragraphs (tt) and (uu) of subsection (2) of
 5575 section 435.04, Florida Statutes, are amended to read:

5576 435.04 Level 2 screening standards.--

5577 (2) The security background investigations under this
 5578 section must ensure that no persons subject to the provisions of
 5579 this section have been found guilty of, regardless of
 5580 adjudication, or entered a plea of nolo contendere or guilty to,
 5581 any offense prohibited under any of the following provisions of
 5582 the Florida Statutes or under any similar statute of another
 5583 jurisdiction:

5584 (tt) Section 985.701 ~~985.4045~~, relating to sexual
 5585 misconduct in juvenile justice programs.

5586 (uu) Section 985.711 ~~985.4046~~, relating to contraband
 5587 introduced into detention facilities.

5588 Section 112. Subsection (4) of section 790.115, Florida
 5589 Statutes, is amended to read:

5590 790.115 Possessing or discharging weapons or firearms at a
 5591 school-sponsored event or on school property prohibited;
 5592 penalties; exceptions.--

5593 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245 ~~985.214~~,
 5594 or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years of age who
 5595 is charged under this section with possessing or discharging a
 5596 firearm on school property shall be detained in secure
 5597 detention, unless the state attorney authorizes the release of
 5598 the minor, and shall be given a probable cause hearing within 24
 5599 hours after being taken into custody. At the hearing, the court
 5600 may order that the minor continue to be held in secure detention
 5601 for a period of 21 days, during which time the minor shall
 5602 receive medical, psychiatric, psychological, or substance abuse

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5603 examinations pursuant to s. 985.18 ~~985.224~~, and a written report
5604 shall be completed.

5605 Section 113. Subsections (8) and (9) of section 790.22,
5606 Florida Statutes, are amended to read:

5607 790.22 Use of BB guns, air or gas-operated guns, or
5608 electric weapons or devices by minor under 16; limitation;
5609 possession of firearms by minor under 18 prohibited;
5610 penalties.--

5611 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)
5612 ~~985.215(1)~~, if a minor under 18 years of age is charged with an
5613 offense that involves the use or possession of a firearm, as
5614 defined in s. 790.001, including a violation of subsection (3),
5615 or is charged for any offense during the commission of which the
5616 minor possessed a firearm, the minor shall be detained in secure
5617 detention, unless the state attorney authorizes the release of
5618 the minor, and shall be given a hearing within 24 hours after
5619 being taken into custody. At the hearing, the court may order
5620 that the minor continue to be held in secure detention in
5621 accordance with the applicable time periods specified in s.
5622 985.26(1)-(5) ~~985.215(5)~~, if the court finds that the minor
5623 meets the criteria specified in s. 985.255 ~~985.215(2)~~, or if the
5624 court finds by clear and convincing evidence that the minor is a
5625 clear and present danger to himself or herself or the community.
5626 The Department of Juvenile Justice shall prepare a form for all
5627 minors charged under this subsection that states the period of
5628 detention and the relevant demographic information, including,
5629 but not limited to, the sex, age, and race of the minor; whether
5630 or not the minor was represented by private counsel or a public

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5631 defender; the current offense; and the minor's complete prior
5632 record, including any pending cases. The form shall be provided
5633 to the judge to be considered when determining whether the minor
5634 should be continued in secure detention under this subsection.
5635 An order placing a minor in secure detention because the minor
5636 is a clear and present danger to himself or herself or the
5637 community must be in writing, must specify the need for
5638 detention and the benefits derived by the minor or the community
5639 by placing the minor in secure detention, and must include a
5640 copy of the form provided by the department. The Department of
5641 Juvenile Justice must send the form, including a copy of any
5642 order, without client-identifying information, to the Office of
5643 Economic and Demographic Research.

5644 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor is
5645 found to have committed an offense that involves the use or
5646 possession of a firearm, as defined in s. 790.001, other than a
5647 violation of subsection (3), or an offense during the commission
5648 of which the minor possessed a firearm, and the minor is not
5649 committed to a residential commitment program of the Department
5650 of Juvenile Justice, in addition to any other punishment
5651 provided by law, the court shall order:

5652 (a) For a first offense, that the minor shall serve a
5653 minimum period of detention of 15 days in a secure detention
5654 facility; and

- 5655 1. Perform 100 hours of community service; and may
- 5656 2. Be placed on community control or in a nonresidential
5657 commitment program.

