

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 for children charged with
11 specified acts or who have previously been charged with or
12 committed delinquent acts; providing examples of such
13 conditions; amending s. 985.101, F.S.; permitting a child
14 to be taken into custody for violations of preadjudicatory
15 release conditions; providing that conditions of
16 preadjudicatory release may not be used to impose home
17 detention when not otherwise authorized; amending s.
18 985.24, F.S.; providing an additional finding to support
19 the use of secure, nonsecure, or home detention care;
20 amending s. 985.245, F.S.; providing that placement in
21 detention care under a specified provision does not
22 require a risk assessment; amending s. 985.25, F.S.;
23 providing additional grounds for placement of a child in
24 secure detention care; amending s. 985.255, F.S.;
25 providing for continuing home or nonsecure or home
26 detention care or secure detention care prior to a
27 detention hearing in certain circumstances; amending s.
28 985.26, F.S.; requiring that children who have been

29 released comply with preadjudicatory release conditions;
30 providing that certain time limits do not apply to secure
31 detention under specified provisions; amending s. 985.265,
32 F.S.; specifying some changed circumstances that permit
33 the Department of Juvenile Justice to transfer a child
34 from home or nonsecure or home detention care to secure
35 detention care; amending s. 985.27, F.S.; specifying
36 circumstances under which a child who is awaiting
37 placement in a low-risk or minimum-risk residential
38 program may be held in secure detention care; providing
39 time limits on such detention care; providing for secure
40 detention care for absconders from specified types of
41 care; revising provisions for detention care of a child
42 awaiting placement in a moderate-risk residential program;
43 providing for secure detention care in specified
44 circumstances; creating s. 985.28, F.S.; providing for
45 secure detention of a child in specified circumstances;
46 permitting a parent or legal guardian of a child to be
47 held in contempt of court if he or she knowingly and
48 willfully fails to bring or otherwise prevents the child
49 from appearing for trial; amending s. 985.35, F.S.;
50 conforming a cross-reference to changes made by the act;
51 amending s. 985.43, F.S.; conforming a cross-reference to
52 changes made by the act; providing a legislative
53 declaration concerning the determination whether to commit
54 a juvenile to the department and the most appropriate
55 placement level if the juvenile is committed; amending s.
56 985.433, F.S.; revising provisions relating to

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

72
 73 Be It Enacted by the Legislature of the State of Florida:

74
 75 Section 1. Paragraph (i) of subsection (5) of section
 76 985.0301, Florida Statutes, is amended to read:

77 985.0301 Jurisdiction.--

78 (5)

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

81 1. The court has ordered to pay restitution until the
 82 restitution order is satisfied. ~~To retain jurisdiction,~~ The
 83 court shall enter a restitution order, which is separate from
 84 any disposition or order of commitment, on or prior to the date

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

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

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

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

112 985.031 Preadjudicatory release; circuit court

113 authority.--The circuit court shall have the authority to set
 114 reasonable conditions of preadjudicatory release for a child
 115 charged with the commission of a delinquent act which
 116 constitutes a felony or when the child has previously been
 117 charged with or found to have committed, regardless of
 118 adjudication, a delinquent act. The child shall comply with all
 119 such preadjudicatory release conditions prior to an adjudicatory
 120 hearing. Reasonable conditions of preadjudicatory release may
 121 include, but are not limited to, the following:

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

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

124 (3) The child shall not possess or use any alcoholic
 125 beverage or illegal drug or associate with those who are
 126 currently possessing or using any alcoholic beverage or illegal
 127 drug.

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

129 (5) The child shall attend school regularly, including all
 130 classes.

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

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

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

137 Section 3. Paragraph (d) of subsection (1) of section
 138 985.101, Florida Statutes, is amended to read:

139 985.101 Taking a child into custody; preadjudicatory
 140 release conditions.--

141 (1) A child may be taken into custody under the following
 142 circumstances:

143 (d) By a law enforcement officer who has probable cause to
 144 believe that the child is in violation of the conditions of the
 145 child's preadjudicatory release, conditions of the child's
 146 probation, home detention, postcommitment probation, or
 147 conditional release supervision; has absconded from
 148 nonresidential commitment; or has escaped from residential
 149 commitment.

