

By the Committee on Criminal Justice; and Senator Evers

591-00991-12

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1 A bill to be entitled
2 An act relating to the Department of Juvenile Justice;
3 amending s. 984.03, F.S.; deleting obsolete
4 references; amending s. 985.03, F.S.; creating and
5 revising definitions; amending s. 985.14, F.S.;
6 deleting obsolete references; amending s. 985.441,
7 F.S.; deleting an obsolete provision; amending s.
8 985.601, F.S.; revising the types of diversified and
9 innovative programs to provide rehabilitative
10 treatment that may be developed or contracted for by
11 the department, to include mother-infant programs and
12 remove reference to an obsolete program; authorizing
13 the department, at the secretary's discretion, to pay
14 up to a specified amount toward the basic funeral
15 expenses for a youth who dies while in the custody of
16 the department and whose parents or guardians are
17 indigent and for which no other funding is available;
18 amending s. 985.0301, F.S.; deleting obsolete or
19 unnecessary references and language; amending s.
20 985.045, F.S.; conforming a cross-reference; amending
21 s. 985.688, F.S.; deleting obsolete references;
22 amending s. 985.721, F.S.; conforming a cross-
23 reference; providing an effective date.
24

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

27 Section 1. Subsections (49) through (56) of section 984.03,
28 Florida Statutes, are renumbered as subsections (48) through
29 (55), respectively, and present subsection (48) of that section

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30 is amended to read:

31 984.03 Definitions.—When used in this chapter, the term:
32 ~~(48) “Serious or habitual juvenile offender program” means~~
33 ~~the program established in s. 985.47.~~

34 Section 2. Subsection (29) of section 985.03, Florida
35 Statutes, is amended, subsections (37) through (57) of that
36 section are renumbered as subsections (38) through (58),
37 respectively, and a new subsection (37) is added to that
38 section, to read:

39 985.03 Definitions.—As used in this chapter, the term:
40 (29) “Juvenile justice continuum” includes, but is not
41 limited to, delinquency prevention programs and services
42 designed for the purpose of preventing or reducing delinquent
43 acts, including criminal activity by criminal gangs, and
44 juvenile arrests, as well as programs and services targeted at
45 children who have committed delinquent acts, and children who
46 have previously been committed to residential treatment programs
47 for delinquents. The term includes children-in-need-of-services
48 and families-in-need-of-services programs; conditional release;
49 substance abuse and mental health programs; educational and
50 career programs; recreational programs; community services
51 programs; community service work programs; mother-infant
52 programs; and alternative dispute resolution programs serving
53 children at risk of delinquency and their families, whether
54 offered or delivered by state or local governmental entities,
55 public or private for-profit or not-for-profit organizations, or
56 religious or charitable organizations.

57 (37) “Mother-infant program” means a residential program
58 designed to serve the needs of juvenile mothers or expectant

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59 juvenile mothers who are committed as delinquents, which is
60 operated or contracted by the department. A mother-infant
61 program facility must be licensed as a child care facility under
62 s. 402.308 and must provide the services and support necessary
63 to enable each juvenile mother committed to the facility to
64 provide for the needs of her infants who, upon agreement of the
65 mother, may accompany them in the program.

66 Section 3. Paragraph (a) of subsection (3) of section
67 985.14, Florida Statutes, is amended to read:

68 985.14 Intake and case management system.—

69 (3) The intake and case management system shall facilitate
70 consistency in the recommended placement of each child, and in
71 the assessment, classification, and placement process, with the
72 following purposes:

73 (a) An individualized, multidisciplinary assessment process
74 that identifies the priority needs of each individual child for
75 rehabilitation and treatment and identifies any needs of the
76 child's parents or guardians for services that would enhance
77 their ability to provide adequate support, guidance, and
78 supervision for the child. This process shall begin with the
79 detention risk assessment instrument and decision, shall include
80 the intake preliminary screening and comprehensive assessment
81 for substance abuse treatment services, mental health services,
82 retardation services, literacy services, and other educational
83 and treatment services as components, additional assessment of
84 the child's treatment needs, and classification regarding the
85 child's risks to the community ~~and, for a serious or habitual~~
86 ~~delinquent child, shall include the assessment for placement in~~
87 ~~a serious or habitual delinquent children program under s.~~

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88 ~~985.47.~~ The completed multidisciplinary assessment process shall
89 result in the predisposition report.