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5658 (b) For a second or subsequent offense, that the minor
 5659 shall serve a mandatory period of detention of at least 21 days
 5660 in a secure detention facility; and

5661 1. Perform not less than 100 nor more than 250 hours of
 5662 community service; and may

5663 2. Be placed on community control or in a nonresidential
 5664 commitment program.

5665
 5666 The minor shall not receive credit for time served before
 5667 adjudication. For the purposes of this subsection, community
 5668 service shall be performed, if possible, in a manner involving a
 5669 hospital emergency room or other medical environment that deals
 5670 on a regular basis with trauma patients and gunshot wounds.

5671 Section 114. Paragraph (c) of subsection (3) of section
 5672 921.0022, Florida Statutes, is amended to read:

5673 921.0022 Criminal Punishment Code; offense severity
 5674 ranking chart.--

5675 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	

5676

(c) LEVEL 3

5677

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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5678

316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
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5679	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
5680	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
5681	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
5682	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
5683	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
5684	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
5685	327.35 (2) (b)	3rd	Felony BUI.
5686	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent

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5687	328.07(4)	3rd	titles or bills of sale of vessels.
5688	370.12(1)(e)5.	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
5689	370.12(1)(e)6.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
5690	376.302(5)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
5691	400.903(3)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
			Operating a clinic without a license or filing false license application or other required

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5692			information.
	440.105 (3) (b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
5693			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
5694			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
5695			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
5696			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
5697			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
5698			
	697.08	3rd	Equity skimming.
5699			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.

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5700	796.05 (1)	3rd	Live on earnings of a prostitute.
5701	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
5702	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
5703	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
5704	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
5705	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
5706	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
5707	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less

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			than \$20,000.
5708	817.233	3rd	Burning to defraud insurer.
5709	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
5710	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
5711	817.236	3rd	Filing a false motor vehicle insurance application.
5712	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
5713	817.413 (2)	3rd	Sale of used goods as new.
5714	817.505 (4)	3rd	Patient brokering.
5715	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
5716	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud

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			or possessing a counterfeit payment instrument.
5717	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
5718	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
5719	843.19	3rd	Injure, disable, or kill police dog or horse.
5720	860.15 (3)	3rd	Overcharging for repairs and parts.
5721	870.01 (2)	3rd	Riot; inciting or encouraging.
5722	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
5723	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,

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			(2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of university.
5724	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.
5725	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
5726	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
5727	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
5728	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
5729	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent

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5730	893.13 (8) (a) 1.	3rd	material information on any document or record required by chapter 893.
5731	893.13 (8) (a) 2.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
5732	893.13 (8) (a) 3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
5733	893.13 (8) (a) 4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the

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5734			practitioner.
	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
5735			
	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
5736			
	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
5737			
	<u>985.721</u> 985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
5738			
5739	Section 115. Subsection (1) of section 938.10, Florida		
5740	Statutes, is amended to read:		
5741	938.10 Additional court cost imposed in cases of certain		
5742	crimes against minors.--		
5743	(1) If a person pleads guilty or nolo contendere to, or is		
5744	found guilty of, regardless of adjudication, any offense against		
5745	a minor in violation of s. 784.085, chapter 787, chapter 794, s.		
5746	796.03, s. 800.04, chapter 827, s. 847.0145, or s. <u>985.701</u>		
5747	985.4045 , the court shall impose a court cost of \$101 against		
5748	the offender in addition to any other cost or penalty required		
5749	by law.		

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5750 Section 116. Subsection (9) of section 943.053, Florida
 5751 Statutes, is amended to read:
 5752 943.053 Dissemination of criminal justice information;
 5753 fees.--
 5754 (9) Notwithstanding the provisions of s. 943.0525 and any
 5755 user agreements adopted pursuant thereto, and notwithstanding
 5756 the confidentiality of sealed records as provided for in s.
 5757 943.059, the Department of Juvenile Justice or any other state
 5758 or local criminal justice agency may provide copies of the
 5759 Florida criminal history records for juvenile offenders
 5760 currently or formerly detained or housed in a contracted
 5761 juvenile assessment center or detention facility or serviced in
 5762 a contracted treatment program and for employees or other
 5763 individuals who will have access to these facilities, only to
 5764 the entity under direct contract with the Department of Juvenile
 5765 Justice to operate these facilities or programs pursuant to the
 5766 provisions of s. 985.688 ~~985.411~~. The criminal justice agency
 5767 providing such data may assess a charge for the Florida criminal
 5768 history records pursuant to the provisions of chapter 119.
 5769 Sealed records received by the private entity under this section
 5770 remain confidential and exempt from the provisions of s.
 5771 119.07(1). Information provided under this section shall be used
 5772 only for the criminal justice purpose for which it was requested
 5773 and may not be further disseminated.
 5774 Section 117. Subsection (1) of section 943.0582, Florida
 5775 Statutes, is amended to read:
 5776 943.0582 Prearrest, postarrest, or teen court diversion
 5777 program expunction.--

