



478698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 985.01, Florida Statutes, is amended to
read:

985.01 Purposes and intent.—

(1) The purposes of this chapter are:

(a) To increase public safety by reducing juvenile
delinquency through effective prevention, intervention, and



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11 treatment services that strengthen and reform the lives of
12 children.

13 (b)~~(a)~~ To provide judicial and other procedures to assure
14 due process through which children, victims, and other
15 interested parties are assured fair hearings by a respectful and
16 respected court or other tribunal and the recognition,
17 protection, and enforcement of their constitutional and other
18 legal rights, while ensuring that public safety interests and
19 the authority and dignity of the courts are adequately
20 protected.

21 (c)~~(b)~~ To provide ~~for the care, safety, and protection of~~
22 ~~children in~~ an environment that fosters healthy social,
23 emotional, intellectual, educational, and physical development;
24 to ensure secure and safe custody; and to promote the health and
25 well-being of all children under the state's care.

26 (d)~~(e)~~ To ensure the protection of society, by providing
27 for a comprehensive standardized assessment of the child's needs
28 so that the most appropriate control, discipline, punishment,
29 and treatment can be administered consistent with the
30 seriousness of the act committed, the community's long-term need
31 for public safety, the prior record of the child, and the
32 specific rehabilitation needs of the child, while also
33 providing, whenever possible, restitution to the victim of the
34 offense.

35 (e)~~(d)~~ To preserve and strengthen the child's family ties
36 whenever possible, by providing for removal of the child from
37 the physical custody of a parent ~~parental custody~~ only when his
38 or her welfare or the safety and protection of the public cannot
39 be adequately safeguarded without such removal; and, when the



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40 child is removed from his or her own family, to secure custody,
41 care, and discipline for the child as nearly as possible
42 equivalent to that which should have been given by the parents,
43 ~~and to assure, in all cases in which a child must be permanently~~
44 ~~removed from parental custody, that the child be placed in an~~
45 ~~approved family home, adoptive home, independent living program,~~
46 ~~or other placement that provides the most stable and permanent~~
47 ~~living arrangement for the child, as determined by the court.~~

48 (f)~~(e)~~1. To assure that the adjudication and disposition of
49 a child alleged or found to have committed a violation of
50 Florida law be exercised with appropriate discretion and in
51 keeping with the seriousness of the offense and the need for
52 treatment services, and that all findings made under this
53 chapter be based upon facts presented at a hearing that meets
54 the constitutional standards of fundamental fairness and due
55 process.

56 2. To assure that the sentencing and placement of a child
57 tried as an adult be appropriate and in keeping with the
58 seriousness of the offense and the child's need for
59 rehabilitative services, and that the proceedings and procedures
60 applicable to such sentencing and placement be applied within
61 the full framework of constitutional standards of fundamental
62 fairness and due process.

63 (g)~~(f)~~ To provide children committed to the department with
64 training in life skills, including career and technical
65 education, when appropriate.

66 (h) To care for children in the least restrictive and most
67 appropriate service environments, ensuring that children
68 assessed as low and moderate risk to reoffend are not committed



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69 to residential programs.

70 (i) To allocate resources for the most effective programs,
71 services, and treatments to ensure that children, their
72 families, and their community support systems are connected with
73 these programs at the points along the juvenile justice
74 continuum where they will have the most impact.

75 (2) It is the intent of the Legislature that this chapter
76 be liberally interpreted and construed in conformity with its
77 declared purposes.

78 Section 2. Paragraphs (g) and (h) of subsection (1),
79 subsections (2) and (3), paragraph (b) of subsection (4), and
80 subsections (5) and (7) of section 985.02, Florida Statutes, are
81 amended, and subsections (8) and (9) are added to that section,
82 to read:

83 985.02 Legislative intent for the juvenile justice system.—

84 (1) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of
85 the Legislature that the children of this state be provided with
86 the following protections:

87 (g) Access to prevention programs and preventive services.

88 ~~(h) An independent, trained advocate when intervention is~~
89 ~~necessary, and a skilled guardian or caretaker in a safe~~
90 ~~environment when alternative placement is necessary.~~

91 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
92 children in the care of the state's ~~dependency and delinquency~~
93 system systems need appropriate health care services, that the
94 impact of substance abuse on health indicates the need for
95 health care services to include substance abuse services where
96 appropriate, and that it is in the state's best interest that
97 such children be provided the services they need to enable them



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98 to become and remain independent of state care. In order to
99 provide these services, the state's ~~dependency and delinquency~~
100 system systems must have the ability to identify and provide
101 appropriate intervention and treatment for children with
102 personal or family-related substance abuse problems. It is
103 therefore the purpose of the Legislature to provide authority
104 for the state to contract with community substance abuse
105 treatment providers for the development and operation of
106 specialized support and overlay services for the ~~dependency and~~
107 delinquency system systems, which will be fully implemented and
108 utilized as resources permit.

109 (3) JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—It is the
110 policy of the state with respect to juvenile justice and
111 delinquency prevention to first protect the public from acts of
112 delinquency. In addition, it is the policy of the state to:

113 (a) Develop and implement effective methods of preventing
114 and reducing acts of delinquency, with a focus on maintaining
115 and strengthening the family as a whole so that children may
116 remain in their homes or communities.

117 (b) Develop and implement effective programs to prevent
118 delinquency, to divert children from the traditional juvenile
119 justice system, to intervene at an early stage of delinquency,
120 and to provide critically needed alternatives to
121 institutionalization and deep-end commitment.

122 (c) Provide well-trained personnel, high-quality services,
123 and cost-effective programs within the juvenile justice system.

124 (d) Increase the capacity of local governments and public
125 and private agencies to conduct rehabilitative treatment
126 programs and to provide research, evaluation, and training



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127 services in the field of juvenile delinquency prevention.

128

129 ~~The Legislature intends that detention care, in addition to~~
130 ~~providing secure and safe custody, will promote the health and~~
131 ~~well-being of the children committed thereto and provide an~~
132 ~~environment that fosters their social, emotional, intellectual,~~
133 ~~and physical development.~~

134 (4) DETENTION.—

135 (b) The Legislature intends that a juvenile found to have
136 committed a delinquent act understands the consequences and the
137 serious nature of such behavior. Therefore, the Legislature
138 finds that secure detention is appropriate to provide punishment
139 for children who pose a threat to public safety ~~that discourages~~
140 ~~further delinquent behavior.~~ The Legislature also finds that
141 certain juveniles have committed a sufficient number of criminal
142 acts, including acts involving violence to persons, to represent
143 sufficient danger to the community to warrant sentencing and
144 placement within the adult system. It is the intent of the
145 Legislature to establish clear criteria in order to identify
146 these juveniles and remove them from the juvenile justice
147 system.

