

1                                   A bill to be entitled  
2       An act relating to juvenile justice; amending s. 985.0301,  
3       F.S.; permitting a court to retain jurisdiction over a  
4       child and the child's parent or legal guardian whom the  
5       court has ordered to pay costs, fees, and costs associated  
6       with court-appointed counsel until the costs, fees, and  
7       costs associated with court-appointed counsel are  
8       satisfied; providing intent; creating s. 985.031, F.S.;  
9       authorizing the court to set reasonable conditions of  
10      preadjudicatory release; providing examples of such  
11      conditions; amending s. 985.101, F.S.; permitting a child  
12      to be taken into custody for violations of preadjudicatory  
13      release conditions; providing that conditions of  
14      preadjudicatory release may not be used to impose home  
15      detention when not otherwise authorized; amending s.  
16      985.24, F.S.; providing an additional finding to support  
17      the use of secure, nonsecure, or home detention care;  
18      amending s. 985.245, F.S.; providing that placement in  
19      detention care under a specified provision does not  
20      require a risk assessment; amending s. 985.25, F.S.;  
21      providing additional grounds for placement of a child in  
22      secure detention care; amending s. 985.255, F.S.;  
23      providing for continuing home or nonsecure or home  
24      detention care or secure detention care prior to a  
25      detention hearing in certain circumstances; amending s.  
26      985.26, F.S.; revising time limits for secure, nonsecure,  
27      or home detention care under a special detention order;  
28      requiring that children who have been released comply with

29 | preadjudicatory release conditions; permitting a child to  
30 | be held in secure detention care for additional time under  
31 | specified circumstances; providing that certain time  
32 | limits do not apply to secure detention under a specified  
33 | provision; amending s. 985.265, F.S.; specifying some  
34 | changed circumstances that permit the Department of  
35 | Juvenile Justice to transfer a child from home or  
36 | nonsecure or home detention care to secure detention care;  
37 | amending s. 985.27, F.S.; specifying circumstances under  
38 | which a child who is awaiting placement in a low-risk or  
39 | minimum-risk residential program may be held in secure  
40 | detention care; providing time limits on such detention  
41 | care; providing for secure detention care for absconders  
42 | from specified types of care; revising provisions for  
43 | detention care of a child awaiting placement in a  
44 | moderate-risk residential program; providing for secure  
45 | detention care in specified circumstances; creating s.  
46 | 985.28, F.S.; providing for secure detention of a child in  
47 | specified circumstances; permitting a parent or legal  
48 | guardian of a child to be held in contempt of court if he  
49 | or she knowingly and willfully fails to bring or otherwise  
50 | prevents the child from appearing for trial; amending s.  
51 | 985.35, F.S.; conforming a cross-reference to changes made  
52 | by the act; amending s. 985.43, F.S.; conforming a cross-  
53 | reference to changes made by the act; providing a  
54 | legislative declaration concerning the determination  
55 | whether to commit a juvenile to the department and the  
56 | most appropriate placement level if the juvenile is

57 committed; amending s. 985.433, F.S.; revising provisions  
 58 relating to recommendations by probation officers to the  
 59 court concerning placement and any proposed treatment plan  
 60 of juveniles; specifying that the court has the power to  
 61 determine appropriate dispositions; requiring that reasons  
 62 for a disposition be stated for the record; amending s.  
 63 985.439, F.S.; permitting a child to be detained in a  
 64 facility other than a consequence unit if one is not  
 65 available for a violation of probation or postcommitment  
 66 probation under specified provisions; creating s. 938.20,  
 67 F.S.; permitting each county to create a juvenile crime  
 68 prevention fund; providing for an additional court cost;  
 69 providing for administration and use of funds; amending s.  
 70 790.22, F.S.; conforming a cross-reference; providing that  
 71 the act fulfills an important state interest; providing an  
 72 effective date.