5778 (1) Notwithstanding any law dealing generally with the
 5779 preservation and destruction of public records, the department
 5780 may provide, by rule adopted pursuant to chapter 120, for the
 5781 expunction of any nonjudicial record of the arrest of a minor
 5782 who has successfully completed a prearrest or postarrest
 5783 diversion program for minors as authorized by s. 985.125
 5784 ~~985.3065~~.

5785 Section 118. Paragraph (a) of subsection (4) of section
 5786 943.0585, Florida Statutes, is amended to read:

5787 943.0585 Court-ordered expunction of criminal history
 5788 records.--The courts of this state have jurisdiction over their
 5789 own procedures, including the maintenance, expunction, and
 5790 correction of judicial records containing criminal history
 5791 information to the extent such procedures are not inconsistent
 5792 with the conditions, responsibilities, and duties established by
 5793 this section. Any court of competent jurisdiction may order a
 5794 criminal justice agency to expunge the criminal history record
 5795 of a minor or an adult who complies with the requirements of
 5796 this section. The court shall not order a criminal justice
 5797 agency to expunge a criminal history record until the person
 5798 seeking to expunge a criminal history record has applied for and
 5799 received a certificate of eligibility for expunction pursuant to
 5800 subsection (2). A criminal history record that relates to a
 5801 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 5802 s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071,
 5803 chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135,
 5804 s. 916.1075, or a violation enumerated in s. 907.041 may not be
 5805 expunged, without regard to whether adjudication was withheld,

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5806 if the defendant was found guilty of or pled guilty or nolo
5807 contendere to the offense, or if the defendant, as a minor, was
5808 found to have committed, or pled guilty or nolo contendere to
5809 committing, the offense as a delinquent act. The court may only
5810 order expunction of a criminal history record pertaining to one
5811 arrest or one incident of alleged criminal activity, except as
5812 provided in this section. The court may, at its sole discretion,
5813 order the expunction of a criminal history record pertaining to
5814 more than one arrest if the additional arrests directly relate
5815 to the original arrest. If the court intends to order the
5816 expunction of records pertaining to such additional arrests,
5817 such intent must be specified in the order. A criminal justice
5818 agency may not expunge any record pertaining to such additional
5819 arrests if the order to expunge does not articulate the
5820 intention of the court to expunge a record pertaining to more
5821 than one arrest. This section does not prevent the court from
5822 ordering the expunction of only a portion of a criminal history
5823 record pertaining to one arrest or one incident of alleged
5824 criminal activity. Notwithstanding any law to the contrary, a
5825 criminal justice agency may comply with laws, court orders, and
5826 official requests of other jurisdictions relating to expunction,
5827 correction, or confidential handling of criminal history records
5828 or information derived therefrom. This section does not confer
5829 any right to the expunction of any criminal history record, and
5830 any request for expunction of a criminal history record may be
5831 denied at the sole discretion of the court.

5832 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
5833 criminal history record of a minor or an adult which is ordered

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5834 expunged by a court of competent jurisdiction pursuant to this
5835 section must be physically destroyed or obliterated by any
5836 criminal justice agency having custody of such record; except
5837 that any criminal history record in the custody of the
5838 department must be retained in all cases. A criminal history
5839 record ordered expunged that is retained by the department is
5840 confidential and exempt from the provisions of s. 119.07(1) and
5841 s. 24(a), Art. I of the State Constitution and not available to
5842 any person or entity except upon order of a court of competent
5843 jurisdiction. A criminal justice agency may retain a notation
5844 indicating compliance with an order to expunge.

