

1 A bill to be entitled
 2 An act relating to the Department of Juvenile Justice;
 3 amending ss. 984.03 and 985.14, F.S.; deleting
 4 obsolete references; amending s. 985.441, F.S.;
 5 deleting an obsolete provision; authorizing the
 6 department to place a juvenile adjudicated delinquent
 7 in a mother-infant program designed to serve the needs
 8 of juvenile mothers or expectant juvenile mothers;
 9 providing requirements for such a program; amending s.
 10 985.601, F.S.; authorizing the department, at the
 11 secretary's discretion, to pay up to a specified
 12 amount toward the basic funeral expenses for a youth
 13 who dies while in the custody of the department and
 14 whose parents or guardians are indigent and for which
 15 no other funding is available; amending s. 985.0301,
 16 F.S.; conforming a cross-reference; deleting obsolete
 17 references; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsections (49) through (56) of section
 22 984.03, Florida Statutes, are renumbered as subsections (48)
 23 through (55), respectively, and present subsection (48) of that
 24 section is amended to read:

25 984.03 Definitions.—When used in this chapter, the term:
 26 ~~(48) "Serious or habitual juvenile offender program" means~~
 27 ~~the program established in s. 985.47.~~

28 Section 2. Paragraph (a) of subsection (3) of section

29 | 985.14, Florida Statutes, is amended to read:

30 | 985.14 Intake and case management system.—

31 | (3) The intake and case management system shall facilitate
32 | consistency in the recommended placement of each child, and in
33 | the assessment, classification, and placement process, with the
34 | following purposes:

35 | (a) An individualized, multidisciplinary assessment
36 | process that identifies the priority needs of each individual
37 | child for rehabilitation and treatment and identifies any needs
38 | of the child's parents or guardians for services that would
39 | enhance their ability to provide adequate support, guidance, and
40 | supervision for the child. This process shall begin with the
41 | detention risk assessment instrument and decision, shall include
42 | the intake preliminary screening and comprehensive assessment
43 | for substance abuse treatment services, mental health services,
44 | retardation services, literacy services, and other educational
45 | and treatment services as components, additional assessment of
46 | the child's treatment needs, and classification regarding the
47 | child's risks to the community and, ~~for a serious or habitual~~
48 | ~~delinquent child, shall include the assessment for placement in~~
49 | ~~a serious or habitual delinquent children program under s.~~

50 | ~~985.47.~~ The completed multidisciplinary assessment process shall
51 | result in the predisposition report.

52 | Section 3. Subsection (1) of section 985.441, Florida
53 | Statutes, is amended to read:

54 | 985.441 Commitment.—

55 | (1) The court that has jurisdiction of an adjudicated
56 | delinquent child may, by an order stating the facts upon which a

57 determination of a sanction and rehabilitative program was made
 58 at the disposition hearing:

59 (a) Commit the child to a licensed child-caring agency
 60 willing to receive the child; however, the court may not commit
 61 the child to a jail or to a facility used primarily as a
 62 detention center or facility or shelter.

63 (b) Commit the child to the department at a
 64 restrictiveness level defined in s. 985.03. Such commitment must
 65 be for the purpose of exercising active control over the child,
 66 including, but not limited to, custody, care, training,
 67 monitoring for substance abuse, electronic monitoring, and
 68 treatment of the child and release of the child from residential
 69 commitment into the community in a postcommitment nonresidential
 70 conditional release program. If the child is not successful in
 71 the conditional release program, the department may use the
 72 transfer procedure under subsection (4).

73 ~~(c) Commit the child to the department for placement in a~~
 74 ~~program or facility for serious or habitual juvenile offenders~~
 75 ~~in accordance with s. 985.47.~~

76 ~~1. Following a delinquency adjudicatory hearing under s.~~
 77 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
 78 ~~that results in a commitment determination, the court shall, on~~
 79 ~~its own or upon request by the state or the department,~~
 80 ~~determine whether the protection of the public requires that the~~
 81 ~~child be placed in a program for serious or habitual juvenile~~
 82 ~~offenders and whether the particular needs of the child would be~~
 83 ~~best served by a program for serious or habitual juvenile~~
 84 ~~offenders as provided in s. 985.47. The determination shall be~~

85 ~~made under ss. 985.47(1) and 985.433(7).~~

86 ~~2. Any commitment of a child to a program or facility for~~
 87 ~~serious or habitual juvenile offenders must be for an~~
 88 ~~indeterminate period of time, but the time may not exceed the~~
 89 ~~maximum term of imprisonment that an adult may serve for the~~
 90 ~~same offense.~~

91 (c) ~~(d)~~ Commit the child to the department for placement in
 92 a program or facility for juvenile sexual offenders in
 93 accordance with s. 985.48, subject to specific appropriation for
 94 such a program or facility.