148 (5) SITING OF FACILITIES.—

149 (a) The Legislature finds that timely siting and
150 development of needed residential facilities for juvenile
151 offenders is critical to the public safety of the citizens of
152 this state and to the effective rehabilitation of juvenile
153 offenders.

154 (b) It is the purpose of the Legislature to guarantee that
155 such facilities are sited and developed within reasonable



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156 timeframes after they are legislatively authorized and
157 appropriated.

158 (c) The Legislature further finds that such facilities must
159 be located in areas of the state close to the home communities
160 of the children they house in order to ensure the most effective
161 rehabilitation efforts, ~~and the most intensive~~ postrelease
162 supervision, and case management. The placement of facilities
163 close to the home communities of the children they house is also
164 intended to facilitate family involvement in the treatment
165 process. Residential facilities shall have no more than 90 ~~165~~
166 beds each, including campus-style programs, unless those campus-
167 style programs include more than one ~~level of restrictiveness,~~
168 ~~provide multilevel education and treatment program programs~~
169 using different treatment protocols, and have facilities that
170 coexist separately in distinct locations on the same property.

171 (d) It is the intent of the Legislature that all other
172 departments and agencies of the state shall cooperate fully with
173 the Department of Juvenile Justice to accomplish the siting of
174 facilities for juvenile offenders.

175
176 The supervision, counseling, and rehabilitative treatment, ~~and~~
177 ~~punitive~~ efforts of the juvenile justice system should avoid the
178 inappropriate use of correctional programs and large
179 institutions. ~~The Legislature finds that detention services~~
180 ~~should exceed the primary goal of providing safe and secure~~
181 ~~custody pending adjudication and disposition.~~

182 (7) GENDER-SPECIFIC PROGRAMMING.—

183 (a) The Legislature finds that the ~~prevention, treatment,~~
184 ~~and rehabilitation~~ needs of children ~~youth~~ served by the



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185 juvenile justice system are gender-specific. A gender-specific
186 approach is one in which programs, services, and treatments
187 comprehensively address the unique developmental needs of a
188 targeted gender group under the care of the department. Young
189 women and men have different pathways to delinquency, display
190 different patterns of offending, and respond differently to
191 interventions, treatment, and services.

192 ~~(b) Gender-specific programming refers to unique program~~
193 ~~models and services that comprehensively address the needs of a~~
194 ~~targeted gender group. Gender-specific services require the~~
195 ~~adherence to the principle of equity to ensure that the~~
196 ~~different interests of young women and men are recognized and~~
197 ~~varying needs are met, with equality as the desired outcome.~~
198 Gender-specific interventions focus programming focuses on the
199 differences between young females' and young males' social roles
200 and responsibilities, positions in society, access to and use of
201 resources, history of trauma, and reasons for interaction with
202 the juvenile justice system and social codes governing behavior.
203 Gender-specific programs increase the effectiveness of programs
204 by making interventions more appropriate to the specific needs
205 of young women and men and ensuring that these programs do not
206 unknowingly create, maintain, or reinforce gender roles or
207 relations that may be damaging.

208 (8) TRAUMA-INFORMED CARE.—The Legislature finds that the
209 department should use trauma-informed care as an approach to
210 treating children with histories of trauma. Trauma-informed care
211 assists service providers in recognizing the symptoms of trauma
212 and acknowledges the role trauma has played in the child's life.
213 Services for children should be based on an understanding of the



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214 vulnerabilities and triggers of trauma survivors that
215 traditional service delivery approaches may exacerbate, so that
216 these services and programs can be more supportive and avoid
217 retraumatization. The department should use trauma-specific
218 interventions that are designed to address the consequences of
219 trauma in the child and to facilitate healing.

220 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
221 that families and community support systems are critical to the
222 success of children and to ensure they are nondelinquent.
223 Therefore, when appropriate, children who can safely be held
224 accountable when served and treated in their homes and
225 communities should be diverted from more restrictive placements
226 within the juvenile justice system. There should be an emphasis
227 on strengthening the family and immersing the family members in
228 their community support system. The department should develop
229 customized plans that acknowledge the importance of family and
230 community support systems. The customized plans should recognize
231 a child's individual needs, capitalize on their strengths,
232 reduce their risks, and prepare them for a successful transition
233 to, and unification with, their family and community support
234 system. The child's family must be considered in the
235 department's process of assessing the needs, services and
236 treatment, and community connections of the children who are
237 involved in the juvenile justice system or in danger of becoming
238 involved in the system.

239 Section 3. Section 985.03, Florida Statutes, is reordered
240 and amended to read:

241 985.03 Definitions.—As used in this chapter, the term:

242 (1) "Abscond" means to hide, conceal, or absent oneself



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243 from the jurisdiction of the court or supervision of the
244 department to avoid prosecution or supervision.

245 (2)~~(1)~~ "Addictions receiving facility" means a substance
246 abuse service provider as defined in chapter 397.

247 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the court
248 to determine whether or not the facts support the allegations
249 stated in the petition, as is provided for under s. 985.35 in
250 delinquency cases.

251 (4)~~(3)~~ "Adult" means any natural person other than a child.

252 (5)~~(4)~~ "Arbitration" means a process whereby a neutral
253 third person or panel, called an arbitrator or an arbitration
254 panel, considers the facts and arguments presented by the
255 parties and renders a decision which may be binding or
256 nonbinding.

257 (6)~~(5)~~ "Authorized agent" or "designee" of the department
258 means a person or agency assigned or designated by the
259 department ~~or the Department of Children and Family Services, as~~
260 ~~appropriate,~~ to perform duties or exercise powers under this
261 chapter and includes contract providers and their employees ~~for~~
262 ~~purposes of providing services to and managing cases of children~~
263 ~~in need of services and families in need of services.~~

264 (7)~~(6)~~ "Child" or "juvenile" or "youth" means any ~~unmarried~~
265 ~~person under the age of 18 who has not been emancipated by order~~
266 ~~of the court and who has been found or alleged to be dependent,~~
267 ~~in need of services, or from a family in need of services, or~~
268 any ~~married or unmarried~~ person who is alleged to have committed
269 ~~charged with~~ a violation of law occurring prior to the time that
270 person reached the age of 18 years.