5845 (a) The person who is the subject of a criminal history
5846 record that is expunged under this section or under other
5847 provisions of law, including former s. 893.14, former s. 901.33,
5848 and former s. 943.058, may lawfully deny or fail to acknowledge
5849 the arrests covered by the expunged record, except when the
5850 subject of the record:

- 5851 1. Is a candidate for employment with a criminal justice
5852 agency;
- 5853 2. Is a defendant in a criminal prosecution;
- 5854 3. Concurrently or subsequently petitions for relief under
5855 this section or s. 943.059;
- 5856 4. Is a candidate for admission to The Florida Bar;
- 5857 5. Is seeking to be employed or licensed by or to contract
5858 with the Department of Children and Family Services or the
5859 Department of Juvenile Justice or to be employed or used by such
5860 contractor or licensee in a sensitive position having direct
5861 contact with children, the developmentally disabled, the aged,

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5862 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 5863 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
 5864 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s.
 5865 985.644 ~~985.407~~, or chapter 400; or

5866 6. Is seeking to be employed or licensed by the Department
 5867 of Education, any district school board, any university
 5868 laboratory school, any charter school, any private or parochial
 5869 school, or any local governmental entity that licenses child
 5870 care facilities.

5871 Section 119. Paragraph (a) of subsection (4) of section
 5872 943.059, Florida Statutes, is amended to read:

5873 943.059 Court-ordered sealing of criminal history
 5874 records.--The courts of this state shall continue to have
 5875 jurisdiction over their own procedures, including the
 5876 maintenance, sealing, and correction of judicial records
 5877 containing criminal history information to the extent such
 5878 procedures are not inconsistent with the conditions,
 5879 responsibilities, and duties established by this section. Any
 5880 court of competent jurisdiction may order a criminal justice
 5881 agency to seal the criminal history record of a minor or an
 5882 adult who complies with the requirements of this section. The
 5883 court shall not order a criminal justice agency to seal a
 5884 criminal history record until the person seeking to seal a
 5885 criminal history record has applied for and received a
 5886 certificate of eligibility for sealing pursuant to subsection
 5887 (2). A criminal history record that relates to a violation of s.
 5888 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 5889 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.

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5890 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or
5891 a violation enumerated in s. 907.041 may not be sealed, without
5892 regard to whether adjudication was withheld, if the defendant
5893 was found guilty of or pled guilty or nolo contendere to the
5894 offense, or if the defendant, as a minor, was found to have
5895 committed or pled guilty or nolo contendere to committing the
5896 offense as a delinquent act. The court may only order sealing of
5897 a criminal history record pertaining to one arrest or one
5898 incident of alleged criminal activity, except as provided in
5899 this section. The court may, at its sole discretion, order the
5900 sealing of a criminal history record pertaining to more than one
5901 arrest if the additional arrests directly relate to the original
5902 arrest. If the court intends to order the sealing of records
5903 pertaining to such additional arrests, such intent must be
5904 specified in the order. A criminal justice agency may not seal
5905 any record pertaining to such additional arrests if the order to
5906 seal does not articulate the intention of the court to seal
5907 records pertaining to more than one arrest. This section does
5908 not prevent the court from ordering the sealing of only a
5909 portion of a criminal history record pertaining to one arrest or
5910 one incident of alleged criminal activity. Notwithstanding any
5911 law to the contrary, a criminal justice agency may comply with
5912 laws, court orders, and official requests of other jurisdictions
5913 relating to sealing, correction, or confidential handling of
5914 criminal history records or information derived therefrom. This
5915 section does not confer any right to the sealing of any criminal
5916 history record, and any request for sealing a criminal history
5917 record may be denied at the sole discretion of the court.

5918 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
 5919 history record of a minor or an adult which is ordered sealed by
 5920 a court of competent jurisdiction pursuant to this section is
 5921 confidential and exempt from the provisions of s. 119.07(1) and
 5922 s. 24(a), Art. I of the State Constitution and is available only
 5923 to the person who is the subject of the record, to the subject's
 5924 attorney, to criminal justice agencies for their respective
 5925 criminal justice purposes, or to those entities set forth in
 5926 subparagraphs (a)1., 4., 5., and 6. for their respective
 5927 licensing and employment purposes.

5928 (a) The subject of a criminal history record sealed under
 5929 this section or under other provisions of law, including former
 5930 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 5931 deny or fail to acknowledge the arrests covered by the sealed
 5932 record, except when the subject of the record:

- 5933 1. Is a candidate for employment with a criminal justice
 5934 agency;
- 5935 2. Is a defendant in a criminal prosecution;
- 5936 3. Concurrently or subsequently petitions for relief under
 5937 this section or s. 943.0585;
- 5938 4. Is a candidate for admission to The Florida Bar;
- 5939 5. Is seeking to be employed or licensed by or to contract
 5940 with the Department of Children and Family Services or the
 5941 Department of Juvenile Justice or to be employed or used by such
 5942 contractor or licensee in a sensitive position having direct
 5943 contact with children, the developmentally disabled, the aged,
 5944 or the elderly as provided in s. 110.1127(3), s. 393.063, s.
 5945 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.

