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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/8/2008	.	
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	.	

1 The Committee on Criminal Justice (King) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5
 6 Delete everything after the enacting clause
 7 and insert:

8 Section 1. Paragraph (i) of subsection (5) of section
 9 985.0301, Florida Statutes, is amended to read:

10 985.0301 Jurisdiction.--

11 (5)

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

14 1. The court has ordered to pay restitution until the
 15 restitution order is satisfied. ~~To retain jurisdiction,~~ The court
 16 shall enter a restitution order, which is separate from any
 17 disposition or order of commitment, on or prior to the date that

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18 the court's jurisdiction would cease under this section. The
19 contents of the restitution order shall be limited to the child's
20 name and address, the name and address of the parent or legal
21 guardian, the name and address of the payee, the case number, the
22 date and amount of restitution ordered, any amount of restitution
23 paid, the amount of restitution due and owing, and a notation
24 that costs, interest, penalties, and attorney's fees may also be
25 due and owing. The terms of the restitution order are subject to
26 s. 775.089(5).

27 2. The court has ordered to pay costs, fees, and costs
28 associated with court-appointed counsel until the costs, fees,
29 and costs associated with court-appointed counsel are satisfied,
30 regardless of adjudication. The child and the child's parent or
31 legal guardian remain responsible for unpaid costs, fees, and
32 costs associated with court-appointed counsel until the unpaid
33 costs, fees, and costs associated with court-appointed counsel
34 are satisfied, even after the child turns 19 years of age. The
35 implementation of this subparagraph does not, in any way,
36 authorize or otherwise permit details of the juvenile court
37 record to be disclosed except as provided by law.

38
39 The retention of jurisdiction under this paragraph does not
40 preclude the department from closing out the community
41 supervision case for a child if the child has successfully met
42 all other conditions of the supervision case plan.

43 Section 2. Section 985.031, Florida Statutes, is created to
44 read:

45 985.031 Preadjudicatory release; circuit court
46 authority.--The circuit court shall have the authority to set
47 reasonable conditions of preadjudicatory release. The child shall



48 comply with all such preadjudicatory release conditions prior to
49 an adjudicatory hearing. Reasonable conditions of preadjudicatory
50 release may include, but are not limited to, the following:

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

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

53 (3) The child shall not possess or use any alcoholic
54 beverage or illegal drug or associate with those who are
55 currently possessing or using any alcoholic beverage or illegal
56 drug.

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

58 (5) The child shall attend school regularly, including all
59 classes.

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

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

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

66 Section 3. Paragraph (d) of subsection (1) of section
67 985.101, Florida Statutes, is amended to read:

68 985.101 Taking a child into custody; preadjudicatory
69 release conditions.--

70 (1) A child may be taken into custody under the following
71 circumstances:

72 (d) By a law enforcement officer who has probable cause to
73 believe that the child is in violation of the conditions of the
74 child's preadjudicatory release, conditions of the child's
75 probation, home detention, postcommitment probation, or
76 conditional release supervision; has absconded from

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77 nonresidential commitment; or has escaped from residential
78 commitment.

79
80 Nothing in this subsection shall be construed to allow the
81 detention of a child who does not meet the detention criteria in
82 part V.

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

85 985.24 Use of detention; prohibitions.--

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

89 (a) Presents a substantial risk of not appearing at a
90 subsequent hearing;

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

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

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

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

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

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

103 1. Intentionally disrupting the administration of the
104 court;

105 2. Intentionally disobeying a court order; or



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106 3. Engaging in a punishable act or speech in the court's
107 presence which shows disrespect for the authority and dignity of
108 the court; or

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

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

112 985.245 Risk assessment instrument.--

113 (1) All determinations and court orders regarding placement
114 of a child into detention care shall comply with all requirements
115 and criteria provided in this part and shall be based on a risk
116 assessment of the child, unless the child is placed into
117 detention care as provided in s. 985.255(2) or s. 985.28.

