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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2011	.	
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The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (49) through (56) of section 984.03, Florida Statutes, are renumbered as subsections (48) through (55), respectively, and present subsection (48) of that section is amended to read:

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

Section 2. Subsection (29) of section 985.03, Florida



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13 Statutes, is amended, subsections (37) through (57) of that
14 section are renumbered as subsections (38) through (58),
15 respectively, and a new subsection (37) is added to that
16 section, to read:

17 985.03 Definitions.—As used in this chapter, the term:

18 (29) "Juvenile justice continuum" includes, but is not
19 limited to, delinquency prevention programs and services
20 designed for the purpose of preventing or reducing delinquent
21 acts, including criminal activity by criminal gangs, and
22 juvenile arrests, as well as programs and services targeted at
23 children who have committed delinquent acts, and children who
24 have previously been committed to residential treatment programs
25 for delinquents. The term includes children-in-need-of-services
26 and families-in-need-of-services programs; conditional release;
27 substance abuse and mental health programs; educational and
28 career programs; recreational programs; community services
29 programs; community service work programs; mother-infant
30 programs; and alternative dispute resolution programs serving
31 children at risk of delinquency and their families, whether
32 offered or delivered by state or local governmental entities,
33 public or private for-profit or not-for-profit organizations, or
34 religious or charitable organizations.

35 (37) "Mother-infant program" means a residential program
36 designed to serve the needs of juvenile mothers or expectant
37 juvenile mothers who are committed as delinquents, which is
38 operated or contracted by the department. A mother-infant
39 program facility must be licensed as a child care facility under
40 s. 402.308 and must provide the services and support necessary
41 to enable each juvenile mother committed to the facility to



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42 provide for the needs of her infants who, upon agreement of the
43 mother, may accompany them in the program.

44 Section 3. Paragraph (a) of subsection (3) of section
45 985.14, Florida Statutes, is amended to read:

46 985.14 Intake and case management system.—

47 (3) The intake and case management system shall facilitate
48 consistency in the recommended placement of each child, and in
49 the assessment, classification, and placement process, with the
50 following purposes:

51 (a) An individualized, multidisciplinary assessment process
52 that identifies the priority needs of each individual child for
53 rehabilitation and treatment and identifies any needs of the
54 child's parents or guardians for services that would enhance
55 their ability to provide adequate support, guidance, and
56 supervision for the child. This process shall begin with the
57 detention risk assessment instrument and decision, shall include
58 the intake preliminary screening and comprehensive assessment
59 for substance abuse treatment services, mental health services,
60 retardation services, literacy services, and other educational
61 and treatment services as components, additional assessment of
62 the child's treatment needs, and classification regarding the
63 child's risks to the community ~~and, for a serious or habitual~~
64 ~~delinquent child, shall include the assessment for placement in~~
65 ~~a serious or habitual delinquent children program under s.~~
66 ~~985.47.~~ The completed multidisciplinary assessment process shall
67 result in the predisposition report.

68 Section 4. Subsection (1) of section 985.441, Florida
69 Statutes, is amended to read:

70 985.441 Commitment.—



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71 (1) The court that has jurisdiction of an adjudicated
72 delinquent child may, by an order stating the facts upon which a
73 determination of a sanction and rehabilitative program was made
74 at the disposition hearing:

75 (a) Commit the child to a licensed child-caring agency
76 willing to receive the child; however, the court may not commit
77 the child to a jail or to a facility used primarily as a
78 detention center or facility or shelter.

79 (b) Commit the child to the department at a restrictiveness
80 level defined in s. 985.03. Such commitment must be for the
81 purpose of exercising active control over the child, including,
82 but not limited to, custody, care, training, monitoring for
83 substance abuse, electronic monitoring, and treatment of the
84 child and release of the child from residential commitment into
85 the community in a postcommitment nonresidential conditional
86 release program. If the child is not successful in the
87 conditional release program, the department may use the transfer
88 procedure under subsection (4).

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

92 ~~1. Following a delinquency adjudicatory hearing under s.~~
93 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
94 ~~that results in a commitment determination, the court shall, on~~
95 ~~its own or upon request by the state or the department,~~
96 ~~determine whether the protection of the public requires that the~~
97 ~~child be placed in a program for serious or habitual juvenile~~
98 ~~offenders and whether the particular needs of the child would be~~
99 ~~best served by a program for serious or habitual juvenile~~



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100 ~~offenders as provided in s. 985.47. The determination shall be~~
101 ~~made under ss. 985.47(1) and 985.433(7).~~

102 ~~2. Any commitment of a child to a program or facility for~~
103 ~~serious or habitual juvenile offenders must be for an~~
104 ~~indeterminate period of time, but the time may not exceed the~~
105 ~~maximum term of imprisonment that an adult may serve for the~~
106 ~~same offense.~~

107 ~~(c)~~ (d) Commit the child to the department for placement in
108 a program or facility for juvenile sexual offenders in
109 accordance with s. 985.48, subject to specific appropriation for
110 such a program or facility.