73

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

75

76 Section 1. Paragraph (i) of subsection (5) of section  
 77 985.0301, Florida Statutes, is amended to read:

78 985.0301 Jurisdiction.--

79 (5)

80 (i) The court retains ~~may retain~~ jurisdiction over a child  
 81 and the child's parent or legal guardian whom:

82 1. The court has ordered to pay restitution until the  
 83 restitution order is satisfied. ~~To retain jurisdiction,~~ The  
 84 court shall enter a restitution order, which is separate from

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85 any disposition or order of commitment, on or prior to the date  
86 that the court's jurisdiction would cease under this section.  
87 The contents of the restitution order shall be limited to the  
88 child's name and address, the name and address of the parent or  
89 legal guardian, the name and address of the payee, the case  
90 number, the date and amount of restitution ordered, any amount  
91 of restitution paid, the amount of restitution due and owing,  
92 and a notation that costs, interest, penalties, and attorney's  
93 fees may also be due and owing. The terms of the restitution  
94 order are subject to s. 775.089(5).

95 2. The court has ordered to pay costs, fees, and costs  
96 associated with court-appointed counsel until the costs, fees,  
97 and costs associated with court-appointed counsel are satisfied,  
98 regardless of adjudication. The child and the child's parent or  
99 legal guardian remain responsible for unpaid costs, fees, and  
100 costs associated with court-appointed counsel until the unpaid  
101 costs, fees, and costs associated with court-appointed counsel  
102 are satisfied, even after the child turns 19 years of age. The  
103 implementation of this subparagraph does not, in any way,  
104 authorize or otherwise permit details of the juvenile court  
105 record to be disclosed except as provided by law.

106  
107 The retention of jurisdiction under this paragraph does not  
108 preclude the department from closing out the community  
109 supervision case for a child if the child has successfully met  
110 all other conditions of the supervision case plan.

111 Section 2. Section 985.031, Florida Statutes, is created  
112 to read:

113 985.031 Preadjudicatory release; circuit court  
 114 authority.--The circuit court shall have the authority to set  
 115 reasonable conditions of preadjudicatory release. The child  
 116 shall comply with all such preadjudicatory release conditions  
 117 prior to an adjudicatory hearing. Reasonable conditions of  
 118 preadjudicatory release may include, but are not limited to, the  
 119 following:

- 120 (1) The child shall not engage in a violation of law.
- 121 (2) The child shall not possess or carry any weapon.
- 122 (3) The child shall not possess or use any alcoholic  
 123 beverage or any illegal drug or associate with those who do.
- 124 (4) The child shall obey all reasonable household rules.
- 125 (5) The child shall attend school regularly, including all  
 126 classes.
- 127 (6) The child shall abide by the curfew set by his or her  
 128 parents or guardians, or as set by the court.
- 129 (7) The child shall have no contact with any codefendants,  
 130 an alleged victim, or the family of any alleged victim.
- 131 (8) The child shall not return to the scene of the alleged  
 132 crime, unless approved by the court.

133 Section 3. Paragraph (d) of subsection (1) of section  
 134 985.101, Florida Statutes, is amended to read:

135 985.101 Taking a child into custody; preadjudicatory  
 136 release conditions.--

137 (1) A child may be taken into custody under the following  
 138 circumstances:

139 (d) By a law enforcement officer who has probable cause to  
 140 believe that the child is in violation of the conditions of the

141 child's preadjudicatory release, conditions of the child's  
 142 probation, home detention, postcommitment probation, or  
 143 conditional release supervision; has absconded from  
 144 nonresidential commitment; or has escaped from residential  
 145 commitment.

146  
 147 Nothing in this subsection shall be construed to allow the  
 148 detention of a child who does not meet the detention criteria in  
 149 part V.

150 Section 4. Subsection (1) of section 985.24, Florida  
 151 Statutes, is amended to read:

152 985.24 Use of detention; prohibitions.--

153 (1) All determinations and court orders regarding the use  
 154 of secure, nonsecure, or home detention care shall be based  
 155 primarily upon findings that the child:

156 (a) Presents a substantial risk of not appearing at a  
 157 subsequent hearing;

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

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

162 (d) Has been adjudicated delinquent and committed to the  
 163 department in a residential facility, but is on home or  
 164 nonsecure detention care while awaiting placement, and:

165 1. Absconds from home or nonsecure detention care or  
 166 otherwise violates the terms of release; or

167 2. There is probable cause to believe that the child has  
 168 committed a new violation of law;

169        (e)~~(d)~~ Has committed contempt of court by:  
 170            1. Intentionally disrupting the administration of the  
 171 court;  
 172            2. Intentionally disobeying a court order; or  
 173            3. Engaging in a punishable act or speech in the court's  
 174 presence which shows disrespect for the authority and dignity of  
 175 the court; or

176        (f)~~(e)~~ Requests protection from imminent bodily harm.