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5946 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
 5947 (13), s. 985.644 ~~985.407~~, or chapter 400; or

5948 6. Is seeking to be employed or licensed by the Department
 5949 of Education, any district school board, any university
 5950 laboratory school, any charter school, any private or parochial
 5951 school, or any local governmental entity that licenses child
 5952 care facilities.

5953 Section 120. Subsection (2) of section 948.51, Florida
 5954 Statutes, is amended to read:

5955 948.51 Community corrections assistance to counties or
 5956 county consortiums.--

5957 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
 5958 county, or a consortium of two or more counties, may contract
 5959 with the Department of Corrections for community corrections
 5960 funds as provided in this section. In order to enter into a
 5961 community corrections partnership contract, a county or county
 5962 consortium must have a public safety coordinating council
 5963 established under s. 951.26 and must designate a county officer
 5964 or agency to be responsible for administering community
 5965 corrections funds received from the state. The public safety
 5966 coordinating council shall prepare, develop, and implement a
 5967 comprehensive public safety plan for the county, or the
 5968 geographic area represented by the county consortium, and shall
 5969 submit an annual report to the Department of Corrections
 5970 concerning the status of the program. In preparing the
 5971 comprehensive public safety plan, the public safety coordinating
 5972 council shall cooperate with the juvenile justice circuit board
 5973 and the juvenile justice county council, established under s.

5974 985.664 ~~985.4135~~, in order to include programs and services for
 5975 juveniles in the plan. To be eligible for community corrections
 5976 funds under the contract, the initial public safety plan must be
 5977 approved by the governing board of the county, or the governing
 5978 board of each county within the consortium, and the Secretary of
 5979 Corrections based on the requirements of this section. If one or
 5980 more other counties develop a unified public safety plan, the
 5981 public safety coordinating council shall submit a single
 5982 application to the department for funding. Continued contract
 5983 funding shall be pursuant to subsection (5). The plan for a
 5984 county or county consortium must cover at least a 5-year period
 5985 and must include:

5986 (a) A description of programs offered for the job
 5987 placement and treatment of offenders in the community.

5988 (b) A specification of community-based intermediate
 5989 sentencing options to be offered and the types and number of
 5990 offenders to be included in each program.

5991 (c) Specific goals and objectives for reducing the
 5992 projected percentage of commitments to the state prison system
 5993 of persons with low total sentencing scores pursuant to the
 5994 Criminal Punishment Code.

5995 (d) Specific evidence of the population status of all
 5996 programs which are part of the plan, which evidence establishes
 5997 that such programs do not include offenders who otherwise would
 5998 have been on a less intensive form of community supervision.

5999 (e) The assessment of population status by the public
 6000 safety coordinating council of all correctional facilities owned

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6001 or contracted for by the county or by each county within the
6002 consortium.

6003 (f) The assessment of bed space that is available for
6004 substance abuse intervention and treatment programs and the
6005 assessment of offenders in need of treatment who are committed
6006 to each correctional facility owned or contracted for by the
6007 county or by each county within the consortium.

6008 (g) A description of program costs and sources of funds
6009 for each community corrections program, including community
6010 corrections funds, loans, state assistance, and other financial
6011 assistance.

6012 Section 121. Section 958.046, Florida Statutes, is amended
6013 to read:

6014 958.046 Placement in county-operated boot camp programs
6015 for youthful offenders.--In counties where there are county-
6016 operated youthful offender boot camp programs, other than boot
6017 camps described in s. 958.04 or s. 985.489 ~~985.309~~, the court
6018 may sentence a youthful offender to such a boot camp. In county-
6019 operated youthful offender boot camp programs, juvenile
6020 offenders shall not be commingled with youthful offenders.