271 (8)~~(7)~~ "Child in need of services" has the same meaning as



272 ~~provided in s. 984.03 means a child for whom there is no pending~~
273 ~~investigation into an allegation or suspicion of abuse, neglect,~~
274 ~~or abandonment; no pending referral alleging the child is~~
275 ~~delinquent; or no current supervision by the department or the~~
276 ~~Department of Children and Family Services for an adjudication~~
277 ~~of dependency or delinquency. The child must also, under this~~
278 ~~chapter, be found by the court:~~

279 ~~(a) To have persistently run away from the child's parents~~
280 ~~or legal custodians despite reasonable efforts of the child, the~~
281 ~~parents or legal custodians, and appropriate agencies to remedy~~
282 ~~the conditions contributing to the behavior. Reasonable efforts~~
283 ~~shall include voluntary participation by the child's parents or~~
284 ~~legal custodians and the child in family mediation, services,~~
285 ~~and treatment offered by the department or the Department of~~
286 ~~Children and Family Services;~~

287 ~~(b) To be habitually truant from school, while subject to~~
288 ~~compulsory school attendance, despite reasonable efforts to~~
289 ~~remedy the situation under ss. 1003.26 and 1003.27 and through~~
290 ~~voluntary participation by the child's parents or legal~~
291 ~~custodians and by the child in family mediation, services, and~~
292 ~~treatment offered by the Department of Juvenile Justice or the~~
293 ~~Department of Children and Family Services; or~~

294 ~~(c) To have persistently disobeyed the reasonable and~~
295 ~~lawful demands of the child's parents or legal custodians, and~~
296 ~~to be beyond their control despite efforts by the child's~~
297 ~~parents or legal custodians and appropriate agencies to remedy~~
298 ~~the conditions contributing to the behavior. Reasonable efforts~~
299 ~~may include such things as good faith participation in family or~~
300 ~~individual counseling.~~



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301 ~~(9)-(8)~~ "Child who has been found to have committed a
302 delinquent act" means a child who, under this chapter, is found
303 by a court to have committed a violation of law or to be in
304 direct or indirect contempt of court, except that this
305 definition does not include an act constituting contempt of
306 court arising out of a dependency proceeding or a proceeding
307 concerning a child or family in need of services.

308 ~~(9) "Child support" means a court-ordered obligation,~~
309 ~~enforced under chapter 61 and ss. 409.2551-409.2597, for~~
310 ~~monetary support for the care, maintenance, training, and~~
311 ~~education of a child.~~

312 (10) "Circuit" means any of the 20 judicial circuits as set
313 forth in s. 26.021.

314 (11) "Comprehensive assessment" or "assessment" means the
315 gathering of information for the evaluation of a juvenile
316 offender's or a child's physical, psychological, educational,
317 career and technical education ~~vocational~~, and social condition
318 and family environment as they relate to the child's need for
319 rehabilitative and treatment services, including substance abuse
320 treatment services, mental health services, developmental
321 services, literacy services, medical services, family services,
322 and other specialized services, as appropriate.

323 (12) "Conditional release" means the care, treatment, help,
324 ~~and~~ supervision, and provision of transition-to-adulthood
325 services provided to a juvenile released from a residential
326 commitment program which is intended to promote rehabilitation
327 and prevent recidivism. The purpose of conditional release is to
328 protect the public, reduce recidivism, increase responsible
329 productive behavior, and provide for a successful transition of



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330 the youth from the department to his or her ~~the~~ family.

331 Conditional release includes, but is not limited to,
332 nonresidential community-based programs.

333 (13) "Court," ~~unless otherwise expressly stated,~~ means the
334 circuit court assigned to exercise jurisdiction under this
335 chapter, unless otherwise expressly stated.

336 (14) "Day treatment" means a nonresidential, community-
337 based program designed to provide therapeutic intervention to
338 youth who are served by the department, ~~who are~~ placed on
339 probation or conditional release, or are committed to the
340 minimum-risk nonresidential level. A day treatment program may
341 provide educational and career and technical education
342 ~~vocational~~ services and shall provide case management services;
343 individual, group, and family counseling; training designed to
344 address delinquency risk factors; and monitoring of a youth's
345 compliance with, and facilitation of a youth's completion of,
346 sanctions if ordered by the court. Program types may include,
347 but are not limited to, career programs, marine programs,
348 juvenile justice alternative schools, training and
349 rehabilitation programs, and gender-specific programs.

350 (15) (a) "Delinquency program" means any intake, probation,
351 or similar program; regional detention center or facility; or
352 community-based program, whether owned and operated by or
353 contracted by the department, or institution owned and operated
354 by or contracted by the department, which provides intake,
355 supervision, or custody and care of children who are alleged to
356 be or who have been found to be delinquent under this chapter.

357 (b) "Delinquency program staff" means supervisory and
358 direct care staff of a delinquency program as well as support



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359 staff who have direct contact with children in a delinquency
360 program.

361 ~~(c) "Delinquency prevention programs" means programs~~
362 ~~designed for the purpose of reducing the occurrence of~~
363 ~~delinquency, including criminal gang activity, and juvenile~~
364 ~~arrests. The term excludes arbitration, diversionary or~~
365 ~~mediation programs, and community service work or other~~
366 ~~treatment available subsequent to a child committing a~~
367 ~~delinquent act.~~

368 (16) "Department" means the Department of Juvenile Justice.

369 (17) "Designated facility" or "designated treatment
370 facility" means any facility designated by the department to
371 provide treatment to juvenile offenders.

372 (18) "Detention care" means the temporary care of a child
373 in secure ~~or~~, nonsecure, ~~or home~~ detention, pending a court
374 adjudication or disposition or execution of a court order. There
375 are two ~~three~~ types of detention care, as follows:

376 (a) "Secure detention" means temporary custody of the child
377 while the child is under the physical restriction of a secure
378 detention center or facility pending adjudication, disposition,
379 or placement.

380 ~~(b) "Nonsecure detention" means temporary custody of the~~
381 ~~child while the child is in a residential home in the community~~
382 ~~in a physically nonrestrictive environment under the supervision~~
383 ~~of the Department of Juvenile Justice pending adjudication,~~
384 ~~disposition, or placement.~~

385 (b)(c) "Nonsecure detention" "Home detention" means
386 temporary, nonsecure custody of the child while the child is
387 released to the custody of the parent, guardian, or custodian in



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388 a physically nonrestrictive environment under the supervision of
389 the department staff pending adjudication, disposition, or
390 placement. Forms of nonsecure detention include, but are not
391 limited to, home detention, electronic monitoring, day reporting
392 centers, evening reporting centers, and nonsecure shelters.
393 Nonsecure detention may include other requirements imposed by
394 the court.

395 (19) "Detention center or facility" means a facility used
396 pending court adjudication or disposition or execution of court
397 order for the temporary care of a child alleged or found to have
398 committed a violation of law. A detention center or facility may
399 provide secure ~~or nonsecure~~ custody. A facility used for the
400 commitment of adjudicated delinquents shall not be considered a
401 detention center or facility.