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

92 985.441 Commitment.—

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

97 (a) Commit the child to a licensed child-caring agency
98 willing to receive the child; however, the court may not commit
99 the child to a jail or to a facility used primarily as a
100 detention center or facility or shelter.

101 (b) Commit the child to the department at a restrictiveness
102 level defined in s. 985.03. Such commitment must be for the
103 purpose of exercising active control over the child, including,
104 but not limited to, custody, care, training, monitoring for
105 substance abuse, electronic monitoring, and treatment of the
106 child and release of the child from residential commitment into
107 the community in a postcommitment nonresidential conditional
108 release program. If the child is not successful in the
109 conditional release program, the department may use the transfer
110 procedure under subsection (4).

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

114 ~~1. Following a delinquency adjudicatory hearing under s.~~
115 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
116 ~~that results in a commitment determination, the court shall, on~~

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117 ~~its own or upon request by the state or the department,~~
118 ~~determine whether the protection of the public requires that the~~
119 ~~child be placed in a program for serious or habitual juvenile~~
120 ~~offenders and whether the particular needs of the child would be~~
121 ~~best served by a program for serious or habitual juvenile~~
122 ~~offenders as provided in s. 985.47. The determination shall be~~
123 ~~made under ss. 985.47(1) and 985.433(7).~~

124 ~~2. Any commitment of a child to a program or facility for~~
125 ~~serious or habitual juvenile offenders must be for an~~
126 ~~indeterminate period of time, but the time may not exceed the~~
127 ~~maximum term of imprisonment that an adult may serve for the~~
128 ~~same offense.~~

129 (c) ~~(d)~~ Commit the child to the department for placement in
130 a program or facility for juvenile sexual offenders in
131 accordance with s. 985.48, subject to specific appropriation for
132 such a program or facility.

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

136 2. Any commitment of a juvenile sexual offender to a
137 program or facility for juvenile sexual offenders must be for an
138 indeterminate period of time, but the time may not exceed the
139 maximum term of imprisonment that an adult may serve for the
140 same offense.

141 Section 5. Paragraph (a) of subsection (3) of section
142 985.601, Florida Statutes, is amended, and subsection (11) is
143 added to that section, to read:

144 985.601 Administering the juvenile justice continuum.—

145 (3) (a) The department shall develop or contract for

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146 diversified and innovative programs to provide rehabilitative
147 treatment, including early intervention and prevention,
148 diversion, comprehensive intake, case management, diagnostic and
149 classification assessments, individual and family counseling,
150 shelter care, diversified detention care emphasizing
151 alternatives to secure detention, diversified probation, halfway
152 houses, foster homes, community-based substance abuse treatment
153 services, community-based mental health treatment services,
154 community-based residential and nonresidential programs, mother-
155 infant programs, and environmental programs, ~~and programs for~~
156 ~~serious or habitual juvenile offenders~~. Each program shall place
157 particular emphasis on reintegration and conditional release for
158 all children in the program.

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

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

167 985.0301 Jurisdiction.—

168 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,
169 985.435, 985.439, and 985.441, and except as provided in ss.
170 985.461 and, ~~985.465, and 985.47~~ and paragraph (f), when the
171 jurisdiction of any child who is alleged to have committed a
172 delinquent act or violation of law is obtained, the court shall
173 retain jurisdiction, unless relinquished by its order, until the
174 child reaches 19 years of age, with the same power over the

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175 child which the court had before the child became an adult. For
176 the purposes of s. 985.461, the court may retain jurisdiction
177 for an additional 365 days following the child's 19th birthday
178 if the child is participating in transition-to-adulthood
179 services. The additional services do not extend involuntary
180 court-sanctioned residential commitment and therefore require
181 voluntary participation by the affected youth.

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

187 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
188 ~~as provided in s. 985.47~~, the term of the commitment must be
189 until the child is discharged by the department or until he or
190 she reaches the age of 21 years. Notwithstanding ss. 743.07,
191 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
192 except as provided in this section ~~and s. 985.47~~, a child may
193 not be held under a commitment from a court under s. 985.439, s.
194 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
195 age.