118 Section 6. Paragraph (b) of subsection (1) of section
119 985.25, Florida Statutes, is amended to read:

120 985.25 Detention intake.--

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

126 (b) The juvenile probation officer shall base the decision
127 whether ~~or not~~ to place the child into secure detention care,
128 home detention care, or nonsecure detention care on an assessment
129 of risk in accordance with the risk assessment instrument and
130 procedures developed by the department under s. 985.245. However,
131 a child shall be placed in secure detention care if:

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

134 2. The child is alleged to have absconded from home or
135 nonsecure detention care or the child otherwise violates the



136 terms of release after adjudication and commitment to the
137 department but before placement in a residential facility; or

138 3. There is probable cause to believe the child has
139 committed a new violation of law while on home or nonsecure
140 detention care after adjudication and commitment but before
141 placement in a residential facility ~~shall be placed in secure~~
142 ~~detention care.~~

143
144 Under no circumstances shall the juvenile probation officer or
145 the state attorney or law enforcement officer authorize the
146 detention of any child in a jail or other facility intended or
147 used for the detention of adults, without an order of the court.

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

150 985.255 Detention criteria; detention hearing.--

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

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

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

163 (c) ~~(a)~~ The child is alleged to be an escapee from a
164 residential commitment program; or an absconder from a
165 nonresidential commitment program, a probation program, or



166 conditional release supervision; or is alleged to have escaped
167 while being lawfully transported to or from a residential
168 commitment program.

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

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

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

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

180 (h) ~~(f)~~ The child is charged with a capital felony, a life
181 felony, a felony of the first degree, a felony of the second
182 degree that does not involve a violation of chapter 893, or a
183 felony of the third degree that is also a crime of violence,
184 including any such offense involving the use or possession of a
185 firearm.

186 (i) ~~(g)~~ The child is charged with any second degree or third
187 degree felony involving a violation of chapter 893 or any third
188 degree felony that is not also a crime of violence, and the
189 child:

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

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

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



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

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

199 (j) ~~(h)~~ The child is alleged to have violated the conditions
200 of the child's probation or conditional release supervision.
201 However, a child detained under this paragraph may be held only
202 in a consequence unit as provided in s. 985.439. If a consequence
203 unit is not available, the child may be placed in secure
204 detention care, home detention care, or home detention care with
205 electronic monitoring ~~shall be placed on home detention with~~
206 ~~electronic monitoring.~~

207 (k) ~~(i)~~ The child is detained on a judicial order for
208 failure to appear and has previously willfully failed to appear,
209 after proper notice, for an adjudicatory hearing on the same case
210 regardless of the results of the risk assessment instrument. A
211 child may be held in secure detention for up to 72 hours in
212 advance of the next scheduled court hearing pursuant to this
213 paragraph. The child's failure to keep the clerk of court and
214 defense counsel informed of a current and valid mailing address
215 where the child will receive notice to appear at court
216 proceedings does not provide an adequate ground for excusal of
217 the child's nonappearance at the hearings.

218 (l) ~~(j)~~ The child is detained on a judicial order for
219 failure to appear and has previously willfully failed to appear,
220 after proper notice, at two or more court hearings of any nature
221 on the same case regardless of the results of the risk assessment
222 instrument. A child may be held in secure detention for up to 72
223 hours in advance of the next scheduled court hearing pursuant to
224 this paragraph. The child's failure to keep the clerk of court
225 and defense counsel informed of a current and valid mailing



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226 address where the child will receive notice to appear at court
227 proceedings does not provide an adequate ground for excusal of
228 the child's nonappearance at the hearings.

229 (3) (a) A child who meets any of the criteria in subsection
230 (1) and who is ordered to be detained under that subsection shall
231 be given a hearing within 24 hours after being taken into
232 custody. The purpose of the detention hearing is to determine the
233 existence of probable cause that the child has committed the
234 delinquent act or violation of law that he or she is charged with
235 and the need for continued detention. Unless a child is detained
236 under paragraph (1) (a), paragraph (1) (b), paragraph (1) (f) ~~(d)~~, or
237 paragraph (1) (g) ~~(e)~~, the court shall use the results of the risk
238 assessment performed by the juvenile probation officer and, based
239 on the criteria in subsection (1), shall determine the need for
240 continued detention. A child placed into secure, nonsecure, or
241 home detention care may continue to be so detained by the court.
242 A child detained under paragraph (1) (a) or paragraph (1) (b) may
243 be placed into secure detention care pending placement in a
244 residential facility.

245 (b) If the court orders a placement more restrictive than
246 indicated by the results of the risk assessment instrument, the
247 court shall state, in writing, clear and convincing reasons for
248 such placement.