402 (20) "Detention hearing" means a hearing for the court to
403 determine if a child should be placed in temporary custody, as
404 provided for under part V in delinquency cases.

405 (21) "Disposition hearing" means a hearing in which the
406 court determines the most appropriate dispositional services in
407 the least restrictive available setting provided for under part
408 VII, in delinquency cases.

409 (22) "Family" means a collective of persons, consisting of
410 a child and a parent, guardian, adult custodian, or adult
411 relative, in which:

412 (a) The persons reside in the same house or living unit; or

413 (b) The parent, guardian, adult custodian, or adult
414 relative has a legal responsibility by blood, marriage, or court
415 order to support or care for the child.

416 (23) "Family in need of services" has the same meaning as



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417 ~~provided in s. 984.03 means a family that has a child for whom~~
418 ~~there is no pending investigation into an allegation of abuse,~~
419 ~~neglect, or abandonment or no current supervision by the~~
420 ~~department or the Department of Children and Family Services for~~
421 ~~an adjudication of dependency or delinquency. The child must~~
422 ~~also have been referred to a law enforcement agency or the~~
423 ~~department for:~~

424 ~~(a) Running away from parents or legal custodians;~~

425 ~~(b) Persistently disobeying reasonable and lawful demands~~
426 ~~of parents or legal custodians, and being beyond their control;~~
427 ~~or~~

428 ~~(c) Habitual truancy from school.~~

429 ~~(24) "Foster care" means care provided a child in a foster~~
430 ~~family or boarding home, group home, agency boarding home, child~~
431 ~~care institution, or any combination thereof.~~

432 ~~(25) "Habitually truant" means that:~~

433 ~~(a) The child has 15 unexcused absences within 90 calendar~~
434 ~~days with or without the knowledge or justifiable consent of the~~
435 ~~child's parent or legal guardian, is subject to compulsory~~
436 ~~school attendance under s. 1003.21(1) and (2)(a), and is not~~
437 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~
438 ~~specified by law or the rules of the State Board of Education.~~

439 ~~(b) Escalating activities to determine the cause, and to~~
440 ~~attempt the remediation, of the child's truant behavior under~~
441 ~~ss. 1003.26 and 1003.27 have been completed.~~

442
443 ~~If a child who is subject to compulsory school attendance is~~
444 ~~responsive to the interventions described in ss. 1003.26 and~~
445 ~~1003.27 and has completed the necessary requirements to pass the~~



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446 ~~current grade as indicated in the district pupil progression~~
447 ~~plan, the child shall not be determined to be habitually truant~~
448 ~~and shall be passed. If a child within the compulsory school~~
449 ~~attendance age has 15 unexcused absences within 90 calendar days~~
450 ~~or fails to enroll in school, the state attorney may file a~~
451 ~~child-in-need-of-services petition. Before filing a petition,~~
452 ~~the child must be referred to the appropriate agency for~~
453 ~~evaluation. After consulting with the evaluating agency, the~~
454 ~~state attorney may elect to file a child-in-need-of-services~~
455 ~~petition.~~

456 ~~(c) A school representative, designated according to school~~
457 ~~board policy, and a juvenile probation officer of the department~~
458 ~~have jointly investigated the truancy problem or, if that was~~
459 ~~not feasible, have performed separate investigations to identify~~
460 ~~conditions that could be contributing to the truant behavior;~~
461 ~~and if, after a joint staffing of the case to determine the~~
462 ~~necessity for services, such services were determined to be~~
463 ~~needed, the persons who performed the investigations met jointly~~
464 ~~with the family and child to discuss any referral to appropriate~~
465 ~~community agencies for economic services, family or individual~~
466 ~~counseling, or other services required to remedy the conditions~~
467 ~~that are contributing to the truant behavior.~~

468 ~~(d) The failure or refusal of the parent or legal guardian~~
469 ~~or the child to participate, or make a good faith effort to~~
470 ~~participate, in the activities prescribed to remedy the truant~~
471 ~~behavior, or the failure or refusal of the child to return to~~
472 ~~school after participation in activities required by this~~
473 ~~subsection, or the failure of the child to stop the truant~~
474 ~~behavior after the school administration and the department have~~



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475 ~~worked with the child as described in s. 1003.27(3) shall be~~
476 ~~handled as prescribed in s. 1003.27.~~

477 ~~(26) "Halfway house" means a community-based residential~~
478 ~~program for 10 or more committed delinquents at the moderate-~~
479 ~~risk commitment level which is operated or contracted by the~~
480 ~~department.~~

481 ~~(24)-(27)~~ "Intake" means the initial acceptance and
482 screening by the department or juvenile assessment center
483 personnel of a complaint or a law enforcement report or probable
484 cause affidavit of delinquency, ~~family in need of services, or~~
485 ~~child in need of services~~ to determine the recommendation to be
486 taken in the best interests of the child, the family, and the
487 community. The emphasis of intake is on diversion and the least
488 restrictive available services. Consequently, intake includes
489 such alternatives as:

490 (a) The disposition of the complaint, report, or probable
491 cause affidavit without court or public agency action or
492 judicial handling when appropriate.

493 (b) The referral of the child to another public or private
494 agency when appropriate.

495 (c) The recommendation by the department ~~juvenile probation~~
496 ~~officer~~ of judicial handling when appropriate and warranted.

497 ~~(25)-(28)~~ "Judge" means the circuit judge exercising
498 jurisdiction pursuant to this chapter.

499 ~~(26)-(29)~~ "Juvenile justice continuum" includes, but is not
500 limited to, ~~delinquency~~ prevention programs and services
501 designed for the purpose of preventing or reducing delinquent
502 acts, including criminal activity by criminal gangs, and
503 juvenile arrests, as well as programs and services targeted at



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504 children who have committed delinquent acts, and children who
505 have previously been committed to residential treatment programs
506 for delinquents. The term includes children-in-need-of-services
507 and families-in-need-of-services programs under chapter 984;
508 conditional release; substance abuse and mental health programs;
509 educational and career programs; recreational programs;
510 community services programs; community service work programs;
511 mother-infant programs; and alternative dispute resolution
512 programs serving children at risk of delinquency and their
513 families, whether offered or delivered by state or local
514 governmental entities, public or private for-profit or not-for-
515 profit organizations, or religious or charitable organizations.

516 (27)~~(30)~~ "Juvenile probation officer" means the authorized
517 agent of the department who performs the intake, case
518 management, or supervision functions.

519 (28)~~(31)~~ "Legal custody or guardian" means a legal status
520 created by court order or letter of guardianship which vests in
521 a custodian of the person or guardian, whether an agency or an
522 individual, the right to have physical custody of the child and
523 the right and duty to protect, train, and discipline the child
524 and to provide him or her with food, shelter, education, and
525 ordinary medical, dental, psychiatric, and psychological care.