6021 Section 122. Paragraphs (b) and (j) of subsection (1) of
6022 section 960.001, Florida Statutes, are amended to read:

6023 960.001 Guidelines for fair treatment of victims and
6024 witnesses in the criminal justice and juvenile justice
6025 systems.--

6026 (1) The Department of Legal Affairs, the state attorneys,
6027 the Department of Corrections, the Department of Juvenile
6028 Justice, the Parole Commission, the State Courts Administrator

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6029 and circuit court administrators, the Department of Law
6030 Enforcement, and every sheriff's department, police department,
6031 or other law enforcement agency as defined in s. 943.10(4) shall
6032 develop and implement guidelines for the use of their respective
6033 agencies, which guidelines are consistent with the purposes of
6034 this act and s. 16(b), Art. I of the State Constitution and are
6035 designed to implement the provisions of s. 16(b), Art. I of the
6036 State Constitution and to achieve the following objectives:

6037 (b) Information for purposes of notifying victim or
6038 appropriate next of kin of victim or other designated contact of
6039 victim.--In the case of a homicide, pursuant to chapter 782; or
6040 a sexual offense, pursuant to chapter 794; or an attempted
6041 murder or sexual offense, pursuant to chapter 777; or stalking,
6042 pursuant to s. 784.048; or domestic violence, pursuant to s.
6043 25.385:

6044 1. The arresting law enforcement officer or personnel of
6045 an organization that provides assistance to a victim or to the
6046 appropriate next of kin of the victim or other designated
6047 contact must request that the victim or appropriate next of kin
6048 of the victim or other designated contact complete a victim
6049 notification card. However, the victim or appropriate next of
6050 kin of the victim or other designated contact may choose not to
6051 complete the victim notification card.

6052 2. Unless the victim or the appropriate next of kin of the
6053 victim or other designated contact waives the option to complete
6054 the victim notification card, a copy of the victim notification
6055 card must be filed with the incident report or warrant in the
6056 sheriff's office of the jurisdiction in which the incident

6057 report or warrant originated. The notification card shall, at a
 6058 minimum, consist of:

6059 a. The name, address, and phone number of the victim; or

6060 b. The name, address, and phone number of the appropriate
 6061 next of kin of the victim; or

6062 c. The name, address, and phone number of a designated
 6063 contact other than the victim or appropriate next of kin of the
 6064 victim; and

6065 d. Any relevant identification or case numbers assigned to
 6066 the case.

6067 3. The chief administrator, or a person designated by the
 6068 chief administrator, of a county jail, municipal jail, juvenile
 6069 detention facility, or residential commitment facility shall
 6070 make a reasonable attempt to notify the alleged victim or
 6071 appropriate next of kin of the alleged victim or other
 6072 designated contact within 4 hours following the release of the
 6073 defendant on bail or, in the case of a juvenile offender, upon
 6074 the release from residential detention or commitment. If the
 6075 chief administrator, or designee, is unable to contact the
 6076 alleged victim or appropriate next of kin of the alleged victim
 6077 or other designated contact by telephone, the chief
 6078 administrator, or designee, must send to the alleged victim or
 6079 appropriate next of kin of the alleged victim or other
 6080 designated contact a written notification of the defendant's
 6081 release.

6082 4. Unless otherwise requested by the victim or the
 6083 appropriate next of kin of the victim or other designated
 6084 contact, the information contained on the victim notification

6085 card must be sent by the chief administrator, or designee, of
 6086 the appropriate facility to the subsequent correctional or
 6087 residential commitment facility following the sentencing and
 6088 incarceration of the defendant, and unless otherwise requested
 6089 by the victim or the appropriate next of kin of the victim or
 6090 other designated contact, he or she must be notified of the
 6091 release of the defendant from incarceration as provided by law.

6092 5. If the defendant was arrested pursuant to a warrant
 6093 issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in a
 6094 jurisdiction other than the jurisdiction in which the defendant
 6095 is being released, and the alleged victim or appropriate next of
 6096 kin of the alleged victim or other designated contact does not
 6097 waive the option for notification of release, the chief
 6098 correctional officer or chief administrator of the facility
 6099 releasing the defendant shall make a reasonable attempt to
 6100 immediately notify the chief correctional officer of the
 6101 jurisdiction in which the warrant was issued or the juvenile was
 6102 taken into custody pursuant to s. 985.101 ~~985.207~~, and the chief
 6103 correctional officer of that jurisdiction shall make a
 6104 reasonable attempt to notify the alleged victim or appropriate
 6105 next of kin of the alleged victim or other designated contact,
 6106 as provided in this paragraph, that the defendant has been or
 6107 will be released.

