

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.; requiring that children who have been
27 released comply with preadjudicatory release conditions;
28 providing that certain time limits do not apply to secure

29 detention under specified provisions; amending s. 985.265,
30 F.S.; specifying some changed circumstances that permit
31 the Department of Juvenile Justice to transfer a child
32 from home or nonsecure or home detention care to secure
33 detention care; amending s. 985.27, F.S.; specifying
34 circumstances under which a child who is awaiting
35 placement in a low-risk or minimum-risk residential
36 program may be held in secure detention care; providing
37 time limits on such detention care; providing for secure
38 detention care for absconders from specified types of
39 care; revising provisions for detention care of a child
40 awaiting placement in a moderate-risk residential program;
41 providing for secure detention care in specified
42 circumstances; creating s. 985.28, F.S.; providing for
43 secure detention of a child in specified circumstances;
44 permitting a parent or legal guardian of a child to be
45 held in contempt of court if he or she knowingly and
46 willfully fails to bring or otherwise prevents the child
47 from appearing for trial; amending s. 985.35, F.S.;
48 conforming a cross-reference to changes made by the act;
49 amending s. 985.43, F.S.; conforming a cross-reference to
50 changes made by the act; providing a legislative
51 declaration concerning the determination whether to commit
52 a juvenile to the department and the most appropriate
53 placement level if the juvenile is committed; amending s.
54 985.433, F.S.; revising provisions relating to
55 recommendations by probation officers to the court
56 concerning placement and any proposed treatment plan of

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

70

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

72

73 Section 1. Paragraph (i) of subsection (5) of section
 74 985.0301, Florida Statutes, is amended to read:

75 985.0301 Jurisdiction.--

76 (5)

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

79 1. The court has ordered to pay restitution until the
 80 restitution order is satisfied. ~~To retain jurisdiction,~~ The
 81 court shall enter a restitution order, which is separate from
 82 any disposition or order of commitment, on or prior to the date
 83 that the court's jurisdiction would cease under this section.

84 The contents of the restitution order shall be limited to the

85 child's name and address, the name and address of the parent or
86 legal guardian, the name and address of the payee, the case
87 number, the date and amount of restitution ordered, any amount
88 of restitution paid, the amount of restitution due and owing,
89 and a notation that costs, interest, penalties, and attorney's
90 fees may also be due and owing. The terms of the restitution
91 order are subject to s. 775.089(5).

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

103
104 The retention of jurisdiction under this paragraph does not
105 preclude the department from closing out the community
106 supervision case for a child if the child has successfully met
107 all other conditions of the supervision case plan.

108 Section 2. Section 985.031, Florida Statutes, is created
109 to read:

110 985.031 Preadjudicatory release; circuit court
111 authority.--The circuit court shall have the authority to set
112 reasonable conditions of preadjudicatory release. The child

113 shall comply with all such preadjudicatory release conditions
 114 prior to an adjudicatory hearing. Reasonable conditions of
 115 preadjudicatory release may include, but are not limited to, the
 116 following:

117 (1) The child shall not engage in a violation of law.

118 (2) The child shall not possess or carry any weapon.

119 (3) The child shall not possess or use any alcoholic
 120 beverage or illegal drug or associate with those who are
 121 currently possessing or using any alcoholic beverage or illegal
 122 drug.

123 (4) The child shall obey all reasonable household rules.

124 (5) The child shall attend school regularly, including all
 125 classes.

126 (6) The child shall abide by the curfew set by his or her
 127 parents or guardians, or as set by the court.

128 (7) The child shall have no contact with any codefendants,
 129 an alleged victim, or the family of any alleged victim.

130 (8) The child shall not return to the scene of the alleged
 131 crime, unless approved by the court.

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

134 985.101 Taking a child into custody; preadjudicatory
 135 release conditions.--

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

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

141 probation, home detention, postcommitment probation, or
 142 conditional release supervision; has absconded from
 143 nonresidential commitment; or has escaped from residential
 144 commitment.

145
 146 Nothing in this subsection shall be construed to allow the
 147 detention of a child who does not meet the detention criteria in
 148 part V.

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

151 985.24 Use of detention; prohibitions.--

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

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

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

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

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

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

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

168 (e)-(d) Has committed contempt of court by:

- 169 1. Intentionally disrupting the administration of the
 170 court;
 171 2. Intentionally disobeying a court order; or
 172 3. Engaging in a punishable act or speech in the court's
 173 presence which shows disrespect for the authority and dignity of
 174 the court; or

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

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

178 985.245 Risk assessment instrument.--

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

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

187 985.25 Detention intake.--

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

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

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

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

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

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

212
 213 Under no circumstances shall the juvenile probation officer or
 214 the state attorney or law enforcement officer authorize the
 215 detention of any child in a jail or other facility intended or
 216 used for the detention of adults, without an order of the court.