526 (29)~~(32)~~ "Licensed child-caring agency" means a person,
527 society, association, or agency licensed by the Department of
528 Children and Families ~~Family Services~~ to care for, receive, and
529 board children.

530 (30)~~(33)~~ "Licensed health care professional" means a
531 physician licensed under chapter 458, an osteopathic physician
532 licensed under chapter 459, a nurse licensed under part I of



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533 chapter 464, a physician assistant licensed under chapter 458 or
534 chapter 459, or a dentist licensed under chapter 466.

535 ~~(31)(34)~~ "Likely to injure oneself" means that, as
536 evidenced by violent or other actively self-destructive
537 behavior, it is more likely than not that within a 24-hour
538 period the child will attempt to commit suicide or inflict
539 serious bodily harm on himself or herself.

540 ~~(32)(35)~~ "Likely to injure others" means that it is more
541 likely than not that within a 24-hour period the child will
542 inflict serious and unjustified bodily harm on another person.

543 ~~(33)(36)~~ "Mediation" means a process whereby a neutral
544 third person called a mediator acts to encourage and facilitate
545 the resolution of a dispute between two or more parties. It is
546 an informal and nonadversarial process with the objective of
547 helping the disputing parties reach a mutually acceptable and
548 voluntary agreement. In mediation, decisionmaking authority
549 rests with the parties. The role of the mediator includes, but
550 is not limited to, assisting the parties in identifying issues,
551 fostering joint problem solving, and exploring settlement
552 alternatives.

553 ~~(34)(37)~~ "Mother-infant program" means a residential
554 program designed to serve the needs of juvenile mothers or
555 expectant juvenile mothers who are committed as delinquents,
556 which is operated or contracted by the department. A mother-
557 infant program facility must be licensed as a child care
558 facility under s. 402.308 and must provide the services and
559 support necessary to enable each juvenile mother committed to
560 the facility to provide for the needs of her infants who, upon
561 agreement of the mother, may accompany her in the program.



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562 ~~(35)-(38)~~ "Necessary medical treatment" means care which is
563 necessary within a reasonable degree of medical certainty to
564 prevent the deterioration of a child's condition or to alleviate
565 immediate pain of a child.

566 ~~(36)-(39)~~ "Next of kin" means an adult relative of a child
567 who is the child's brother, sister, grandparent, aunt, uncle, or
568 first cousin.

569 ~~(37)-(40)~~ "Ordinary medical care" means medical procedures
570 that are administered or performed on a routine basis and
571 include, but are not limited to, inoculations, physical
572 examinations, remedial treatment for minor illnesses and
573 injuries, preventive services, medication management, chronic
574 disease detection and treatment, and other medical procedures
575 that are administered or performed on a routine basis and do not
576 involve hospitalization, surgery, the use of general anesthesia,
577 or the provision of psychotropic medications.

578 ~~(38)-(41)~~ "Parent" means a woman who gives birth to a child
579 and a man whose consent to the adoption of the child would be
580 required under s. 63.062(1). If a child has been legally
581 adopted, the term "parent" means the adoptive mother or father
582 of the child. The term does not include an individual whose
583 parental relationship to the child has been legally terminated,
584 or an alleged or prospective parent, unless the parental status
585 falls within the terms of either s. 39.503(1) or s. 63.062(1).

586 ~~(39)-(42)~~ "Preliminary screening" means the gathering of
587 preliminary information to be used in determining a child's need
588 for further evaluation or assessment or for referral for other
589 substance abuse services through means such as psychosocial
590 interviews; urine and breathalyzer screenings; and reviews of



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591 available educational, delinquency, and dependency records of
592 the child.

593 ~~(43) "Preventive services" means social services and other~~
594 ~~supportive and rehabilitative services provided to the parent of~~
595 ~~the child, the legal guardian of the child, or the custodian of~~
596 ~~the child and to the child for the purpose of averting the~~
597 ~~removal of the child from the home or disruption of a family~~
598 ~~which will or could result in the placement of a child in foster~~
599 ~~care. Social services and other supportive and rehabilitative~~
600 ~~services shall promote the child's need for a safe, continuous,~~
601 ~~stable living environment and shall promote family autonomy and~~
602 ~~shall strengthen family life as the first priority whenever~~
603 ~~possible.~~

604 (40) "Prevention" means programs, strategies, initiatives,
605 and networks designed to keep children from making initial or
606 further contact with the juvenile justice system.

607 (41)-(44) "Probation" means the legal status of probation
608 created by law and court order in cases involving a child who
609 has been found to have committed a delinquent act. Probation is
610 an individualized program in which the freedom of the child is
611 limited and the child is restricted to noninstitutional quarters
612 or restricted to the child's home in lieu of commitment to the
613 custody of the department. Youth on probation may be assessed
614 and classified for placement in day-treatment probation programs
615 designed for youth who represent a minimum risk to themselves
616 and public safety and do not require placement and services in a
617 residential setting.

618 (42)-(45) "Relative" means a grandparent, great-grandparent,
619 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,



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620 niece, or nephew, whether related by the whole or half blood, by
621 affinity, or by adoption. The term does not include a
622 stepparent.

623 ~~(44)~~(46) "Restrictiveness level" means the level of
624 programming and security provided by programs that service the
625 supervision, custody, care, and treatment needs of committed
626 children. Sections 985.601(10) and 985.721 apply to children
627 placed in programs at any residential commitment level. The
628 restrictiveness levels of commitment are as follows:

629 (a) *Minimum-risk nonresidential.*—Programs or program models
630 at this commitment level work with youth who remain in the
631 community and participate at least 5 days per week in a day
632 treatment program. Youth assessed and classified for programs at
633 this commitment level represent a minimum risk to themselves and
634 public safety and do not require placement and services in
635 residential settings. Youth in this level have full access to,
636 and reside in, the community. Youth who have been found to have
637 committed delinquent acts that involve firearms, that are sexual
638 offenses, or that would be life felonies or first degree
639 felonies if committed by an adult may not be committed to a
640 program at this level.