95 1. The child may only be committed for such placement
 96 pursuant to determination that the child is a juvenile sexual
 97 offender under the criteria specified in s. 985.475.

98 2. Any commitment of a juvenile sexual offender to a
 99 program or facility for juvenile sexual offenders must be for an
 100 indeterminate period of time, but the time may not exceed the
 101 maximum term of imprisonment that an adult may serve for the
 102 same offense.

103 (d) Commit the child to the department for placement in a
 104 mother-infant program designed to serve the needs of juvenile
 105 mothers or expectant juvenile mothers who are committed as
 106 delinquents. The department's mother-infant program must be
 107 licensed as a child care facility in accordance with s. 402.308
 108 and must provide the services and support necessary to enable
 109 the committed juvenile mothers to provide for the needs of their
 110 infants who, upon agreement of the mother, may accompany them in
 111 the program.

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112 Section 4. Subsection (11) is added to section 985.601,
 113 Florida Statutes, to read:

114 985.601 Administering the juvenile justice continuum.—

115 (11) At the secretary's discretion, the department is
 116 authorized to pay up to \$5,000 toward the basic funeral expenses
 117 for a youth who dies while in the custody of the department and
 118 whose parents or guardians are indigent and unable to pay such
 119 expenses and for which there is no other source of funding
 120 available.

121 Section 5. Paragraphs (a), (b), (c), (e), and (g) of
 122 subsection (5) of section 985.0301, Florida Statutes, are
 123 amended to read:

124 985.0301 Jurisdiction.—

125 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
 126 985.435, 985.439, and 985.441, and except as provided in ss.
 127 985.461 and~~7~~ 985.465~~,~~ ~~and~~ ~~985.47~~ and paragraph (f), when the
 128 jurisdiction of any child who is alleged to have committed a
 129 delinquent act or violation of law is obtained, the court shall
 130 retain jurisdiction, unless relinquished by its order, until the
 131 child reaches 19 years of age, with the same power over the
 132 child which the court had before the child became an adult. For
 133 the purposes of s. 985.461, the court may retain jurisdiction
 134 for an additional 365 days following the child's 19th birthday
 135 if the child is participating in transition-to-adulthood
 136 services. The additional services do not extend involuntary
 137 court-sanctioned residential commitment and therefore require
 138 voluntary participation by the affected youth.

139 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~

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140 ~~as provided in s. 985.47,~~ the term of any order placing a child
141 in a probation program must be until the child's 19th birthday
142 unless he or she is released by the court on the motion of an
143 interested party or on his or her own motion.

144 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
145 ~~as provided in s. 985.47,~~ the term of the commitment must be
146 until the child is discharged by the department or until he or
147 she reaches the age of 21 years. Notwithstanding ss. 743.07,
148 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
149 except as provided in this section ~~and s. 985.47,~~ a child may
150 not be held under a commitment from a court under s. 985.439, s.
151 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
152 age.

153 (e) The court may retain jurisdiction over a child
154 committed to the department for placement in an intensive
155 residential treatment program for 10-year-old to 13-year-old
156 offenders, in the residential commitment program in a juvenile
157 prison or, in a residential sex offender program, ~~or in a~~
158 ~~program for serious or habitual juvenile offenders as provided~~
159 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
160 21. If the court exercises this jurisdiction retention, it shall
161 do so solely for the purpose of the child completing the
162 intensive residential treatment program for 10-year-old to 13-
163 year-old offenders, in the residential commitment program in a
164 juvenile prison, in a residential sex offender program, or the
165 program for serious or habitual juvenile offenders. Such
166 jurisdiction retention does not apply for other programs, other
167 purposes, or new offenses.

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168 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
169 or habitual juvenile offender shall not be held under commitment
170 from a court under s. ~~985.441(1)(c)~~, ~~s. 985.47~~, or s. 985.565
171 after becoming 21 years of age. This subparagraph shall apply
172 only for the purpose of completing the serious or habitual
173 juvenile offender program under this chapter and shall be used
174 solely for the purpose of treatment.

175 2. The court may retain jurisdiction over a child who has
176 been placed in a program or facility for serious or habitual
177 juvenile offenders until the child reaches the age of 21,
178 specifically for the purpose of the child completing the
179 program.

180 Section 6. This act shall take effect July 1, 2012.