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

114 2. Any commitment of a juvenile sexual offender to a
115 program or facility for juvenile sexual offenders must be for an
116 indeterminate period of time, but the time may not exceed the
117 maximum term of imprisonment that an adult may serve for the
118 same offense.

119 Section 5. Paragraph (a) of subsection (3) of section
120 985.601, Florida Statutes, is amended, and subsection (11) is
121 added to that section, to read:

122 985.601 Administering the juvenile justice continuum.—

123 (3) (a) The department shall develop or contract for
124 diversified and innovative programs to provide rehabilitative
125 treatment, including early intervention and prevention,
126 diversion, comprehensive intake, case management, diagnostic and
127 classification assessments, individual and family counseling,
128 shelter care, diversified detention care emphasizing



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129 alternatives to secure detention, diversified probation, halfway
130 houses, foster homes, community-based substance abuse treatment
131 services, community-based mental health treatment services,
132 community-based residential and nonresidential programs, mother-
133 infant programs, and environmental programs,~~and programs for~~
134 ~~serious or habitual juvenile offenders~~. Each program shall place
135 particular emphasis on reintegration and conditional release for
136 all children in the program.

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

143 Section 6. Subsection (5) of section 985.0301, Florida
144 Statutes, is amended to read:

145 985.0301 Jurisdiction.—

146 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
147 985.435, 985.439, and 985.441, and except as provided in ss.
148 985.461 ~~and~~ 985.465, ~~and 985.47~~ and paragraph (f), when the
149 jurisdiction of any child who is alleged to have committed a
150 delinquent act or violation of law is obtained, the court shall
151 retain jurisdiction, unless relinquished by its order, until the
152 child reaches 19 years of age, with the same power over the
153 child which the court had before the child became an adult. For
154 the purposes of s. 985.461, the court may retain jurisdiction
155 for an additional 365 days following the child's 19th birthday
156 if the child is participating in transition-to-adulthood
157 services. The additional services do not extend involuntary



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158 court-sanctioned residential commitment and therefore require
159 voluntary participation by the affected youth.

160 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
161 ~~as provided in s. 985.47~~, the term of any order placing a child
162 in a probation program must be until the child's 19th birthday
163 unless he or she is released by the court on the motion of an
164 interested party or on his or her own motion.

165 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
166 ~~as provided in s. 985.47~~, the term of the commitment must be
167 until the child is discharged by the department or until he or
168 she reaches the age of 21 years. Notwithstanding ss. 743.07,
169 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
170 except as provided in this section ~~and s. 985.47~~, a child may
171 not be held under a commitment from a court under s. 985.439, s.
172 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
173 age.

174 (d) The court may retain jurisdiction over a child
175 committed to the department for placement in a juvenile prison
176 or in a high-risk or maximum-risk residential commitment program
177 to allow the child to participate in a juvenile conditional
178 release program pursuant to s. 985.46. The jurisdiction of the
179 court may not be retained after the child's 22nd birthday.
180 However, if the child is not successful in the conditional
181 release program, the department may use the transfer procedure
182 under s. 985.441(4).

183 (e) The court may retain jurisdiction over a child
184 committed to the department for placement in an intensive
185 residential treatment program for 10-year-old to 13-year-old
186 offenders, in the residential commitment program in a juvenile



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187 prison or, in a residential sex offender program, ~~or in a~~
188 ~~program for serious or habitual juvenile offenders as provided~~
189 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
190 21. If the court exercises this jurisdiction retention, it shall
191 do so solely for the purpose of the child completing the
192 intensive residential treatment program for 10-year-old to 13-
193 year-old offenders, in the residential commitment program in a
194 juvenile prison, or in a residential sex offender program, ~~or~~
195 ~~the program for serious or habitual juvenile offenders~~. Such
196 jurisdiction retention does not apply for other programs, other
197 purposes, or new offenses.

198 (f) The court may retain jurisdiction over a child
199 committed to a juvenile correctional facility or a juvenile
200 prison until the child reaches the age of 21 years, specifically
201 for the purpose of allowing the child to complete such program.