6108 (j) Notification of right to request restitution.--Law
 6109 enforcement agencies and the state attorney shall inform the
 6110 victim of the victim's right to request and receive restitution
 6111 pursuant to s. 775.089 or s. 985.437 ~~985.231(1)(a)1.~~, and of the
 6112 victim's rights of enforcement under ss. 775.089(6) and 985.0301

6113 | ~~985.201~~ in the event an offender does not comply with a
 6114 | restitution order. The state attorney shall seek the assistance
 6115 | of the victim in the documentation of the victim's losses for
 6116 | the purpose of requesting and receiving restitution. In
 6117 | addition, the state attorney shall inform the victim if and when
 6118 | restitution is ordered. If an order of restitution is converted
 6119 | to a civil lien or civil judgment against the defendant, the
 6120 | clerks shall make available at their office, as well as on their
 6121 | website, information provided by the Secretary of State, the
 6122 | court, or The Florida Bar on enforcing the civil lien or
 6123 | judgment.

6124 | Section 123. Subsection (48) of section 984.03, Florida
 6125 | Statutes, is amended to read:

6126 | 984.03 Definitions.--When used in this chapter, the term:
 6127 | (48) "Serious or habitual juvenile offender program" means
 6128 | the program established in s. 985.47 ~~985.31~~.

6129 | Section 124. Section 984.05, Florida Statutes, is amended
 6130 | to read:

6131 | 984.05 Rules relating to habitual truants; adoption by
 6132 | State Board of Education and Department of Juvenile
 6133 | Justice.--The Department of Juvenile Justice and the State Board
 6134 | of Education shall work together on the development of, and
 6135 | shall adopt, rules as necessary for the implementation of ss.
 6136 | 984.03(27), 985.03(25)~~(26)~~, and 1003.27.

6137 | Section 125. Paragraph (b) of subsection (4) of section
 6138 | 984.09, Florida Statutes, is amended to read:

6139 | 984.09 Punishment for contempt of court; alternative
 6140 | sanctions.--

6141 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 6142 PROCESS.--

6143 (b) If a child is charged with indirect contempt of court,
 6144 the court must hold a hearing within 24 hours to determine
 6145 whether the child committed indirect contempt of a valid court
 6146 order. At the hearing, the following due process rights must be
 6147 provided to the child:

6148 1. Right to a copy of the order to show cause alleging
 6149 facts supporting the contempt charge.

6150 2. Right to an explanation of the nature and the
 6151 consequences of the proceedings.

6152 3. Right to legal counsel and the right to have legal
 6153 counsel appointed by the court if the juvenile is indigent,
 6154 pursuant to s. 985.033 ~~985.203~~.

6155 4. Right to confront witnesses.

6156 5. Right to present witnesses.

6157 6. Right to have a transcript or record of the proceeding.

6158 7. Right to appeal to an appropriate court.

6159

6160 The child's parent or guardian may address the court regarding
 6161 the due process rights of the child. The court shall review the
 6162 placement of the child every 72 hours to determine whether it is
 6163 appropriate for the child to remain in the facility.

6164 Section 126. Subsections (2) and (6) of section 984.226,
 6165 Florida Statutes, are amended to read:

6166 984.226 Physically secure setting.--

6167 (2) When a petition is filed alleging that a child is a
 6168 child in need of services, the child must be represented by

6169 counsel at each court appearance unless the record in that
 6170 proceeding affirmatively demonstrates by clear and convincing
 6171 evidence that the child knowingly and intelligently waived the
 6172 right to counsel after being fully advised by the court of the
 6173 nature of the proceedings and the dispositional alternatives
 6174 available to the court under this section. If the court decides
 6175 to appoint counsel for the child and if the child is indigent,
 6176 the court shall appoint an attorney to represent the child as
 6177 provided under s. 985.033 ~~985.203~~. Nothing precludes the court
 6178 from requesting reimbursement of attorney's fees and costs from
 6179 the nonindigent parent or legal guardian.

6180 (6) Prior to being ordered to a physically secure setting,
 6181 the child must be afforded all rights of due process required
 6182 under s. 985.037 ~~985.216~~. While in the physically secure
 6183 setting, the child shall receive appropriate assessment,
 6184 treatment, and educational services that are designed to
 6185 eliminate or reduce the child's truant, ungovernable, or runaway
 6186 behavior. The child and family shall be provided with family
 6187 counseling and other support services necessary for
 6188 reunification.