249 (c) Except as provided in paragraph (1) (a), paragraph
250 (1) (b), s. 790.22 (8), or ~~in~~ s. 985.27, when a child is placed
251 into secure or nonsecure detention care, or into a respite home
252 or other placement pursuant to a court order following a hearing,
253 the court order must include specific instructions that direct
254 the release of the child from such placement no later than 5 p.m.
255 on the last day of the detention period specified in s. 985.26 or



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256 s. 985.27, whichever is applicable, unless the requirements of
257 such applicable provision have been met or an order of
258 continuance has been granted under s. 985.26(4).

259 Section 8. Section 985.26, Florida Statutes, is amended to
260 read:

261 985.26 Length of detention.--

262 (1) A child may not be placed into or held in secure,
263 nonsecure, or home detention care for longer than 24 hours unless
264 the court orders such detention care, and the order includes
265 specific instructions that direct the release of the child from
266 such detention care, in accordance with s. 985.255. The order
267 shall be a final order, reviewable by appeal under s. 985.534 and
268 the Florida Rules of Appellate Procedure. Appeals of such orders
269 shall take precedence over other appeals and other pending
270 matters.

271 (2) A child may not be held in secure, nonsecure, or home
272 detention care under a special detention order for more than 21
273 days unless an adjudicatory hearing for the case has been
274 commenced in good faith by the court. However, upon good cause
275 being shown that the nature of the charge requires additional
276 time for the prosecution or defense of the case, the court may
277 extend the length of detention for an additional 9 days if the
278 child is charged with an offense that would be, if committed by
279 an adult, a capital felony, a life felony, a felony of the first
280 degree, or a felony of the second degree involving violence
281 against any individual. For purposes of this subsection, if a
282 child is released, the child must comply with all conditions of
283 preadjudicatory release set by the circuit court.



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

287 (4) The time limits in subsections (2) and (3) do not
288 include periods of delay resulting from a continuance granted by
289 the court for cause on motion of the child or his or her counsel
290 or of the state. Upon the issuance of an order granting a
291 continuance for cause on a motion by either the child, the
292 child's counsel, or the state, the court shall conduct a hearing
293 at the end of each 72-hour period, excluding Saturdays, Sundays,
294 and legal holidays, to determine the need for continued detention
295 of the child and the need for further continuance of proceedings
296 for the child or the state.

297 (5) The time limits required under this section do not
298 apply to children held in secure detention care pursuant to ss.
299 985.255(1) and (3), 985.27(1)(a) and (b), and 985.28.

300 (6)~~(5)~~ A child who was not in secure detention care at the
301 time of the adjudicatory hearing, but for whom residential
302 commitment is anticipated or recommended, may be placed under a
303 special detention order for a period not to exceed 72 hours,
304 excluding weekends and legal holidays, for the purpose of
305 conducting a comprehensive evaluation as provided in s. 985.185.
306 Motions for the issuance of such special detention order may be
307 made subsequent to a finding of delinquency. Upon said motion,
308 the court shall conduct a hearing to determine the
309 appropriateness of such special detention order and shall order
310 the least restrictive level of detention care necessary to
311 complete the comprehensive evaluation process that is consistent
312 with public safety. Such special detention order may be extended
313 for an additional 72 hours upon further order of the court.



314 ~~(7)(6)~~ If a child is detained and a petition for
315 delinquency is filed, the child shall be arraigned in accordance
316 with the Florida Rules of Juvenile Procedure within 48 hours
317 after the filing of the petition for delinquency.

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

320 985.265 Detention transfer and release; education; adult
321 jails.--

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

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

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

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

337 985.27 Postcommitment detention while awaiting placement.--

338 (1) The court must place all children who are adjudicated
339 and awaiting placement in a commitment program in secure
340 detention care, home detention care, or nonsecure detention care.
341 Children who are in home detention care or nonsecure detention
342 care may be placed on electronic monitoring.

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343 (a) A child who is awaiting placement in a low-risk
344 residential program must be removed from detention within 5 days,
345 excluding Saturdays, Sundays, and legal holidays. Any child held
346 in secure detention during the 5 days must meet detention
347 admission criteria under this part. A child who is placed in home
348 detention care, nonsecure detention care, or home or nonsecure
349 detention care with electronic monitoring, while awaiting
350 placement in a minimum-risk or low-risk program, may be held in
351 secure detention care for 5 days, if the child violates the
352 conditions of the home detention care, the nonsecure detention
353 care, or the electronic monitoring agreement. For any subsequent
354 violation, the court may impose an additional 15 ~~5~~ days,
355 excluding Saturdays, Sundays, and legal holidays, in secure
356 detention care.