641 ~~(b) *Low risk residential.* Programs or program models at~~
642 ~~this commitment level are residential but may allow youth to~~
643 ~~have unsupervised access to the community. Residential~~
644 ~~facilities shall have no more than 165 beds each, including~~
645 ~~campus-style programs, unless those campus-style programs~~
646 ~~include more than one level of restrictiveness, provide~~
647 ~~multilevel education and treatment programs using different~~
648 ~~treatment protocols, and have facilities that coexist separately~~



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649 ~~in distinct locations on the same property. Youth assessed and~~
650 ~~classified for placement in programs at this commitment level~~
651 ~~represent a low risk to themselves and public safety but do~~
652 ~~require placement and services in residential settings. Children~~
653 ~~who have been found to have committed delinquent acts that~~
654 ~~involve firearms, delinquent acts that are sexual offenses, or~~
655 ~~delinquent acts that would be life felonies or first degree~~
656 ~~felonies if committed by an adult shall not be committed to a~~
657 ~~program at this level.~~

658 (b)(e) Nonsecure Moderate risk residential.—Programs or
659 program models at this commitment level are residential but may
660 allow youth to have supervised access to the community.
661 Facilities at this commitment level are either environmentally
662 secure, staff secure, or are hardware-secure with walls,
663 fencing, or locking doors. Residential facilities at this
664 commitment level shall have no more than 90 ~~165~~ beds each,
665 including campus-style programs, unless those campus-style
666 programs include more than one ~~level of restrictiveness, provide~~
667 ~~multilevel education and treatment program programs~~ using
668 different treatment protocols, and have facilities that coexist
669 separately in distinct locations on the same property.
670 Facilities at this commitment level shall provide 24-hour awake
671 supervision, custody, care, and treatment of residents. Youth
672 assessed and classified for placement in programs at this
673 commitment level represent a low or moderate risk to public
674 safety and require close supervision. The staff at a facility at
675 this commitment level may seclude a child who is a physical
676 threat to himself or herself or others. Mechanical restraint may
677 also be used when necessary.



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678 (c) ~~(d)~~ *High-risk residential.*—Programs or program models at
679 this commitment level are residential and do not allow youth to
680 have access to the community, except that temporary release
681 providing community access for up to 72 continuous hours may be
682 approved by a court for a youth who has made successful progress
683 in his or her program in order for the youth to attend a family
684 emergency or, during the final 60 days of his or her placement,
685 to visit his or her home, enroll in school or a career and
686 technical education ~~vocational~~ program, complete a job
687 interview, or participate in a community service project. High-
688 risk residential facilities are hardware-secure with perimeter
689 fencing and locking doors. Residential facilities at this
690 commitment level shall have no more than 90 ~~165~~ beds each,
691 including campus-style programs, unless those campus-style
692 programs include more than one ~~level of restrictiveness, provide~~
693 ~~multilevel education and treatment~~ program ~~programs~~ using
694 different treatment protocols, and have facilities that coexist
695 separately in distinct locations on the same property.
696 Facilities at this commitment level shall provide 24-hour awake
697 supervision, custody, care, and treatment of residents. Youth
698 assessed and classified for this level of placement require
699 close supervision in a structured residential setting. Placement
700 in programs at this level is prompted by a concern for public
701 safety that outweighs placement in programs at lower commitment
702 levels. The staff at a facility at this commitment level may
703 seclude a child who is a physical threat to himself or herself
704 or others. Mechanical restraint may also be used when necessary.
705 The facility may provide for single cell occupancy, except that
706 youth may be housed together during prerelease transition.



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707 ~~(d)-(e)~~ *Maximum-risk residential.*—Programs or program models
708 at this commitment level include juvenile correctional
709 facilities and juvenile prisons. The programs at this commitment
710 level are long-term residential and do not allow youth to have
711 access to the community. Facilities at this commitment level are
712 maximum-custody, hardware-secure with perimeter security fencing
713 and locking doors. Residential facilities at this commitment
714 level shall have no more than 90 ~~165~~ beds each, including
715 campus-style programs, unless those campus-style programs
716 include more than one ~~level of restrictiveness, provide~~
717 ~~multilevel education and treatment program programs~~ using
718 different treatment protocols, and have facilities that coexist
719 separately in distinct locations on the same property.
720 Facilities at this commitment level shall provide 24-hour awake
721 supervision, custody, care, and treatment of residents. The
722 staff at a facility at this commitment level may seclude a child
723 who is a physical threat to himself or herself or others.
724 Mechanical restraint may also be used when necessary. Facilities
725 at this commitment level ~~The facility~~ shall provide for single
726 cell occupancy, except that youth may be housed together during
727 prerelease transition. Youth assessed and classified for this
728 level of placement require close supervision in a maximum
729 security residential setting. Placement in a program at this
730 level is prompted by a demonstrated need to protect the public.
731 ~~(43)-(47)~~ “Respite” means a placement that is available for
732 the care, custody, and placement of a youth charged with
733 domestic violence as an alternative to secure detention or for
734 placement of a youth when a shelter bed for a child in need of
735 services or a family in need of services is unavailable.



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736 ~~(45)-(48)~~ "Secure detention center or facility" means a
737 physically restricting facility for the temporary care of
738 children, pending adjudication, disposition, or placement.

739 ~~(46)-(49)~~ "Shelter" means a place for the temporary care of
740 a child who is alleged to be or who has been found to be
741 delinquent.

742 ~~(50)~~ "Shelter hearing" means a hearing provided for under
743 s. ~~984.14 in family-in-need-of-services cases or child-in-need-~~
744 ~~of-services cases.~~

745 ~~(51)~~ "Staff secure shelter" means a facility in which a
746 child is supervised 24 hours a day by staff members who are
747 awake while on duty. The facility is for the temporary care and
748 assessment of a child who has been found to be dependent, who
749 has violated a court order and been found in contempt of court,
750 or whom the Department of Children and Family Services is unable
751 to properly assess or place for assistance within the continuum
752 of services provided for dependent children.

753 ~~(47)-(52)~~ "Substance abuse" means using, without medical
754 reason, any psychoactive or mood-altering drug, including
755 alcohol, in such a manner as to induce impairment resulting in
756 dysfunctional social behavior.

757 ~~(48)-(53)~~ "Taken into custody" means the status of a child
758 immediately when temporary physical control over the child is
759 attained by a person authorized by law, pending the child's
760 release, detention, placement, or other disposition as
761 authorized by law.

762 ~~(49)-(54)~~ "Temporary legal custody" means the relationship
763 that a juvenile court creates between a child and an adult
764 relative of the child, adult nonrelative approved by the court,



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765 or other person until a more permanent arrangement is ordered.
766 Temporary legal custody confers upon the custodian the right to
767 have temporary physical custody of the child and the right and
768 duty to protect, train, and discipline the child and to provide
769 the child with food, shelter, and education, and ordinary
770 medical, dental, psychiatric, and psychological care, unless
771 these rights and duties are otherwise enlarged or limited by the
772 court order establishing the temporary legal custody
773 relationship.