6189 Section 127. Subsection (22) of section 1003.52, Florida
 6190 Statutes, is amended to read:

6191 1003.52 Educational services in Department of Juvenile
 6192 Justice programs.--

6193 (22) The Department of Juvenile Justice and the Department
 6194 of Education, in consultation with Workforce Florida, Inc., the
 6195 statewide Workforce Development Youth Council, district school
 6196 boards, community colleges, providers, and others, shall jointly

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6197 | develop a multiagency plan for career education which describes
 6198 | the funding, curriculum, transfer of credits, goals, and outcome
 6199 | measures for career education programming in juvenile commitment
 6200 | facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be
 6201 | reviewed annually.

6202 | Section 128. Subsection (2) of section 1006.08, Florida
 6203 | Statutes, is amended to read:

6204 | 1006.08 District school superintendent duties relating to
 6205 | student discipline and school safety.--

6206 | (2) Notwithstanding the provisions of s. 985.04 (7) ~~(4)~~ or
 6207 | any other provision of law to the contrary, the court shall,
 6208 | within 48 hours of the finding, notify the appropriate district
 6209 | school superintendent of the name and address of any student
 6210 | found to have committed a delinquent act, or who has had
 6211 | adjudication of a delinquent act withheld which, if committed by
 6212 | an adult, would be a felony, or the name and address of any
 6213 | student found guilty of a felony. Notification shall include the
 6214 | specific delinquent act found to have been committed or for
 6215 | which adjudication was withheld, or the specific felony for
 6216 | which the student was found guilty.

6217 | Section 129. Paragraph (a) of subsection (5) of section
 6218 | 1006.13, Florida Statutes, is amended to read:

6219 | 1006.13 Policy of zero tolerance for crime and
 6220 | victimization.--

6221 | (5) (a) Notwithstanding any provision of law prohibiting
 6222 | the disclosure of the identity of a minor, whenever any student
 6223 | who is attending public school is adjudicated guilty of or
 6224 | delinquent for, or is found to have committed, regardless of

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6225 whether adjudication is withheld, or pleads guilty or nolo
 6226 contendere to, a felony violation of:

- 6227 1. Chapter 782, relating to homicide;
- 6228 2. Chapter 784, relating to assault, battery, and culpable
 6229 negligence;
- 6230 3. Chapter 787, relating to kidnapping, false
 6231 imprisonment, luring or enticing a child, and custody offenses;
- 6232 4. Chapter 794, relating to sexual battery;
- 6233 5. Chapter 800, relating to lewdness and indecent
 6234 exposure;
- 6235 6. Chapter 827, relating to abuse of children;
- 6236 7. Section 812.13, relating to robbery;
- 6237 8. Section 812.131, relating to robbery by sudden
 6238 snatching;
- 6239 9. Section 812.133, relating to carjacking; or
- 6240 10. Section 812.135, relating to home-invasion robbery,
- 6241

6242 and, before or at the time of such adjudication, withholding of
 6243 adjudication, or plea, the offender was attending a school
 6244 attended by the victim or a sibling of the victim of the
 6245 offense, the Department of Juvenile Justice shall notify the
 6246 appropriate district school board of the adjudication or plea,
 6247 the requirements of this paragraph, and whether the offender is
 6248 prohibited from attending that school or riding on a school bus
 6249 whenever the victim or a sibling of the victim is attending the
 6250 same school or riding on the same school bus, except as provided
 6251 pursuant to a written disposition order under s. 985.455(2)
 6252 ~~985.23(1)(d)~~. Upon receipt of such notice, the district school

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6253 board shall take appropriate action to effectuate the provisions
 6254 of paragraph (b).

6255 Section 130. Subsection (1) of section 1012.797, Florida
 6256 Statutes, is amended to read:

6257 1012.797 Notification of district school superintendent of
 6258 certain charges against or convictions of employees.--

6259 (1) Notwithstanding the provisions of s. 985.04 (7) ~~(4)~~ or
 6260 any other provision of law to the contrary, a law enforcement
 6261 agency shall, within 48 hours, notify the appropriate district
 6262 school superintendent of the name and address of any employee of
 6263 the school district who is charged with a felony or with a
 6264 misdemeanor involving the abuse of a minor child or the sale or
 6265 possession of a controlled substance. The notification shall
 6266 include the specific charge for which the employee of the school
 6267 district was arrested. Such notification shall include other
 6268 education providers such as the Florida School for the Deaf and
 6269 the Blind, university lab schools, and private elementary and
 6270 secondary schools.

6271 Section 131. This act shall take effect January 1, 2007.