357 (b) 1. A child who is awaiting placement in a moderate-risk
358 residential program must be placed in secure detention care, home
359 detention care, or nonsecure detention care. Any child held in
360 secure detention care must meet detention admission criteria
361 under this part.

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

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

370 b. Probable cause exists that a child committed a new
371 violation of law while on home detention care, nonsecure
372 detention care, or electronic monitoring and the child is



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373 ~~awaiting placement in a residential program. A child who is~~
374 ~~awaiting placement in a moderate-risk residential program must be~~
375 ~~removed from detention within 5 days, excluding Saturdays,~~
376 ~~Sundays, and legal holidays. Any child held in secure detention~~
377 ~~during the 5 days must meet detention admission criteria under~~
378 ~~this part. The department may seek an order from the court~~
379 ~~authorizing continued detention for a specific period of time~~
380 ~~necessary for the appropriate residential placement of the child.~~
381 ~~However, such continued detention in secure detention care may~~
382 ~~not exceed 15 days after entry of the commitment order, excluding~~
383 ~~Saturdays, Sundays, and legal holidays, and except as otherwise~~
384 ~~provided in this section. A child who is placed in home detention~~
385 ~~care, nonsecure detention care, or home or nonsecure detention~~
386 ~~care with electronic monitoring, while awaiting placement in a~~
387 ~~moderate-risk program, may be held in secure detention care for 5~~
388 ~~days, if the child violates the conditions of the home detention~~
389 ~~care, the nonsecure detention care, or the electronic monitoring~~
390 ~~agreement. For any subsequent violation, the court may impose an~~
391 ~~additional 5 days in secure detention care.~~

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

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

398 Section 11. Section 985.28, Florida Statutes, is created to
399 read:

400 985.28 Appearance in court; preadjudicatory detention;
401 contempt.--



402 (1) A child may be held in secure detention care if, after
403 proper notice, the child fails to appear in court because the
404 child refuses to appear, runs away, or otherwise intentionally
405 avoids his or her appearance. The court may hold the child in
406 secure detention care until the trial concludes, regardless of
407 the results of the risk assessment instrument.

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

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

414 985.35 Adjudicatory hearings; withheld adjudications;
415 orders of adjudication.--

416 (1) The adjudicatory hearing must be held as soon as
417 practicable after the petition alleging that a child has
418 committed a delinquent act or violation of law is filed and in
419 accordance with the Florida Rules of Juvenile Procedure; but
420 reasonable delay for the purpose of investigation, discovery, or
421 procuring counsel or witnesses shall be granted. If the child is
422 being detained, the time limitations in s. 985.26(2) ~~and (3)~~
423 apply.

424 Section 13. Paragraph (c) of subsection (1) of section
425 985.43, Florida Statutes, is amended, and subsection (4) is added
426 to that section, to read:

427 985.43 Predisposition reports; other evaluations.--

428 (1) Upon a finding that the child has committed a
429 delinquent act:

430 (c) A child who was not in secure detention at the time of
431 the adjudicatory hearing, but for whom residential commitment is

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432 anticipated or recommended, may be placed under a special
433 detention order, as provided in s. 985.26 (6) ~~(5)~~, for the purpose
434 of conducting a comprehensive evaluation.

435 (4) The Legislature finds that the court is in the best
436 position to weigh all facts and circumstances to determine
437 whether or not to commit a juvenile to the department and to
438 determine the most appropriate restrictiveness level for a
439 juvenile committed to the department.

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

442 985.433 Disposition hearings in delinquency cases.--When a
443 child has been found to have committed a delinquent act, the
444 following procedures shall be applicable to the disposition of
445 the case:

446 (7) If the court determines that the child should be
447 adjudicated as having committed a delinquent act and should be
448 committed to the department, such determination shall be in
449 writing or on the record of the hearing. The determination shall
450 include a specific finding of the reasons for the decision to
451 adjudicate and to commit the child to the department, including
452 any determination that the child was a member of a criminal
453 street gang.

454 (a) The juvenile probation officer shall make a
455 recommendation to the court concerning placement and any proposed
456 treatment plan ~~recommend to the court the most appropriate~~
457 ~~placement and treatment plan, specifically identifying the~~
458 ~~restrictiveness level most appropriate for the child.~~ If the
459 court has determined that the child was a member of a criminal
460 street gang, that determination shall be given great weight in
461 identifying the most appropriate restrictiveness level for the



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462 child. The court shall consider the department's recommendation
463 in making its commitment decision.