177        Section 5. Subsection (1) of section 985.245, Florida  
 178 Statutes, is amended to read:

179            985.245 Risk assessment instrument.--

180            (1) All determinations and court orders regarding  
 181 placement of a child into detention care shall comply with all  
 182 requirements and criteria provided in this part and shall be  
 183 based on a risk assessment of the child, unless the child is  
 184 placed into detention care as provided in s. 985.255(2) or s.  
 185 985.28.

186        Section 6. Paragraph (b) of subsection (1) of section  
 187 985.25, Florida Statutes, is amended to read:

188            985.25 Detention intake.--

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

195            (b) The juvenile probation officer shall base the decision  
 196 whether ~~or not~~ to place the child into secure detention care,

197 home detention care, or nonsecure detention care on an  
 198 assessment of risk in accordance with the risk assessment  
 199 instrument and procedures developed by the department under s.  
 200 985.245. However, a child shall be placed in secure detention  
 201 care if:

202 1. The child is charged with possessing or discharging a  
 203 firearm on school property in violation of s. 790.115;

204 2. The child is alleged to have absconded from home or  
 205 nonsecure detention care or the child otherwise violates the  
 206 terms of release after adjudication and commitment to the  
 207 department but before placement in a residential facility; or

208 3. There is probable cause to believe the child has  
 209 committed a new violation of law while on home or nonsecure  
 210 detention care after adjudication and commitment but before  
 211 placement in a residential facility ~~shall be placed in secure~~  
 212 ~~detention care.~~

213  
 214 Under no circumstances shall the juvenile probation officer or  
 215 the state attorney or law enforcement officer authorize the  
 216 detention of any child in a jail or other facility intended or  
 217 used for the detention of adults, without an order of the court.

218 Section 7. Subsections (1) and (3) of section 985.255,  
 219 Florida Statutes, are amended to read:

220 985.255 Detention criteria; detention hearing.--

221 (1) Subject to s. 985.25(1), a child taken into custody  
 222 and placed into nonsecure or home detention care or detained in  
 223 secure detention care prior to a detention hearing may continue  
 224 to be detained by the court if:



225        (a) The child is alleged to have absconded from home or  
 226 nonsecure detention care or otherwise violates the terms of  
 227 release after adjudication and commitment but while awaiting  
 228 placement in a residential facility.

229        (b) There is probable cause to believe the child has  
 230 committed a new violation of law while on home or nonsecure  
 231 detention care after adjudication and commitment but while  
 232 awaiting placement in a residential facility.

233        (c)~~(a)~~ The child is alleged to be an escapee from a  
 234 residential commitment program; or an absconder from a  
 235 nonresidential commitment program, a probation program, or  
 236 conditional release supervision; or is alleged to have escaped  
 237 while being lawfully transported to or from a residential  
 238 commitment program.

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

241        (e)~~(c)~~ The child is charged with a delinquent act or  
 242 violation of law and requests in writing through legal counsel  
 243 to be detained for protection from an imminent physical threat  
 244 to his or her personal safety.

245        (f)~~(d)~~ The child is charged with committing an offense of  
 246 domestic violence as defined in s. 741.28 and is detained as  
 247 provided in subsection (2).

248        (g)~~(e)~~ The child is charged with possession or discharging  
 249 a firearm on school property in violation of s. 790.115.

250        (h)~~(f)~~ The child is charged with a capital felony, a life  
 251 felony, a felony of the first degree, a felony of the second  
 252 degree that does not involve a violation of chapter 893, or a

253 felony of the third degree that is also a crime of violence,  
 254 including any such offense involving the use or possession of a  
 255 firearm.

