

By Senator Wise

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1 A bill to be entitled
2 An act relating to monitoring juvenile offenders;
3 amending s. 939.185, F.S.; authorizing use of a
4 specified portion of an additional court cost for
5 county juvenile electronic and global positioning
6 system (GPS) monitoring programs; amending s. 985.037,
7 F.S.; providing that a child who commits direct
8 contempt of court or indirect contempt of a valid
9 court order may be placed on home detention with or
10 without electronic or GPS monitoring; amending s.
11 985.26, F.S.; providing conditions under which a child
12 may be placed under restrictions by the court,
13 including electronic or GPS monitoring; amending s.
14 985.455, F.S.; authorizing a court, upon motion of the
15 child or upon its own motion, within a specified
16 period, to suspend the further execution of the
17 disposition and place the child in a probation program
18 that includes electronic or GPS monitoring; amending
19 s. 985.475, F.S.; authorizing use of an electronic or
20 GPS monitoring program to enforce specified
21 restrictions on certain juvenile sexual offenders in
22 community-based treatment alternatives; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (a) of subsection (1) of section
28 939.185, Florida Statutes, is amended to read:

29 939.185 Assessment of additional court costs and

5-01094-12

20121100__

30 surcharges.—

31 (1) (a) The board of county commissioners may adopt by
32 ordinance an additional court cost, not to exceed \$65, to be
33 imposed by the court when a person pleads guilty or nolo
34 contendere to, or is found guilty of, or adjudicated delinquent
35 for, any felony, misdemeanor, delinquent act, or criminal
36 traffic offense under the laws of this state. Such additional
37 assessment shall be accounted for separately by the county in
38 which the offense occurred and be used only in the county
39 imposing this cost, to be allocated as follows:

40 1. Twenty-five percent of the amount collected shall be
41 allocated to fund innovations, as determined by the chief judge
42 of the circuit, to supplement state funding for the elements of
43 the state courts system identified in s. 29.004 and county
44 funding for local requirements under s. 29.008(2)(a)2.

45 2. Twenty-five percent of the amount collected shall be
46 allocated to assist counties in providing legal aid programs
47 required under s. 29.008(3)(a).

48 3. Twenty-five percent of the amount collected shall be
49 allocated to fund personnel and legal materials for the public
50 as part of a law library.

51 4. Twenty-five percent of the amount collected shall be
52 used as determined by the board of county commissioners to
53 support teen court programs, except as provided in s. 938.19(7),
54 juvenile assessment centers, county juvenile electronic and
55 global positioning system (GPS) monitoring programs, and other
56 juvenile alternative programs.

57
58 Each county receiving funds under this section shall report the

5-01094-12

20121100

59 amount of funds collected pursuant to this section and an
60 itemized list of expenditures for all authorized programs and
61 activities. The report shall be submitted in a format developed
62 by the Supreme Court to the Governor, the Chief Financial
63 Officer, the President of the Senate, and the Speaker of the
64 House of Representatives on a quarterly basis beginning with the
65 quarter ending September 30, 2004. Quarterly reports shall be
66 submitted no later than 30 days after the end of the quarter.
67 Any unspent funds at the close of the county fiscal year
68 allocated under subparagraphs 2., 3., and 4.7 shall be
69 transferred for use pursuant to subparagraph 1.

70 Section 2. Subsection (1) of section 985.037, Florida
71 Statutes, is amended to read:

72 985.037 Punishment for contempt of court; alternative
73 sanctions.—

74 (1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may
75 punish any child for contempt for interfering with the court or
76 with court administration, or for violating any provision of
77 this chapter or order of the court relative thereto. It is the
78 intent of the Legislature that the court restrict and limit the
79 use of contempt powers with respect to commitment of a child to
80 a secure facility. A child who commits direct contempt of court
81 or indirect contempt of a valid court order may be taken into
82 custody and ordered to serve an alternative sanction, placed on
83 home detention with or without electronic or global positioning
84 system (GPS) monitoring, or placed in a secure facility, as
85 authorized in this section, by order of the court.

86 Section 3. Subsection (7) is added to section 985.26,
87 Florida Statutes, to read:

5-01094-12

20121100__

88 985.26 Length of detention.—

89 (7) At any time after a child has been arrested for
90 allegedly committing a delinquent act and at any time during
91 pendency of the case, the child may be placed under restrictions
92 by the court, including electronic or global positioning system
93 (GPS) monitoring.

94 Section 4. Subsection (4) of section 985.455, Florida
95 Statutes, is amended to read:

96 985.455 Other dispositional issues.—

97 (4) The court may, upon motion of the child or upon its own
98 motion, within 60 days after imposition of a disposition of
99 commitment, suspend the further execution of the disposition and
100 place the child in a probation program upon such terms and
101 conditions as the court may require, including modifying
102 probation to include electronic or global positioning system
103 (GPS) monitoring. The department shall forward to the court all
104 relevant material on the child's progress while in custody not
105 later than 3 working days prior to the hearing on the motion to
106 suspend the disposition.

107 Section 5. Paragraph (e) of subsection (2) of section
108 985.475, Florida Statutes, is amended to read:

109 985.475 Juvenile sexual offenders.—

110 (2) Following a delinquency adjudicatory hearing under s.
111 985.35, the court may on its own or upon request by the state or
112 the department and subject to specific appropriation, determine
113 whether a juvenile sexual offender placement is required for the
114 protection of the public and what would be the best approach to
115 address the treatment needs of the juvenile sexual offender.
116 When the court determines that a juvenile has no history of a

5-01094-12

20121100__

117 recent comprehensive assessment focused on sexually deviant
118 behavior, the court may, subject to specific appropriation,
119 order the department to conduct or arrange for an examination to
120 determine whether the juvenile sexual offender is amenable to
121 community-based treatment.

122 (e) If the court determines that this juvenile sexual
123 offender community-based treatment alternative is appropriate,
124 the court may place the offender on community supervision for up
125 to 3 years. As a condition of community treatment and
126 supervision, the court may order the offender to:

127 1. Undergo available outpatient juvenile sexual offender
128 treatment for up to 3 years. A program or provider may not be
129 used for such treatment unless it has an appropriate program
130 designed for sexual offender treatment. The department shall not
131 change the treatment provider without first notifying the state
132 attorney's office.

133 2. Remain within described geographical boundaries and
134 notify the court or the department counselor prior to any change
135 in the offender's address, educational program, or employment.
136 An electronic or global positioning system (GPS) monitoring
137 program may be used to enforce this subparagraph.

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

139 Section 6. This act shall take effect upon becoming a law.