464 (b) The court may ~~shall~~ commit the child to the department
465 at the restrictiveness level identified by the department, or the
466 court may order placement at a different restrictiveness level.
467 The court may determine the disposition on the same factors as
468 the department considered in the department's predisposition
469 report and placement recommendation even if the court reaches a
470 different conclusion. The court may commit the child to a
471 different restrictiveness level than recommended by the
472 department. The court shall state for the record the reasons for
473 the disposition imposed that establish by a preponderance of the
474 evidence why the court is disregarding the assessment of the
475 child and the restrictiveness level recommended by the
476 department. Any party may appeal the court's findings resulting
477 in a modified level of restrictiveness under this paragraph. The
478 department shall maintain data to identify the extent to which
479 the courts agree with the department's recommendation.

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

482 985.439 Violation of probation or postcommitment
483 probation.--

484 (2) A child taken into custody under s. 985.101 for
485 violating the conditions of probation or postcommitment probation
486 shall be held in a consequence unit if such a unit is available
487 or may be detained under part V in a facility other than a
488 consequence unit if one is not available. The child shall be
489 afforded a hearing within 24 hours after being taken into custody
490 to determine the existence of probable cause that the child
491 violated the conditions of probation or postcommitment probation.

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492 A consequence unit is a secure facility specifically designated
493 by the department for children who are taken into custody under
494 s. 985.101 for violating probation or postcommitment probation,
495 or who have been found by the court to have violated the
496 conditions of probation or postcommitment probation. If the
497 violation involves a new charge of delinquency, the child may be
498 detained under part V in a facility other than a consequence
499 unit. If the child is not eligible for detention for the new
500 charge of delinquency, the child may be held in the consequence
501 unit pending a hearing and is subject to the time limitations
502 specified in part V.

503 Section 16. Section 938.20, Florida Statutes, is created to
504 read:

505 938.20 County juvenile crime prevention fund.--

506 (1) Notwithstanding s. 318.121, and in addition to ss.
507 938.19 and 939.185, in each county the board of county
508 commissioners may adopt a mandatory court cost to be assessed in
509 specific cases by incorporating by reference the provisions of
510 this section in a county ordinance. Assessments collected by the
511 clerk of the circuit court under this section shall be deposited
512 into an account specifically for the administration of the
513 county's juvenile crime prevention fund. The proceeds of the
514 county's juvenile crime prevention fund shall be used only to
515 fund local programs whose principal focus is the prevention of
516 juvenile crime, the creation of consequence or suspension
517 centers, and truancy programs and other areas of local concern
518 relating to juvenile crime.

519 (2) A sum of up to \$50 shall be assessed as a court cost in
520 the circuit court in the county against each juvenile who pleads
521 guilty or nolo contendere to, or is found guilty of, regardless



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522 of adjudication, a violation of criminal law or municipal or
523 county ordinance.

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

528 (4) (a) The clerk of the circuit court shall collect the
529 assessments for court costs under this section and shall remit
530 the assessments to the county's juvenile crime prevention fund
531 monthly.

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

535 (5) A county's juvenile crime prevention fund must account
536 for all funds received and disbursed under this section in a
537 written report to the board of county commissioners of that
538 county. The report must be given to the commissioners by August 1
539 of each year unless a different date is required by the
540 commissioners.

541 (6) A county's juvenile crime prevention fund may be
542 administered by a nonprofit organization, a law enforcement
543 agency, the court administrator, the clerk of the circuit court,
544 a county agency, or another similar agency authorized by the
545 board of county commissioners of that county.

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

548 790.22 Use of BB guns, air or gas-operated guns, or
549 electric weapons or devices by minor under 16; limitation;
550 possession of firearms by minor under 18 prohibited; penalties.--