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

219 985.255 Detention criteria; detention hearing.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326 985.26 Length of detention.--

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

336 (2) A child may not be held in secure, nonsecure, or home
337 detention care under a special detention order for more than 21
338 days unless an adjudicatory hearing for the case has been
339 commenced in good faith by the court. However, upon good cause
340 being shown that the nature of the charge requires additional
341 time for the prosecution or defense of the case, the court may
342 extend the length of detention for an additional 9 days if the
343 child is charged with an offense that would be, if committed by
344 an adult, a capital felony, a life felony, a felony of the first
345 degree, or a felony of the second degree involving violence
346 against any individual. For purposes of this subsection, if a
347 child is released, the child must comply with all conditions of
348 preadjudicatory release set by the circuit court.

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

352 (4) The time limits in subsections (2) and (3) do not
353 include periods of delay resulting from a continuance granted by
354 the court for cause on motion of the child or his or her counsel
355 or of the state. Upon the issuance of an order granting a
356 continuance for cause on a motion by either the child, the
357 child's counsel, or the state, the court shall conduct a hearing
358 at the end of each 72-hour period, excluding Saturdays, Sundays,
359 and legal holidays, to determine the need for continued
360 detention of the child and the need for further continuance of
361 proceedings for the child or the state.

362 (5) The time limits required under this section do not
 363 apply to children held in secure detention care pursuant to ss.
 364 985.255(1) and (3), 985.27(1)(a) and (b), and 985.28.

365 ~~(6)-(5)~~ A child who was not in secure detention care at the
 366 time of the adjudicatory hearing, but for whom residential
 367 commitment is anticipated or recommended, may be placed under a
 368 special detention order for a period not to exceed 72 hours,
 369 excluding weekends and legal holidays, for the purpose of
 370 conducting a comprehensive evaluation as provided in s. 985.185.
 371 Motions for the issuance of such special detention order may be
 372 made subsequent to a finding of delinquency. Upon said motion,
 373 the court shall conduct a hearing to determine the
 374 appropriateness of such special detention order and shall order
 375 the least restrictive level of detention care necessary to
 376 complete the comprehensive evaluation process that is consistent
 377 with public safety. Such special detention order may be extended
 378 for an additional 72 hours upon further order of the court.

379 ~~(7)-(6)~~ If a child is detained and a petition for
 380 delinquency is filed, the child shall be arraigned in accordance
 381 with the Florida Rules of Juvenile Procedure within 48 hours
 382 after the filing of the petition for delinquency.

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

385 985.265 Detention transfer and release; education; adult
 386 jails.--

387 (1) If a child is detained under this part, the department
 388 may transfer the child from nonsecure or home detention care to
 389 secure detention care only if significantly changed

390 | circumstances warrant such transfer. Such circumstances include,
 391 | but are not necessarily limited to:

392 | (a) Where a child is alleged to have absconded from home
 393 | or nonsecure detention care or otherwise violates the terms of
 394 | release after adjudication and commitment but while awaiting
 395 | placement in a residential facility; or

396 | (b) Where probable cause exists that a child has committed
 397 | a new violation of law while on home or nonsecure detention care
 398 | after adjudication and commitment but while awaiting placement
 399 | in a residential facility.

400 | Section 10. Subsection (1) of section 985.27, Florida
 401 | Statutes, is amended to read:

402 | 985.27 Postcommitment detention while awaiting
 403 | placement.--

404 | (1) The court must place all children who are adjudicated
 405 | and awaiting placement in a commitment program in secure
 406 | detention care, home detention care, or nonsecure detention
 407 | care. Children who are in home detention care or nonsecure
 408 | detention care may be placed on electronic monitoring.

409 | (a) A child who is awaiting placement in a low-risk
 410 | residential program must be removed from detention within 5
 411 | days, excluding Saturdays, Sundays, and legal holidays. Any
 412 | child held in secure detention during the 5 days must meet
 413 | detention admission criteria under this part. A child who is
 414 | placed in home detention care, nonsecure detention care, or home
 415 | or nonsecure detention care with electronic monitoring, while
 416 | awaiting placement in a minimum-risk or low-risk program, may be
 417 | held in secure detention care for 5 days, if the child violates

418 the conditions of the home detention care, the nonsecure
419 detention care, or the electronic monitoring agreement. For any
420 subsequent violation, the court may impose an additional 15 ~~5~~
421 days, excluding Saturdays, Sundays, and legal holidays, in
422 secure detention care.

423 (b)1. A child who is awaiting placement in a moderate-risk
424 residential program must be placed in secure detention care,
425 home detention care, or nonsecure detention care. Any child held
426 in secure detention care must meet detention admission criteria
427 under this part.