150
 151 Nothing in this subsection shall be construed to allow the
 152 detention of a child who does not meet the detention criteria in
 153 part V.

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

156 985.24 Use of detention; prohibitions.--

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

160 (a) Presents a substantial risk of not appearing at a
 161 subsequent hearing;

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

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

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

169 1. Absconds from home or nonsecure detention care or
 170 otherwise violates the terms of release; or
 171 2. There is probable cause to believe that the child has
 172 committed a new violation of law;
 173 ~~(e)~~ Has committed contempt of court by:
 174 1. Intentionally disrupting the administration of the
 175 court;
 176 2. Intentionally disobeying a court order; or
 177 3. Engaging in a punishable act or speech in the court's
 178 presence which shows disrespect for the authority and dignity of
 179 the court; or
 180 ~~(f)~~ Requests protection from imminent bodily harm.
 181 Section 5. Subsection (1) of section 985.245, Florida
 182 Statutes, is amended to read:
 183 985.245 Risk assessment instrument.--
 184 (1) All determinations and court orders regarding
 185 placement of a child into detention care shall comply with all
 186 requirements and criteria provided in this part and shall be
 187 based on a risk assessment of the child, unless the child is
 188 placed into detention care as provided in s. 985.255(2) or s.
 189 985.28.
 190 Section 6. Paragraph (b) of subsection (1) of section
 191 985.25, Florida Statutes, is amended to read:
 192 985.25 Detention intake.--
 193 (1) The juvenile probation officer shall receive custody
 194 of a child who has been taken into custody from the law
 195 enforcement agency and shall review the facts in the law
 196 enforcement report or probable cause affidavit and make such

197 further inquiry as may be necessary to determine whether
198 detention care is required.

199 (b) The juvenile probation officer shall base the decision
200 whether ~~or not~~ to place the child into secure detention care,
201 home detention care, or nonsecure detention care on an
202 assessment of risk in accordance with the risk assessment
203 instrument and procedures developed by the department under s.
204 985.245. However, a child shall be placed in secure detention
205 care if:

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

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

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

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

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

224 985.255 Detention criteria; detention hearing.--

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

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

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

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

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

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

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

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

254 (h)~~(f)~~ The child is charged with a capital felony, a life
 255 felony, a felony of the first degree, a felony of the second
 256 degree that does not involve a violation of chapter 893, or a
 257 felony of the third degree that is also a crime of violence,
 258 including any such offense involving the use or possession of a
 259 firearm.

260 (i)~~(g)~~ The child is charged with any second degree or
 261 third degree felony involving a violation of chapter 893 or any
 262 third degree felony that is not also a crime of violence, and
 263 the child:

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

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

279 care with electronic monitoring ~~shall be placed on home~~
280 ~~detention with electronic monitoring.~~

281 (k)~~(i)~~ The child is detained on a judicial order for
282 failure to appear and has previously willfully failed to appear,
283 after proper notice, for an adjudicatory hearing on the same
284 case regardless of the results of the risk assessment
285 instrument. A child may be held in secure detention for up to 72
286 hours in advance of the next scheduled court hearing pursuant to
287 this paragraph. The child's failure to keep the clerk of court
288 and defense counsel informed of a current and valid mailing
289 address where the child will receive notice to appear at court
290 proceedings does not provide an adequate ground for excusal of
291 the child's nonappearance at the hearings.