256 (i)~~(g)~~ The child is charged with any second degree or  
 257 third degree felony involving a violation of chapter 893 or any  
 258 third degree felony that is not also a crime of violence, and  
 259 the child:

- 260 1. Has a record of failure to appear at court hearings
- 261 after being properly notified in accordance with the Rules of
- 262 Juvenile Procedure;
- 263 2. Has a record of law violations prior to court hearings;
- 264 3. Has already been detained or has been released and is
- 265 awaiting final disposition of the case;
- 266 4. Has a record of violent conduct resulting in physical
- 267 injury to others; or
- 268 5. Is found to have been in possession of a firearm.

269 (j)~~(h)~~ The child is alleged to have violated the  
 270 conditions of the child's probation or conditional release  
 271 supervision. However, a child detained under this paragraph may  
 272 be held only in a consequence unit as provided in s. 985.439. If  
 273 a consequence unit is not available, the child may be placed in  
 274 secure detention care, home detention care, or home detention  
 275 care with electronic monitoring ~~shall be placed on home~~  
 276 ~~detention with electronic monitoring.~~

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

281 instrument. A child may be held in secure detention for up to 72  
282 hours in advance of the next scheduled court hearing pursuant to  
283 this paragraph. The child's failure to keep the clerk of court  
284 and defense counsel informed of a current and valid mailing  
285 address where the child will receive notice to appear at court  
286 proceedings does not provide an adequate ground for excusal of  
287 the child's nonappearance at the hearings.

288 (1)~~(j)~~ The child is detained on a judicial order for  
289 failure to appear and has previously willfully failed to appear,  
290 after proper notice, at two or more court hearings of any nature  
291 on the same case regardless of the results of the risk  
292 assessment instrument. A child may be held in secure detention  
293 for up to 72 hours in advance of the next scheduled court  
294 hearing pursuant to this paragraph. The child's failure to keep  
295 the clerk of court and defense counsel informed of a current and  
296 valid mailing address where the child will receive notice to  
297 appear at court proceedings does not provide an adequate ground  
298 for excusal of the child's nonappearance at the hearings.

299 (3) (a) A child who meets any of the criteria in subsection  
300 (1) and who is ordered to be detained under that subsection  
301 shall be given a hearing within 24 hours after being taken into  
302 custody. The purpose of the detention hearing is to determine  
303 the existence of probable cause that the child has committed the  
304 delinquent act or violation of law that he or she is charged  
305 with and the need for continued detention. Unless a child is  
306 detained under paragraph (1) (a), paragraph (1) (b), paragraph  
307 (1) (f)~~(d)~~, or paragraph (1) (g)~~(e)~~, the court shall use the  
308 results of the risk assessment performed by the juvenile

309 | probation officer and, based on the criteria in subsection (1),  
310 | shall determine the need for continued detention. A child placed  
311 | into secure, nonsecure, or home detention care may continue to  
312 | be so detained by the court. A child detained under paragraph  
313 | (1) (a) or paragraph (1) (b) may be placed into secure detention  
314 | care pending placement in a residential facility.

315 |       (c) Except as provided in paragraph (1) (a), paragraph  
316 | (1) (b), s. 790.22 (8), or ~~in~~ s. 985.27, when a child is placed  
317 | into secure or nonsecure detention care, or into a respite home  
318 | or other placement pursuant to a court order following a  
319 | hearing, the court order must include specific instructions that  
320 | direct the release of the child from such placement no later  
321 | than 5 p.m. on the last day of the detention period specified in  
322 | s. 985.26 or s. 985.27, whichever is applicable, unless the  
323 | requirements of such applicable provision have been met or an  
324 | order of continuance has been granted under s. 985.26(4).

325 |       Section 8. Section 985.26, Florida Statutes, is amended to  
326 | read:

327 |       985.26 Length of detention.--

328 |       (1) A child may not be placed into or held in secure,  
329 | nonsecure, or home detention care for longer than 24 hours  
330 | unless the court orders such detention care, and the order  
331 | includes specific instructions that direct the release of the  
332 | child from such detention care, in accordance with s. 985.255.  
333 | The order shall be a final order, reviewable by appeal under s.  
334 | 985.534 and the Florida Rules of Appellate Procedure. Appeals of  
335 | such orders shall take precedence over other appeals and other  
336 | pending matters.

337           (2) (a) A child may not be held in secure, nonsecure, or  
 338 home detention care under a special detention order for more  
 339 than 21 days, except as provided in paragraph (b), unless an  
 340 adjudicatory hearing for the case has been commenced in good  
 341 faith by the court.