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

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

436 b. Probable cause exists that a child committed a new
437 violation of law while on home detention care, nonsecure
438 detention care, or electronic monitoring and the child is
439 awaiting placement in a residential program. ~~A child who is~~
440 ~~awaiting placement in a moderate risk residential program must~~
441 ~~be removed from detention within 5 days, excluding Saturdays,~~
442 ~~Sundays, and legal holidays. Any child held in secure detention~~
443 ~~during the 5 days must meet detention admission criteria under~~
444 ~~this part. The department may seek an order from the court~~
445 ~~authorizing continued detention for a specific period of time~~

446 ~~necessary for the appropriate residential placement of the~~
447 ~~child. However, such continued detention in secure detention~~
448 ~~care may not exceed 15 days after entry of the commitment order,~~
449 ~~excluding Saturdays, Sundays, and legal holidays, and except as~~
450 ~~otherwise provided in this section. A child who is placed in~~
451 ~~home detention care, nonsecure detention care, or home or~~
452 ~~nonsecure detention care with electronic monitoring, while~~
453 ~~awaiting placement in a moderate-risk program, may be held in~~
454 ~~secure detention care for 5 days, if the child violates the~~
455 ~~conditions of the home detention care, the nonsecure detention~~
456 ~~care, or the electronic monitoring agreement. For any subsequent~~
457 ~~violation, the court may impose an additional 5 days in secure~~
458 ~~detention care.~~

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

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

465 Section 11. Section 985.28, Florida Statutes, is created
466 to read:

467 985.28 Appearance in court; preadjudicatory detention;
468 contempt.--

469 (1) A child may be held in secure detention care if, after
470 proper notice, the child fails to appear in court because the
471 child refuses to appear, runs away, or otherwise intentionally
472 avoids his or her appearance. The court may hold the child in

473 secure detention care until the trial concludes, regardless of
 474 the results of the risk assessment instrument.

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

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

481 985.35 Adjudicatory hearings; withheld adjudications;
 482 orders of adjudication.--

483 (1) The adjudicatory hearing must be held as soon as
 484 practicable after the petition alleging that a child has
 485 committed a delinquent act or violation of law is filed and in
 486 accordance with the Florida Rules of Juvenile Procedure; but
 487 reasonable delay for the purpose of investigation, discovery, or
 488 procuring counsel or witnesses shall be granted. If the child is
 489 being detained, the time limitations in s. 985.26(2) ~~and (3)~~
 490 apply.

491 Section 13. Paragraph (c) of subsection (1) of section
 492 985.43, Florida Statutes, is amended, and subsection (4) is
 493 added to that section, to read:

494 985.43 Predisposition reports; other evaluations.--

495 (1) Upon a finding that the child has committed a
 496 delinquent act:

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

500 detention order, as provided in s. 985.26 (6) ~~(5)~~, for the purpose
 501 of conducting a comprehensive evaluation.

502 (4) The Legislature finds that the court is in the best
 503 position to weigh all facts and circumstances to determine
 504 whether or not to commit a juvenile to the department and to
 505 determine the most appropriate restrictiveness level for a
 506 juvenile committed to the department.

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

509 985.433 Disposition hearings in delinquency cases.--When a
 510 child has been found to have committed a delinquent act, the
 511 following procedures shall be applicable to the disposition of
 512 the case:

513 (7) If the court determines that the child should be
 514 adjudicated as having committed a delinquent act and should be
 515 committed to the department, such determination shall be in
 516 writing or on the record of the hearing. The determination shall
 517 include a specific finding of the reasons for the decision to
 518 adjudicate and to commit the child to the department, including
 519 any determination that the child was a member of a criminal
 520 street gang.

521 (a) The juvenile probation officer shall make a
 522 recommendation to the court concerning placement and any
 523 proposed treatment plan ~~recommend to the court the most~~
 524 ~~appropriate placement and treatment plan, specifically~~
 525 ~~identifying the restrictiveness level most appropriate for the~~
 526 ~~child.~~ If the court has determined that the child was a member
 527 of a criminal street gang, that determination shall be given

528 great weight in identifying the most appropriate restrictiveness
 529 level for the child. The court shall consider the department's
 530 recommendation in making its commitment decision.

531 (b) The court may ~~shall~~ commit the child to the department
 532 at the restrictiveness level identified by the department, or
 533 the court may order placement at a different restrictiveness
 534 level. The court may determine the disposition on the same
 535 factors as the department considered in the department's
 536 predisposition report and placement recommendation even if the
 537 court reaches a different conclusion. The court may commit the
 538 child to a different restrictiveness level than recommended by
 539 the department. The court shall state for the record the reasons
 540 for the disposition imposed ~~that establish by a preponderance of~~
 541 ~~the evidence why the court is disregarding the assessment of the~~
 542 ~~child and the restrictiveness level recommended by the~~
 543 ~~department.~~ Any party may appeal the court's findings resulting
 544 in a modified level of restrictiveness under this paragraph. The
 545 department shall maintain data to identify the extent to which
 546 the courts agree with the department's recommendation.

