

By Senator Evers

2-00413-12

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 985.441, F.S.; removing from the court having
4 jurisdiction over an adjudicated delinquent child the
5 authority to commit the delinquent child to the
6 Department of Juvenile Justice for placement in a
7 program or facility for serious or habitual juvenile
8 offenders; authorizing the court, under certain
9 circumstances, to commit a child to the department for
10 placement in a mother-infant program if the child's
11 mother is committed as a delinquent; requiring that
12 such mother-infant program be licensed as a child care
13 facility and provide the services and support
14 necessary to enable the committed juvenile mother to
15 provide for the needs of the child who accompanies her
16 in the program; amending s. 985.601, F.S.; authorizing
17 the department, at the discretion of the Secretary of
18 Juvenile Justice, to pay a specified sum toward
19 funeral expenses for a youth under certain
20 circumstances; specifying the criteria by which the
21 secretary determines if basic funeral expenses will be
22 paid; amending s. 985.0301, F.S.; revising provisions
23 to conform to changes made by the act; providing an
24 effective date.

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

27
28 Section 1. Subsection (1) of section 985.441, Florida
29 Statutes, is amended to read:

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30 985.441 Commitment.—

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

35 (a) Commit the child to a licensed child-caring agency
36 willing to receive the child; however, the court may not commit
37 the child to a jail or to a facility used primarily as a
38 detention center or facility or shelter.

39 (b) Commit the child to the department at a restrictiveness
40 level defined in s. 985.03. Such commitment must be for the
41 purpose of exercising active control over the child, including,
42 but not limited to, custody, care, training, monitoring for
43 substance abuse, electronic monitoring, and treatment of the
44 child and release of the child from residential commitment into
45 the community in a postcommitment nonresidential conditional
46 release program. If the child is not successful in the
47 conditional release program, the department may use the transfer
48 procedure under subsection (4).

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

52 ~~1. Following a delinquency adjudicatory hearing under s.~~
53 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
54 ~~that results in a commitment determination, the court shall, on~~
55 ~~its own or upon request by the state or the department,~~
56 ~~determine whether the protection of the public requires that the~~
57 ~~child be placed in a program for serious or habitual juvenile~~
58 ~~offenders and whether the particular needs of the child would be~~

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59 ~~best served by a program for serious or habitual juvenile~~
60 ~~offenders as provided in s. 985.47. The determination shall be~~
61 ~~made under ss. 985.47(1) and 985.433(7).~~

62 ~~2. Any commitment of a child to a program or facility for~~
63 ~~serious or habitual juvenile offenders must be for an~~
64 ~~indeterminate period of time, but the time may not exceed the~~
65 ~~maximum term of imprisonment that an adult may serve for the~~
66 ~~same offense.~~

67 (c) ~~(d)~~ Commit the child to the department for placement in
68 a program or facility for juvenile sexual offenders in
69 accordance with s. 985.48, subject to specific appropriation for
70 such a program or facility.

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

74 2. Any commitment of a juvenile sexual offender to a
75 program or facility for juvenile sexual offenders must be for an
76 indeterminate period of time, but the time may not exceed the
77 maximum term of imprisonment that an adult may serve for the
78 same offense.

79 (d) Commit the child to the department for placement in a
80 mother-infant program designed to serve the needs of juvenile
81 mothers or expectant juvenile mothers who are committed as
82 delinquents. The department's mother-infant program must be
83 licensed as a child care facility in accordance with s. 402.308
84 and must provide the services and support necessary to enable
85 the committed juvenile mother to provide for the needs of her
86 child who, upon agreement of the mother, may accompany her in
87 the program.

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88 Section 2. Subsection (11) is added to section 985.601,
89 Florida Statutes, to read:

90 985.601 Administering the juvenile justice continuum.—

91 (11) At the discretion of the Secretary of Corrections, the
92 department may pay up to \$5,000 toward the basic funeral
93 expenses for a youth who dies:

94 (a) While in the custody of the department;

95 (b) Whose parents or guardians are indigent and unable to
96 pay these expenses; and

97 (c) There is no other source of funding available to pay
98 for these expenses.

99 Section 3. Paragraph (g) of subsection (5) of section
100 985.0301, Florida Statutes, is amended to read:

101 985.0301 Jurisdiction.—

102 (5)

103 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
104 or habitual juvenile offender shall not be held under commitment
105 from a court under ~~s. 985.441(1)(c), s. 985.47, or s. 985.565~~
106 after becoming 21 years of age. This subparagraph applies ~~shall~~
107 ~~apply~~ only for the purpose of completing the serious or habitual
108 juvenile offender program under this chapter and shall be used
109 solely for the purpose of treatment.

110 2. The court may retain jurisdiction over a child who has
111 been placed in a program or facility for serious or habitual
112 juvenile offenders until the child reaches the age of 21,
113 specifically for the purpose of the child completing the
114 program.

115 Section 4. This act shall take effect July 1, 2012.