774 (50)~~(55)~~ "Temporary release" means the terms and conditions
775 under which a child is temporarily released from a residential
776 commitment facility or allowed home visits. If the temporary
777 release is from a nonsecure ~~moderate-risk~~ residential facility,
778 a high-risk residential facility, or a maximum-risk residential
779 facility, the terms and conditions of the temporary release must
780 be approved by the child, the court, and the facility. ~~The term~~
781 ~~includes periods during which the child is supervised pursuant~~
782 ~~to a conditional release program or a period during which the~~
783 ~~child is supervised by a juvenile probation officer or other~~
784 ~~nonresidential staff of the department or staff employed by an~~
785 ~~entity under contract with the department.~~

786 (51)~~(56)~~ "Transition-to-adulthood services" means services
787 that are provided for youth in the custody of the department or
788 under the supervision of the department and that have the
789 objective of instilling the knowledge, skills, and aptitudes
790 essential to a socially integrated, self-supporting adult life.
791 The services may include, but are not limited to:

792 (a) Assessment of the youth's ability and readiness for
793 adult life.



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794 (b) A plan for the youth to acquire the knowledge,
795 information, and counseling necessary to make a successful
796 transition to adulthood.

797 (c) Services that have proven effective toward achieving
798 the transition to adulthood.

799 (52) "Trauma-informed care" means services that are
800 provided to children with a history of trauma, recognizing the
801 symptoms of trauma and acknowledging the role that trauma has
802 played in the child's life. Trauma may include, but is not
803 limited to, community and school violence, physical or sexual
804 abuse, neglect, medical difficulties, and domestic violence.

805 (53) ~~(57)~~ "Violation of law" or "delinquent act" means a
806 violation of any law of this state, the United States, or any
807 other state which is a misdemeanor or a felony or a violation of
808 a county or municipal ordinance which would be punishable by
809 incarceration if the violation were committed by an adult.

810 (54) ~~(58)~~ "Waiver hearing" means a hearing provided for
811 under s. 985.556(4).

812 Section 4. Subsections (4) and (5) of section 985.0301,
813 Florida Statutes, are amended to read:

814 985.0301 Jurisdiction.—

815 (4) (a) Petitions alleging delinquency shall be filed in the
816 county where the delinquent act or violation of law occurred.
817 The ~~, but the~~ circuit court for that county may transfer the
818 case to the circuit court of the circuit in which the child
819 resides or will reside at the time of detention or placement for
820 dispositional purposes. A child who has been detained may ~~shall~~
821 be transferred to the ~~appropriate~~ detention center or facility
822 in the circuit in which the child resides or will reside at the



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823 ~~time of detention or other placement directed by the receiving~~
824 ~~court.~~

825 (b) The jurisdiction to be exercised by the court when a
826 child is taken into custody before the filing of a petition
827 under subsection (2) shall be exercised by the circuit court for
828 the county in which the child is taken into custody, which court
829 shall have personal jurisdiction of the child and the child's
830 parent or legal guardian. Upon the filing of a petition in the
831 appropriate circuit court, the court that is exercising initial
832 jurisdiction of the person of the child shall, if the child has
833 been detained, immediately order the child to be transferred to
834 the detention center or facility or other placement as ordered
835 by the court having subject matter jurisdiction of the case.

836 (5) (a) Notwithstanding ~~s. ss. 743.07, 985.43, 985.433,~~
837 ~~985.435, 985.439, and 985.441,~~ and except as provided in
838 ~~paragraph (b) ss. 985.461 and 985.465 and paragraph (f),~~ when
839 the jurisdiction of any child who is alleged to have committed a
840 delinquent act or violation of law is obtained, the court shall
841 retain jurisdiction to dispose a case, unless relinquished by
842 its order, until the child reaches 19 years of age, with the
843 same power over the child which the court had before the child
844 became an adult. ~~For the purposes of s. 985.461, the court may~~
845 ~~retain jurisdiction for an additional 365 days following the~~
846 ~~child's 19th birthday if the child is participating in~~
847 ~~transition to adulthood services. The additional services do not~~
848 ~~extend involuntary court-sanctioned residential commitment and~~
849 ~~therefore require voluntary participation by the affected youth.~~

850 (b) The court shall retain jurisdiction, Notwithstanding
851 ~~ss. 743.07 and 985.455(3), the term of any order placing a child~~



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852 ~~in a probation program must be until the child's 19th birthday~~
853 ~~unless relinquished by its own order:~~

854 1. Over a child on probation until the child reaches 19
855 years of age he or she is released by the court on the motion of
856 an interested party or on his or her own motion.

857 2. Over a child committed to the department until the child
858 reaches 21 years of age, specifically for the purpose of
859 allowing the child to complete the commitment program, including
860 conditional release supervision.

861 (c) The court shall retain jurisdiction over a juvenile
862 sexual offender, as defined in s. 985.475, who has been placed
863 on community-based treatment alternative with supervision or who
864 has been placed in a program or facility for juvenile sexual
865 offenders, pursuant to s. 985.48, until the juvenile sexual
866 offender reaches 21 years of age, specifically for the purpose
867 of allowing the juvenile to complete the program.

868 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
869 ~~the commitment must be until the child is discharged by the~~
870 ~~department or until he or she reaches the age of 21 years.~~
871 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
872 ~~985.455, and 985.513, and except as provided in this section, a~~
873 ~~child may not be held under a commitment from a court under s.~~
874 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
875 ~~21 years of age.~~

876 ~~(d) The court may retain jurisdiction over a child~~
877 ~~committed to the department for placement in a juvenile prison~~
878 ~~or in a high-risk or maximum-risk residential commitment program~~
879 ~~to allow the child to participate in a juvenile conditional~~
880 ~~release program pursuant to s. 985.46. The jurisdiction of the~~



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881 ~~court may not be retained after the child's 22nd birthday.~~
882 ~~However, if the child is not successful in the conditional~~
883 ~~release program, the department may use the transfer procedure~~
884 ~~under s. 985.441(4).~~

885 ~~(c) The court may retain jurisdiction over a child~~
886 ~~committed to the department for placement in an intensive~~
887 ~~residential treatment program for 10-year-old to 13-year-old~~
888 ~~offenders, in the residential commitment program in a juvenile~~
889 ~~prison or in a residential sex offender program until the child~~
890 ~~reaches the age of 21. If the court exercises this jurisdiction~~
891 ~~retention, it shall do so solely for the purpose of the child~~
892 ~~completing the intensive residential treatment program for 10-~~
893 ~~year-old to 13-year-old offenders, in the residential commitment~~
894 ~~program in a juvenile prison, or in a residential sex offender~~
895 ~~program. Such jurisdiction retention does not apply for other~~
896 ~~programs, other purposes, or new offenses.~~