342           (b)1. A child charged with an offense that would be, if  
 343 committed by an adult, a capital felony, life felony, a felony  
 344 of the first degree, or a felony of the second degree involving  
 345 violence against any individual may not be held in secure,  
 346 nonsecure, or home detention care under a special detention  
 347 order for more than 30 days unless an adjudicatory hearing for  
 348 the case has been commenced in good faith by the court.

349           2. However, Upon good cause being shown that the nature of  
 350 the charge requires additional time for the prosecution or  
 351 defense of the case, the court may extend the length of  
 352 detention under this paragraph for an additional 15 ~~9~~ days ~~if~~  
 353 ~~the child is charged with an offense that would be, if committed~~  
 354 ~~by an adult, a capital felony, a life felony, a felony of the~~  
 355 ~~first degree, or a felony of the second degree involving~~  
 356 ~~violence against any individual.~~

357  
 358 For purposes of this subsection, if a child is released, the  
 359 child must comply with all conditions of preadjudicatory release  
 360 set by the circuit court.

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

364 (4) The time limits in subsections (2) and (3) do not  
365 include periods of delay resulting from a continuance granted by  
366 the court for cause on motion of the child or his or her counsel  
367 or of the state. Upon the issuance of an order granting a  
368 continuance for cause on a motion by either the child, the  
369 child's counsel, or the state, the court shall conduct a hearing  
370 at the end of each 72-hour period, excluding Saturdays, Sundays,  
371 and legal holidays, to determine the need for continued  
372 detention of the child and the need for further continuance of  
373 proceedings for the child or the state.

374 (5) The time limits required under this section do not  
375 apply to children held in secure detention care pursuant to ss.  
376 985.255(1) and (3), 985.27(1)(a) and (b), and 985.28.

377 (6)~~(5)~~ A child who was not in secure detention care at the  
378 time of the adjudicatory hearing, but for whom residential  
379 commitment is anticipated or recommended, may be placed under a  
380 special detention order for a period not to exceed 72 hours,  
381 excluding weekends and legal holidays, for the purpose of  
382 conducting a comprehensive evaluation as provided in s. 985.185.  
383 Motions for the issuance of such special detention order may be  
384 made subsequent to a finding of delinquency. Upon said motion,  
385 the court shall conduct a hearing to determine the  
386 appropriateness of such special detention order and shall order  
387 the least restrictive level of detention care necessary to  
388 complete the comprehensive evaluation process that is consistent  
389 with public safety. Such special detention order may be extended  
390 for an additional 72 hours upon further order of the court.

391           ~~(7)(6)~~ If a child is detained and a petition for  
 392 delinquency is filed, the child shall be arraigned in accordance  
 393 with the Florida Rules of Juvenile Procedure within 48 hours  
 394 after the filing of the petition for delinquency.

395           Section 9. Subsection (1) of section 985.265, Florida  
 396 Statutes, is amended to read:

397           985.265 Detention transfer and release; education; adult  
 398 jails.--

399           (1) If a child is detained under this part, the department  
 400 may transfer the child from nonsecure or home detention care to  
 401 secure detention care only if significantly changed  
 402 circumstances warrant such transfer. Such circumstances include,  
 403 but are not necessarily limited to:

404           (a) Where a child is alleged to have absconded from home  
 405 or nonsecure detention care or otherwise violates the terms of  
 406 release after adjudication and commitment but while awaiting  
 407 placement in a residential facility; or

408           (b) Where probable cause exists that a child has committed  
 409 a new violation of law while on home or nonsecure detention care  
 410 after adjudication and commitment but while awaiting placement  
 411 in a residential facility.

412           Section 10. Subsection (1) of section 985.27, Florida  
 413 Statutes, is amended to read:

414           985.27 Postcommitment detention while awaiting  
 415 placement.--

416           (1) The court must place all children who are adjudicated  
 417 and awaiting placement in a commitment program in secure  
 418 detention care, home detention care, or nonsecure detention

419 care. Children who are in home detention care or nonsecure  
 420 detention care may be placed on electronic monitoring.