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

549 985.439 Violation of probation or postcommitment
 550 probation.--

551 (2) A child taken into custody under s. 985.101 for
 552 violating the conditions of probation or postcommitment
 553 probation shall be held in a consequence unit if such a unit is
 554 available or may be detained under part V in a facility other
 555 than a consequence unit if one is not available. The child shall

556 be afforded a hearing within 24 hours after being taken into
557 custody to determine the existence of probable cause that the
558 child violated the conditions of probation or postcommitment
559 probation. A consequence unit is a secure facility specifically
560 designated by the department for children who are taken into
561 custody under s. 985.101 for violating probation or
562 postcommitment probation, or who have been found by the court to
563 have violated the conditions of probation or postcommitment
564 probation. If the violation involves a new charge of
565 delinquency, the child may be detained under part V in a
566 facility other than a consequence unit. If the child is not
567 eligible for detention for the new charge of delinquency, the
568 child may be held in the consequence unit pending a hearing and
569 is subject to the time limitations specified in part V.

570 Section 16. Section 938.20, Florida Statutes, is created
571 to read:

572 938.20 County juvenile crime prevention fund.--

573 (1) Notwithstanding s. 318.121, and in addition to ss.
574 938.19 and 939.185, in each county the board of county
575 commissioners may adopt a mandatory court cost to be assessed in
576 specific cases by incorporating by reference the provisions of
577 this section in a county ordinance. Assessments collected by the
578 clerk of the circuit court under this section shall be deposited
579 into an account specifically for the administration of the
580 county's juvenile crime prevention fund. The proceeds of the
581 county's juvenile crime prevention fund shall only be used to
582 fund local programs whose principal focus is the prevention of
583 juvenile crime, the creation of consequence or suspension

584 centers, and truancy programs and such other areas of local
585 concern relating to juvenile crime.

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

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

595 (4) (a) The clerk of the circuit court shall collect the
596 assessments for court costs under this section and shall remit
597 the assessments to the county's juvenile crime prevention fund
598 monthly.

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

602 (5) A county's juvenile crime prevention fund must account
603 for all funds received and disbursed under this section in a
604 written report to the board of county commissioners of that
605 county. The report must be given to the commissioners by August
606 1 of each year unless a different date is required by the
607 commissioners.

608 (6) A county's juvenile crime prevention fund may be
609 administered by a nonprofit organization, a law enforcement
610 agency, the court administrator, the clerk of the circuit court,

611 a county agency, or another similar agency authorized by the
 612 board of county commissioners of that county.

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

615 790.22 Use of BB guns, air or gas-operated guns, or
 616 electric weapons or devices by minor under 16; limitation;
 617 possession of firearms by minor under 18 prohibited;
 618 penalties.--

619 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
 620 under 18 years of age is charged with an offense that involves
 621 the use or possession of a firearm, as defined in s. 790.001,
 622 including a violation of subsection (3), or is charged for any
 623 offense during the commission of which the minor possessed a
 624 firearm, the minor shall be detained in secure detention, unless
 625 the state attorney authorizes the release of the minor, and
 626 shall be given a hearing within 24 hours after being taken into
 627 custody. At the hearing, the court may order that the minor
 628 continue to be held in secure detention in accordance with the
 629 applicable time periods specified in s. 985.26 (1) - (6) - (1) - (5), if
 630 the court finds that the minor meets the criteria specified in
 631 s. 985.255, or if the court finds by clear and convincing
 632 evidence that the minor is a clear and present danger to himself
 633 or herself or the community. The Department of Juvenile Justice
 634 shall prepare a form for all minors charged under this
 635 subsection that states the period of detention and the relevant
 636 demographic information, including, but not limited to, the sex,
 637 age, and race of the minor; whether or not the minor was
 638 represented by private counsel or a public defender; the current

639 offense; and the minor's complete prior record, including any
640 pending cases. The form shall be provided to the judge to be
641 considered when determining whether the minor should be
642 continued in secure detention under this subsection. An order
643 placing a minor in secure detention because the minor is a clear
644 and present danger to himself or herself or the community must
645 be in writing, must specify the need for detention and the
646 benefits derived by the minor or the community by placing the
647 minor in secure detention, and must include a copy of the form
648 provided by the department. The Department of Juvenile Justice
649 must send the form, including a copy of any order, without
650 client-identifying information, to the Office of Economic and
651 Demographic Research.

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

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