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

303 (3) (a) A child who meets any of the criteria in subsection
304 (1) and who is ordered to be detained under that subsection
305 shall be given a hearing within 24 hours after being taken into
306 custody. The purpose of the detention hearing is to determine

307 the existence of probable cause that the child has committed the
 308 delinquent act or violation of law that he or she is charged
 309 with and the need for continued detention. Unless a child is
 310 detained under paragraph (1) (a), paragraph (1) (b), paragraph
 311 (1) ~~(f) (d)~~, or paragraph (1) ~~(g) (e)~~, the court shall use the
 312 results of the risk assessment performed by the juvenile
 313 probation officer and, based on the criteria in subsection (1),
 314 shall determine the need for continued detention. A child placed
 315 into secure, nonsecure, or home detention care may continue to
 316 be so detained by the court. A child detained under paragraph
 317 (1) (a) or paragraph (1) (b) may be placed into secure detention
 318 care pending placement in a residential facility.

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

329 Section 8. Section 985.26, Florida Statutes, is amended to
 330 read:

331 985.26 Length of detention.--

332 (1) A child may not be placed into or held in secure,
 333 nonsecure, or home detention care for longer than 24 hours
 334 unless the court orders such detention care, and the order

335 includes specific instructions that direct the release of the
336 child from such detention care, in accordance with s. 985.255.
337 The order shall be a final order, reviewable by appeal under s.
338 985.534 and the Florida Rules of Appellate Procedure. Appeals of
339 such orders shall take precedence over other appeals and other
340 pending matters.

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

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

357 (4) The time limits in subsections (2) and (3) do not
358 include periods of delay resulting from a continuance granted by
359 the court for cause on motion of the child or his or her counsel
360 or of the state. Upon the issuance of an order granting a
361 continuance for cause on a motion by either the child, the
362 child's counsel, or the state, the court shall conduct a hearing

363 at the end of each 72-hour period, excluding Saturdays, Sundays,
 364 and legal holidays, to determine the need for continued
 365 detention of the child and the need for further continuance of
 366 proceedings for the child or the state.

367 (5) The time limits required under this section do not
 368 apply to children held in secure detention care pursuant to ss.
 369 985.255(1)(a) and (b) and (3), 985.27(1)(a) and (b), and 985.28.

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

384 (7)~~(6)~~ If a child is detained and a petition for
 385 delinquency is filed, the child shall be arraigned in accordance
 386 with the Florida Rules of Juvenile Procedure within 48 hours
 387 after the filing of the petition for delinquency.

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

390 985.265 Detention transfer and release; education; adult
 391 jails.--

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

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

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

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

407 985.27 Postcommitment detention while awaiting
 408 placement.--

409 (1) The court must place all children who are adjudicated
 410 and awaiting placement in a commitment program in secure
 411 detention care, home detention care, or nonsecure detention
 412 care. Children who are in home detention care or nonsecure
 413 detention care may be placed on electronic monitoring.

414 (a) A child who is awaiting placement in a low-risk
 415 residential program must be removed from detention within 5
 416 days, excluding Saturdays, Sundays, and legal holidays. Any
 417 child held in secure detention during the 5 days must meet

418 detention admission criteria under this part. A child who is
419 placed in home detention care, nonsecure detention care, or home
420 or nonsecure detention care with electronic monitoring, while
421 awaiting placement in a minimum-risk or low-risk program, may be
422 held in secure detention care for 5 days, if the child violates
423 the conditions of the home detention care, the nonsecure
424 detention care, or the electronic monitoring agreement. For any
425 subsequent violation, the court may impose an additional 15 ~~5~~
426 days, excluding Saturdays, Sundays, and legal holidays, in
427 secure detention care.

428 (b)1. A child who is awaiting placement in a moderate-risk
429 residential program must be placed in secure detention care,
430 home detention care, or nonsecure detention care. Any child held
431 in secure detention care must meet detention admission criteria
432 under this part.