421 (a) A child who is awaiting placement in a low-risk  
 422 residential program must be removed from detention within 5  
 423 days, excluding Saturdays, Sundays, and legal holidays. Any  
 424 child held in secure detention during the 5 days must meet  
 425 detention admission criteria under this part. A child who is  
 426 placed in home detention care, nonsecure detention care, or home  
 427 or nonsecure detention care with electronic monitoring, while  
 428 awaiting placement in a minimum-risk or low-risk program, may be  
 429 held in secure detention care for 5 days, if the child violates  
 430 the conditions of the home detention care, the nonsecure  
 431 detention care, or the electronic monitoring agreement. For any  
 432 subsequent violation, the court may impose an additional 15 5  
 433 days, excluding Saturdays, Sundays, and legal holidays, in  
 434 secure detention care.

435 (b)1. A child who is awaiting placement in a moderate-risk  
 436 residential program must be placed in secure detention care,  
 437 home detention care, or nonsecure detention care. Any child held  
 438 in secure detention care must meet detention admission criteria  
 439 under this part.

440 2. A child may not be held in secure detention care longer  
 441 than 15 days, excluding Saturdays, Sundays, and legal holidays,  
 442 while awaiting placement in a moderate-risk residential  
 443 facility, except that any child shall be held in secure  
 444 detention care until placed in a residential facility if:



445 a. The child is alleged to have absconded from home  
 446 detention care or nonsecure detention care or otherwise violated  
 447 the terms of release or electronic monitoring; or

448 b. Probable cause exists that a child committed a new  
 449 violation of law while on home detention care, nonsecure  
 450 detention care, or electronic monitoring and the child is  
 451 awaiting placement in a residential program. ~~A child who is~~  
 452 ~~awaiting placement in a moderate-risk residential program must~~  
 453 ~~be removed from detention within 5 days, excluding Saturdays,~~  
 454 ~~Sundays, and legal holidays. Any child held in secure detention~~  
 455 ~~during the 5 days must meet detention admission criteria under~~  
 456 ~~this part. The department may seek an order from the court~~  
 457 ~~authorizing continued detention for a specific period of time~~  
 458 ~~necessary for the appropriate residential placement of the~~  
 459 ~~child. However, such continued detention in secure detention~~  
 460 ~~care may not exceed 15 days after entry of the commitment order,~~  
 461 ~~excluding Saturdays, Sundays, and legal holidays, and except as~~  
 462 ~~otherwise provided in this section. A child who is placed in~~  
 463 ~~home detention care, nonsecure detention care, or home or~~  
 464 ~~nonsecure detention care with electronic monitoring, while~~  
 465 ~~awaiting placement in a moderate-risk program, may be held in~~  
 466 ~~secure detention care for 5 days, if the child violates the~~  
 467 ~~conditions of the home detention care, the nonsecure detention~~  
 468 ~~care, or the electronic monitoring agreement. For any subsequent~~  
 469 ~~violation, the court may impose an additional 5 days in secure~~  
 470 ~~detention care.~~

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

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

477 Section 11. Section 985.28, Florida Statutes, is created  
478 to read:

479 985.28 Appearance in court; preadjudicatory detention;  
480 contempt.--

481 (1) A child may be held in secure detention care if, after  
482 proper notice, the child fails to appear in court because the  
483 child refuses to appear, runs away, or otherwise intentionally  
484 avoids his or her appearance. The court may hold the child in  
485 secure detention care until the trial concludes, regardless of  
486 the results of the risk assessment instrument.

487 (2) A parent or legal guardian, after being properly  
488 noticed, who knowingly and willfully fails to bring or otherwise  
489 prevents a child from appearing for trial may be held in  
490 contempt of court.

491 Section 12. Subsection (1) of section 985.35, Florida  
492 Statutes, is amended to read:

493 985.35 Adjudicatory hearings; withheld adjudications;  
494 orders of adjudication.--

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

499 reasonable delay for the purpose of investigation, discovery, or  
 500 procuring counsel or witnesses shall be granted. If the child is  
 501 being detained, the time limitations in s. 985.26(2) ~~and (3)~~  
 502 apply.