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551 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
552 under 18 years of age is charged with an offense that involves
553 the use or possession of a firearm, as defined in s. 790.001,
554 including a violation of subsection (3), or is charged for any
555 offense during the commission of which the minor possessed a
556 firearm, the minor shall be detained in secure detention, unless
557 the state attorney authorizes the release of the minor, and shall
558 be given a hearing within 24 hours after being taken into
559 custody. At the hearing, the court may order that the minor
560 continue to be held in secure detention in accordance with the
561 applicable time periods specified in s. 985.26(1)-(6)~~(1)-(5)~~, if
562 the court finds that the minor meets the criteria specified in s.
563 985.255, or if the court finds by clear and convincing evidence
564 that the minor is a clear and present danger to himself or
565 herself or the community. The Department of Juvenile Justice
566 shall prepare a form for all minors charged under this subsection
567 that states the period of detention and the relevant demographic
568 information, including, but not limited to, the sex, age, and
569 race of the minor; whether or not the minor was represented by
570 private counsel or a public defender; the current offense; and
571 the minor's complete prior record, including any pending cases.
572 The form shall be provided to the judge to be considered when
573 determining whether the minor should be continued in secure
574 detention under this subsection. An order placing a minor in
575 secure detention because the minor is a clear and present danger
576 to himself or herself or the community must be in writing, must
577 specify the need for detention and the benefits derived by the
578 minor or the community by placing the minor in secure detention,
579 and must include a copy of the form provided by the department.
580 The Department of Juvenile Justice must send the form, including



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581 a copy of any order, without client-identifying information, to
582 the Office of Economic and Demographic Research.

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

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

586

587

588 ===== T I T L E A M E N D M E N T =====

589 And the title is amended as follows:

590

591 Delete everything before the enacting clause

592 and insert:

593

A bill to be entitled

594 An act relating to juvenile justice; amending s. 985.0301,

595 F.S.; permitting a court to retain jurisdiction over a

596 child and the child's parent or legal guardian whom the

597 court has ordered to pay costs, fees, and costs associated

598 with court-appointed counsel until the costs, fees, and

599 costs associated with court-appointed counsel are

600 satisfied; providing intent; creating s. 985.031, F.S.;

601 authorizing the court to set reasonable conditions of

602 preadjudicatory release; providing examples of such

603 conditions; amending s. 985.101, F.S.; permitting a child

604 to be taken into custody for violations of preadjudicatory

605 release conditions; providing that conditions of

606 preadjudicatory release may not be used to impose home

607 detention when not otherwise authorized; amending s.

608 985.24, F.S.; providing an additional finding to support

609 the use of secure, nonsecure, or home detention care;

610 amending s. 985.245, F.S.; providing that placement in



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611 detention care under a specified provision does not
612 require a risk assessment; amending s. 985.25, F.S.;
613 providing additional grounds for placement of a child in
614 secure detention care; amending s. 985.255, F.S.;
615 providing for continuing home or nonsecure or home
616 detention care or secure detention care prior to a
617 detention hearing in certain circumstances; amending s.
618 985.26, F.S.; requiring that children who have been
619 released comply with preadjudicatory release conditions;
620 providing that certain time limits do not apply to secure
621 detention under specified provisions; amending s. 985.265,
622 F.S.; specifying some changed circumstances that permit
623 the Department of Juvenile Justice to transfer a child
624 from home or nonsecure or home detention care to secure
625 detention care; amending s. 985.27, F.S.; specifying
626 circumstances under which a child who is awaiting
627 placement in a low-risk or minimum-risk residential
628 program may be held in secure detention care; providing
629 time limits on such detention care; providing for secure
630 detention care for absconders from specified types of
631 care; revising provisions for detention care of a child
632 awaiting placement in a moderate-risk residential program;
633 providing for secure detention care in specified
634 circumstances; creating s. 985.28, F.S.; providing for
635 secure detention of a child in specified circumstances;
636 permitting a parent or legal guardian of a child to be
637 held in contempt of court if he or she knowingly and
638 willfully fails to bring or otherwise prevents the child
639 from appearing for trial; amending s. 985.35, F.S.;
640 conforming a cross-reference to changes made by the act;



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641 amending s. 985.43, F.S.; conforming a cross-reference to
642 changes made by the act; providing a legislative
643 declaration concerning the determination whether to commit
644 a juvenile to the department and the most appropriate
645 placement level if the juvenile is committed; amending s.
646 985.433, F.S.; revising provisions relating to
647 recommendations by probation officers to the court
648 concerning placement and any proposed treatment plan of
649 juveniles; specifying that the court has the power to
650 determine appropriate dispositions; requiring that reasons
651 for a disposition be stated for the record; amending s.
652 985.439, F.S.; permitting a child to be detained in a
653 facility other than a consequence unit if one is not
654 available for a violation of probation or postcommitment
655 probation under specified provisions; creating s. 938.20,
656 F.S.; permitting each county to create a juvenile crime
657 prevention fund; providing for an additional court cost;
658 providing for administration and use of funds; amending s.
659 790.22, F.S.; conforming a cross-reference; providing that
660 the act fulfills an important state interest; providing an
661 effective date.