196 (d) The court may retain jurisdiction over a child
197 committed to the department for placement in a juvenile prison
198 or in a high-risk or maximum-risk residential commitment program
199 to allow the child to participate in a juvenile conditional
200 release program pursuant to s. 985.46. The jurisdiction of the
201 court may not be retained after the child's 22nd birthday.
202 However, if the child is not successful in the conditional
203 release program, the department may use the transfer procedure

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204 under s. 985.441(4).

205 (e) The court may retain jurisdiction over a child
206 committed to the department for placement in an intensive
207 residential treatment program for 10-year-old to 13-year-old
208 offenders, in the residential commitment program in a juvenile
209 prison or, in a residential sex offender program, ~~or in a~~
210 ~~program for serious or habitual juvenile offenders as provided~~
211 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
212 21. If the court exercises this jurisdiction retention, it shall
213 do so solely for the purpose of the child completing the
214 intensive residential treatment program for 10-year-old to 13-
215 year-old offenders, in the residential commitment program in a
216 juvenile prison, or in a residential sex offender program, ~~or~~
217 ~~the program for serious or habitual juvenile offenders~~. Such
218 jurisdiction retention does not apply for other programs, other
219 purposes, or new offenses.

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

224 ~~(g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious~~
225 ~~or habitual juvenile offender shall not be held under commitment~~
226 ~~from a court under s. 985.441(1)(c), s. 985.47, or s. 985.565~~
227 ~~after becoming 21 years of age. This subparagraph shall apply~~
228 ~~only for the purpose of completing the serious or habitual~~
229 ~~juvenile offender program under this chapter and shall be used~~
230 ~~solely for the purpose of treatment.~~

231 ~~2. The court may retain jurisdiction over a child who has~~
232 ~~been placed in a program or facility for serious or habitual~~

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233 ~~juvenile offenders until the child reaches the age of 21,~~
234 ~~specifically for the purpose of the child completing the~~
235 ~~program.~~

236 (g)~~(h)~~ The court may retain jurisdiction over a juvenile
237 sexual offender who has been placed in a program or facility for
238 juvenile sexual offenders until the juvenile sexual offender
239 reaches the age of 21, specifically for the purpose of
240 completing the program.

241 (h)~~(i)~~ The court may retain jurisdiction over a child and
242 the child's parent or legal guardian whom the court has ordered
243 to pay restitution until the restitution order is satisfied. To
244 retain jurisdiction, the court shall enter a restitution order,
245 which is separate from any disposition or order of commitment,
246 on or prior to the date that the court's jurisdiction would
247 cease under this section. The contents of the restitution order
248 shall be limited to the child's name and address, the name and
249 address of the parent or legal guardian, the name and address of
250 the payee, the case number, the date and amount of restitution
251 ordered, any amount of restitution paid, the amount of
252 restitution due and owing, and a notation that costs, interest,
253 penalties, and attorney ~~attorney's~~ fees may also be due and
254 owing. The terms of the restitution order are subject to s.
255 775.089(5).

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

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

261 985.045 Court records.—

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262 (5) This chapter does not prohibit a circuit court from
263 providing a restitution order containing the information
264 prescribed in s. 985.0301(5)(h) ~~985.0301(5)(i)~~ to a collection
265 court or a private collection agency for the sole purpose of
266 collecting unpaid restitution ordered in a case in which the
267 circuit court has retained jurisdiction over the child and the
268 child's parent or legal guardian. The collection court or
269 private collection agency shall maintain the confidential status
270 of the information to the extent such confidentiality is
271 provided by law.

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

274 985.688 Administering county and municipal delinquency
275 programs and facilities.—

276 (2) A county or municipal government may develop or
277 contract for innovative programs that provide rehabilitative
278 treatment with particular emphasis on reintegration and
279 conditional release for all children in the program, including
280 halfway houses and community-based substance abuse treatment
281 services, mental health treatment services, residential and
282 nonresidential programs, and environmental programs, ~~and~~
283 ~~programs for serious or habitual juvenile offenders.~~

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

286 985.721 Escapes from secure detention or residential
287 commitment facility.—An escape from:

288 (2) Any residential commitment facility described in s.
289 985.03(46) ~~985.03(45)~~, maintained for the custody, treatment,
290 punishment, or rehabilitation of children found to have

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291 committed delinquent acts or violations of law; or

292

293 constitutes escape within the intent and meaning of s. 944.40
294 and is a felony of the third degree, punishable as provided in
295 s. 775.082, s. 775.083, or s. 775.084.

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