503 Section 13. Paragraph (c) of subsection (1) of section  
 504 985.43, Florida Statutes, is amended, and subsection (4) is  
 505 added to that section, to read:

506 985.43 Predisposition reports; other evaluations.--

507 (1) Upon a finding that the child has committed a  
 508 delinquent act:

509 (c) A child who was not in secure detention at the time of  
 510 the adjudicatory hearing, but for whom residential commitment is  
 511 anticipated or recommended, may be placed under a special  
 512 detention order, as provided in s. 985.26 (6) ~~(5)~~, for the purpose  
 513 of conducting a comprehensive evaluation.

514 (4) The Legislature finds that the court is in the best  
 515 position to weigh all facts and circumstances to determine  
 516 whether or not to commit a juvenile to the department and to  
 517 determine the most appropriate restrictiveness level for a  
 518 juvenile committed to the department.

519 Section 14. Paragraphs (a) and (b) of subsection (7) of  
 520 section 985.433, Florida Statutes, are amended to read:

521 985.433 Disposition hearings in delinquency cases.--When a  
 522 child has been found to have committed a delinquent act, the  
 523 following procedures shall be applicable to the disposition of  
 524 the case:

525 (7) If the court determines that the child should be  
 526 adjudicated as having committed a delinquent act and should be

527 committed to the department, such determination shall be in  
528 writing or on the record of the hearing. The determination shall  
529 include a specific finding of the reasons for the decision to  
530 adjudicate and to commit the child to the department, including  
531 any determination that the child was a member of a criminal  
532 street gang.

533 (a) The juvenile probation officer shall make a  
534 recommendation to the court concerning placement and any  
535 proposed treatment plan ~~recommend to the court the most~~  
536 ~~appropriate placement and treatment plan, specifically~~  
537 ~~identifying the restrictiveness level most appropriate for the~~  
538 ~~child.~~ If the court has determined that the child was a member  
539 of a criminal street gang, that determination shall be given  
540 great weight in identifying the most appropriate restrictiveness  
541 level for the child. The court shall consider the department's  
542 recommendation in making its commitment decision.

543 (b) The court may ~~shall~~ commit the child to the department  
544 at the restrictiveness level identified by the department, or  
545 the court may order placement at a different restrictiveness  
546 level. The court may determine the disposition on the same  
547 factors as the department considered in the department's  
548 predisposition report and placement recommendation even if the  
549 court reaches a different conclusion. The court may commit the  
550 child to a different restrictiveness level than recommended by  
551 the department. The court shall state for the record the reasons  
552 for the disposition imposed ~~that establish by a preponderance of~~  
553 ~~the evidence why the court is disregarding the assessment of the~~  
554 ~~child and the restrictiveness level recommended by the~~

555 ~~department. Any party may appeal the court's findings resulting~~  
 556 ~~in a modified level of restrictiveness under this paragraph. The~~  
 557 ~~department shall maintain data to identify the extent to which~~  
 558 ~~the courts agree with the department's recommendation.~~

559 Section 15. Subsection (2) of section 985.439, Florida  
 560 Statutes, is amended to read:

561 985.439 Violation of probation or postcommitment  
 562 probation.--

563 (2) A child taken into custody under s. 985.101 for  
 564 violating the conditions of probation or postcommitment  
 565 probation shall be held in a consequence unit if such a unit is  
 566 available or may be detained under part V in a facility other  
 567 than a consequence unit if one is not available. The child shall  
 568 be afforded a hearing within 24 hours after being taken into  
 569 custody to determine the existence of probable cause that the  
 570 child violated the conditions of probation or postcommitment  
 571 probation. A consequence unit is a secure facility specifically  
 572 designated by the department for children who are taken into  
 573 custody under s. 985.101 for violating probation or  
 574 postcommitment probation, or who have been found by the court to  
 575 have violated the conditions of probation or postcommitment  
 576 probation. If the violation involves a new charge of  
 577 delinquency, the child may be detained under part V in a  
 578 facility other than a consequence unit. If the child is not  
 579 eligible for detention for the new charge of delinquency, the  
 580 child may be held in the consequence unit pending a hearing and  
 581 is subject to the time limitations specified in part V.