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

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

441 b. Probable cause exists that a child committed a new
442 violation of law while on home detention care, nonsecure
443 detention care, or electronic monitoring and the child is
444 awaiting placement in a residential program. ~~A child who is~~
445 ~~awaiting placement in a moderate risk residential program must~~

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

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

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

470 Section 11. Section 985.28, Florida Statutes, is created
471 to read:

472 985.28 Appearance in court; preadjudicatory detention;
473 contempt.--

474 (1) A child may be held in secure detention care if, after
 475 proper notice, the child fails to appear in court because the
 476 child refuses to appear, runs away, or otherwise intentionally
 477 avoids his or her appearance. The court may hold the child in
 478 secure detention care until the trial concludes, regardless of
 479 the results of the risk assessment instrument.

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

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

486 985.35 Adjudicatory hearings; withheld adjudications;
 487 orders of adjudication.--

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

496 Section 13. Paragraph (c) of subsection (1) of section
 497 985.43, Florida Statutes, is amended, and subsection (4) is
 498 added to that section, to read:

499 985.43 Predisposition reports; other evaluations.--

500 (1) Upon a finding that the child has committed a
 501 delinquent act:

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

507 (4) The Legislature finds that the court is in the best
 508 position to weigh all facts and circumstances to determine
 509 whether or not to commit a juvenile to the department and to
 510 determine the most appropriate restrictiveness level for a
 511 juvenile committed to the department.

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

514 985.433 Disposition hearings in delinquency cases.--When a
 515 child has been found to have committed a delinquent act, the
 516 following procedures shall be applicable to the disposition of
 517 the case:

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

526 (a) The juvenile probation officer shall make a
 527 recommendation to the court concerning placement and any
 528 proposed treatment plan ~~recommend to the court the most~~
 529 ~~appropriate placement and treatment plan, specifically~~

530 ~~identifying the restrictiveness level most appropriate for the~~
531 ~~child.~~ If the court has determined that the child was a member
532 of a criminal street gang, that determination shall be given
533 great weight in identifying the most appropriate restrictiveness
534 level for the child. The court shall consider the department's
535 recommendation in making its commitment decision.

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

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

554 985.439 Violation of probation or postcommitment
555 probation.--

556 (2) A child taken into custody under s. 985.101 for
557 violating the conditions of probation or postcommitment

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

575 Section 16. Section 938.20, Florida Statutes, is created
 576 to read:

577 938.20 County juvenile crime prevention fund.--

578 (1) Notwithstanding s. 318.121, and in addition to ss.
 579 938.19 and 939.185, in each county the board of county
 580 commissioners may adopt a mandatory court cost to be assessed in
 581 specific cases by incorporating by reference the provisions of
 582 this section in a county ordinance. Assessments collected by the
 583 clerk of the circuit court under this section shall be deposited
 584 into an account specifically for the administration of the
 585 county's juvenile crime prevention fund. The proceeds of the

586 county's juvenile crime prevention fund shall only be used to
587 fund local programs whose principal focus is the prevention of
588 juvenile crime, the creation of consequence or suspension
589 centers, and truancy programs and such other areas of local
590 concern relating to juvenile crime.

591 (2) A sum of up to \$50 shall be assessed as a court cost
592 in the circuit court in the county against each juvenile who
593 pleads guilty or nolo contendere to, or is found guilty of,
594 regardless of adjudication, a delinquent act.

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

599 (4) (a) The clerk of the circuit court shall collect the
600 assessments for court costs under this section and shall remit
601 the assessments to the county's juvenile crime prevention fund
602 monthly.

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

606 (5) A county's juvenile crime prevention fund must account
607 for all funds received and disbursed under this section in a
608 written report to the board of county commissioners of that
609 county. The report must be given to the commissioners by August
610 1 of each year unless a different date is required by the
611 commissioners.

612 (6) A county's juvenile crime prevention fund may be
613 administered by a nonprofit organization, a law enforcement

614 agency, the court administrator, the clerk of the circuit court,
 615 a county agency, or another similar agency authorized by the
 616 board of county commissioners of that county.

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

619 790.22 Use of BB guns, air or gas-operated guns, or
 620 electric weapons or devices by minor under 16; limitation;
 621 possession of firearms by minor under 18 prohibited;
 622 penalties.--

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

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

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

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