202 ~~(g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious~~
203 ~~or habitual juvenile offender shall not be held under commitment~~
204 ~~from a court under s. 985.441(1)(c), s. 985.47, or s. 985.565~~
205 ~~after becoming 21 years of age. This subparagraph shall apply~~
206 ~~only for the purpose of completing the serious or habitual~~
207 ~~juvenile offender program under this chapter and shall be used~~
208 ~~solely for the purpose of treatment.~~

209 ~~2. The court may retain jurisdiction over a child who has~~
210 ~~been placed in a program or facility for serious or habitual~~
211 ~~juvenile offenders until the child reaches the age of 21,~~
212 ~~specifically for the purpose of the child completing the~~
213 ~~program.~~

214 (g)(h) The court may retain jurisdiction over a juvenile
215 sexual offender who has been placed in a program or facility for



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216 juvenile sexual offenders until the juvenile sexual offender
217 reaches the age of 21, specifically for the purpose of
218 completing the program.

219 (h)~~(i)~~ The court may retain jurisdiction over a child and
220 the child's parent or legal guardian whom the court has ordered
221 to pay restitution until the restitution order is satisfied. To
222 retain jurisdiction, the court shall enter a restitution order,
223 which is separate from any disposition or order of commitment,
224 on or prior to the date that the court's jurisdiction would
225 cease under this section. The contents of the restitution order
226 shall be limited to the child's name and address, the name and
227 address of the parent or legal guardian, the name and address of
228 the payee, the case number, the date and amount of restitution
229 ordered, any amount of restitution paid, the amount of
230 restitution due and owing, and a notation that costs, interest,
231 penalties, and attorney ~~attorney's~~ fees may also be due and
232 owing. The terms of the restitution order are subject to s.
233 775.089(5).

234 (i)~~(j)~~ This subsection does not prevent the exercise of
235 jurisdiction by any court having jurisdiction of the child if
236 the child, after becoming an adult, commits a violation of law.

237 Section 7. Subsection (5) of section 985.045, Florida
238 Statutes, is amended to read:

239 985.045 Court records.—

240 (5) This chapter does not prohibit a circuit court from
241 providing a restitution order containing the information
242 prescribed in s. 985.0301(5)(h) ~~985.0301(5)(i)~~ to a collection
243 court or a private collection agency for the sole purpose of
244 collecting unpaid restitution ordered in a case in which the



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245 circuit court has retained jurisdiction over the child and the
246 child's parent or legal guardian. The collection court or
247 private collection agency shall maintain the confidential status
248 of the information to the extent such confidentiality is
249 provided by law.

250 Section 8. Subsection (2) of section 985.688, Florida
251 Statutes, is amended to read:

252 985.688 Administering county and municipal delinquency
253 programs and facilities.—

254 (2) A county or municipal government may develop or
255 contract for innovative programs that provide rehabilitative
256 treatment with particular emphasis on reintegration and
257 conditional release for all children in the program, including
258 halfway houses and community-based substance abuse treatment
259 services, mental health treatment services, residential and
260 nonresidential programs, and environmental programs, ~~and~~
261 ~~programs for serious or habitual juvenile offenders.~~

262 Section 9. Subsection (2) of section 985.721, Florida
263 Statutes, is amended to read:

264 985.721 Escapes from secure detention or residential
265 commitment facility.—An escape from:

266 (2) Any residential commitment facility described in s.
267 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
268 punishment, or rehabilitation of children found to have
269 committed delinquent acts or violations of law; or

270
271 constitutes escape within the intent and meaning of s. 944.40
272 and is a felony of the third degree, punishable as provided in
273 s. 775.082, s. 775.083, or s. 775.084.



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274 Section 10. This act shall take effect July 1, 2012.

275

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

277 And the title is amended as follows:

278 Delete everything before the enacting clause

279 and insert:

280 A bill to be entitled

281 An act relating to the Department of Juvenile Justice;

282 amending s. 984.03, F.S.; deleting obsolete

283 references; amending s. 985.03, F.S.; creating and

284 revising definitions; amending s. 984.14, F.S.;

285 deleting obsolete references; amending s. 985.441,

286 F.S.; deleting an obsolete provision; amending s.

287 985.601, F.S.; revising the types of diversified and

288 innovative programs to provide rehabilitative

289 treatment that may be developed or contracted for by

290 the department, to include mother-infant programs and

291 remove reference to an obsolete program; authorizing

292 the department, at the secretary's discretion, to pay

293 up to a specified amount toward the basic funeral

294 expenses for a youth who dies while in the custody of

295 the department and whose parents or guardians are

296 indigent and for which no other funding is available;

297 amending s. 985.0301, F.S.; deleting obsolete or

298 unnecessary references and language; amending s.

299 985.045, F.S.; conforming a cross-reference; amending

300 s. 985.688, F.S.; deleting obsolete references;

301 amending s. 985.721, F.S.; conforming a cross-

302 reference; providing an effective date.