582 Section 16. Section 938.20, Florida Statutes, is created  
583 to read:

584 938.20 County juvenile crime prevention fund.--

585 (1) Notwithstanding s. 318.121, and in addition to ss.  
586 938.19 and 939.185, in each county the board of county  
587 commissioners may adopt a mandatory court cost to be assessed in  
588 specific cases by incorporating by reference the provisions of  
589 this section in a county ordinance. Assessments collected by the  
590 clerk of the circuit court under this section shall be deposited  
591 into an account specifically for the administration of the  
592 county's juvenile crime prevention fund. The proceeds of the  
593 county's juvenile crime prevention fund shall only be used to  
594 fund local programs whose principal focus is the prevention of  
595 juvenile crime, the creation of consequence or suspension  
596 centers, and truancy programs and such other areas of local  
597 concern relating to juvenile crime.

598 (2) A sum of up to \$50 shall be assessed as a court cost  
599 in the circuit court in the county against each juvenile who  
600 pleads guilty or nolo contendere to, or is found guilty of,  
601 regardless of adjudication, a violation of criminal law or  
602 municipal or county ordinance.

603 (3) The assessment for court costs under this section  
604 shall be assessed in addition to any other cost or fee and may  
605 not be deducted from the proceeds of any other cost that is  
606 received by the county.

607 (4) (a) The clerk of the circuit court shall collect the  
608 assessments for court costs under this section and shall remit

609 the assessments to the county's juvenile crime prevention fund  
610 monthly.

611 (b) The clerk of the circuit court shall withhold 3  
612 percent of the assessments collected, which shall be retained as  
613 fee income of the office of the clerk of the circuit court.

614 (5) A county's juvenile crime prevention fund must account  
615 for all funds received and disbursed under this section in a  
616 written report to the board of county commissioners of that  
617 county. The report must be given to the commissioners by August  
618 1 of each year unless a different date is required by the  
619 commissioners.

620 (6) A county's juvenile crime prevention fund may be  
621 administered by a nonprofit organization, a law enforcement  
622 agency, the court administrator, the clerk of the circuit court,  
623 a county agency, or another similar agency authorized by the  
624 board of county commissioners of that county.

625 Section 17. Subsection (8) of section 790.22, Florida  
626 Statutes, is amended to read:

627 790.22 Use of BB guns, air or gas-operated guns, or  
628 electric weapons or devices by minor under 16; limitation;  
629 possession of firearms by minor under 18 prohibited;  
630 penalties.--

631 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor  
632 under 18 years of age is charged with an offense that involves  
633 the use or possession of a firearm, as defined in s. 790.001,  
634 including a violation of subsection (3), or is charged for any  
635 offense during the commission of which the minor possessed a  
636 firearm, the minor shall be detained in secure detention, unless

637 the state attorney authorizes the release of the minor, and  
638 shall be given a hearing within 24 hours after being taken into  
639 custody. At the hearing, the court may order that the minor  
640 continue to be held in secure detention in accordance with the  
641 applicable time periods specified in s. 985.26 (1) - (6) ~~(1) - (5)~~, if  
642 the court finds that the minor meets the criteria specified in  
643 s. 985.255, or if the court finds by clear and convincing  
644 evidence that the minor is a clear and present danger to himself  
645 or herself or the community. The Department of Juvenile Justice  
646 shall prepare a form for all minors charged under this  
647 subsection that states the period of detention and the relevant  
648 demographic information, including, but not limited to, the sex,  
649 age, and race of the minor; whether or not the minor was  
650 represented by private counsel or a public defender; the current  
651 offense; and the minor's complete prior record, including any  
652 pending cases. The form shall be provided to the judge to be  
653 considered when determining whether the minor should be  
654 continued in secure detention under this subsection. An order  
655 placing a minor in secure detention because the minor is a clear  
656 and present danger to himself or herself or the community must  
657 be in writing, must specify the need for detention and the  
658 benefits derived by the minor or the community by placing the  
659 minor in secure detention, and must include a copy of the form  
660 provided by the department. The Department of Juvenile Justice  
661 must send the form, including a copy of any order, without  
662 client-identifying information, to the Office of Economic and  
663 Demographic Research.



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664           Section 18. The Legislature determines and declares that  
665 this act fulfills an important state interest.

666           Section 19. This act shall take effect July 1, 2008.