897 ~~(f) The court may retain jurisdiction over a child~~
898 ~~committed to a juvenile correctional facility or a juvenile~~
899 ~~prison until the child reaches the age of 21 years, specifically~~
900 ~~for the purpose of allowing the child to complete such program.~~

901 ~~(g) The court may retain jurisdiction over a juvenile~~
902 ~~sexual offender who has been placed in a program or facility for~~
903 ~~juvenile sexual offenders until the juvenile sexual offender~~
904 ~~reaches the age of 21, specifically for the purpose of~~
905 ~~completing the program.~~

906 ~~(d)(h)~~ The court may retain jurisdiction over a child and
907 the child's parent or legal guardian whom the court has ordered
908 to pay restitution until the restitution order is satisfied. To
909 retain jurisdiction, the court shall enter a restitution order,



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910 which is separate from any disposition or order of commitment,
911 on or prior to the date that the court's jurisdiction would
912 cease under this section. The contents of the restitution order
913 shall be limited to the child's name and address, the name and
914 address of the parent or legal guardian, the name and address of
915 the payee, the case number, the date and amount of restitution
916 ordered, any amount of restitution paid, the amount of
917 restitution due and owing, and a notation that costs, interest,
918 penalties, and attorney fees may also be due and owing. The
919 terms of the restitution order are subject to s. 775.089(5).

920 (e)~~(i)~~ This subsection does not prevent the exercise of
921 jurisdiction by any court having jurisdiction of the child if
922 the child, after becoming an adult, commits a violation of law.

923 Section 5. Subsections (2) and (4) of section 985.037,
924 Florida Statutes, are amended to read:

925 985.037 Punishment for contempt of court; alternative
926 sanctions.—

927 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
928 be placed in a secure detention facility for purposes of
929 punishment for contempt of court if alternative sanctions are
930 unavailable or inappropriate, or if the child has already been
931 ordered to serve an alternative sanction but failed to comply
932 with the sanction. A delinquent child who has been held in
933 direct or indirect contempt may be placed in a secure detention
934 facility not to exceed 5 days for a first offense and not to
935 exceed 15 days for a second or subsequent offense.

936 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
937 PROCESS.—

938 (a) If a child is charged with direct contempt of court,



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939 including traffic court, the court may impose an authorized
940 sanction immediately. The court must hold a hearing to determine
941 if the child committed direct contempt. Due process must be
942 afforded to the child during this hearing.

943 (b) If a child is charged with indirect contempt of court,
944 the court must hold a hearing within 24 hours to determine
945 whether the child committed indirect contempt of a valid court
946 order. At the hearing, the following due process rights must be
947 provided to the child:

948 1. Right to a copy of the order to show cause alleging
949 facts supporting the contempt charge.

950 2. Right to an explanation of the nature and the
951 consequences of the proceedings.

952 3. Right to legal counsel and the right to have legal
953 counsel appointed by the court if the juvenile is indigent,
954 under s. 985.033.

955 4. Right to confront witnesses.

956 5. Right to present witnesses.

957 6. Right to have a transcript or record of the proceeding.

958 7. Right to appeal to an appropriate court.

959

960 The child's parent or guardian may address the court regarding
961 the due process rights of the child. Upon motion by the defense
962 attorney or state attorney, the court shall review the placement
963 of the child ~~every 72 hours~~ to determine whether it is
964 appropriate for the child to remain in the facility.

965 (c) The court may not order that a child be placed in a
966 secure detention facility for punishment for contempt unless the
967 court determines that an alternative sanction is inappropriate



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968 or unavailable or that the child was initially ordered to an
969 alternative sanction and did not comply with the alternative
970 sanction. The court is encouraged to order a child to perform
971 community service, up to the maximum number of hours, where
972 appropriate before ordering that the child be placed in a secure
973 detention facility as punishment for contempt of court.

974 (d) In addition to any other sanction imposed under this
975 section, the court may direct the Department of Highway Safety
976 and Motor Vehicles to withhold issuance of, or suspend, a
977 child's driver ~~driver's~~ license or driving privilege. The court
978 may order that a child's driver ~~driver's~~ license or driving
979 privilege be withheld or suspended for up to 1 year for a first
980 offense of contempt and up to 2 years for a second or subsequent
981 offense. If the child's driver ~~driver's~~ license or driving
982 privilege is suspended or revoked for any reason at the time the
983 sanction for contempt is imposed, the court shall extend the
984 period of suspension or revocation by the additional period
985 ordered under this paragraph. If the child's driver ~~driver's~~
986 license is being withheld at the time the sanction for contempt
987 is imposed, the period of suspension or revocation ordered under
988 this paragraph shall begin on the date on which the child is
989 otherwise eligible to drive.

990 Section 6. Paragraph (a) of subsection (1) of section
991 985.039, Florida Statutes, is amended to read:

992 985.039 Cost of supervision; cost of care.-

993 (1) Except as provided in subsection (3) or subsection (4):

994 (a) When any child is placed into nonsecure ~~home~~ detention,
995 probation, or other supervision status with the department, or
996 is committed to the minimum-risk nonresidential restrictiveness



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997 level, the court shall order the parent of such child to pay to
998 the department a fee for the cost of the supervision of such
999 child in the amount of \$1 per day for each day that the child is
1000 in such status.

1001 Section 7. Subsection (5) of section 985.045, Florida
1002 Statutes, is amended to read:

1003 985.045 Court records.—

1004 (5) This chapter does not prohibit a circuit court from
1005 providing a restitution order containing the information
1006 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
1007 court or a private collection agency for the sole purpose of
1008 collecting unpaid restitution ordered in a case in which the
1009 circuit court has retained jurisdiction over the child and the
1010 child's parent or legal guardian. The collection court or
1011 private collection agency shall maintain the confidential status
1012 of the information to the extent such confidentiality is
1013 provided by law.

1014 Section 8. Paragraph (d) of subsection (1) and subsection
1015 (3) of section 985.101, Florida Statutes, are amended to read:

1016 985.101 Taking a child into custody.—

1017 (1) A child may be taken into custody under the following
1018 circumstances:

1019 (d) By a law enforcement officer who has probable cause to
1020 believe that the child is in violation of the conditions of the
1021 child's probation, nonsecure ~~home~~ detention, postcommitment
1022 probation, or conditional release supervision; has absconded
1023 from nonresidential commitment; or has escaped from residential
1024 commitment.

1025



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1026 Nothing in this subsection shall be construed to allow the
1027 detention of a child who does not meet the detention criteria in
1028 part V.

1029 (3) When a child is taken into custody as provided in this
1030 section, the person taking the child into custody shall attempt
1031 to notify the parent, guardian, or legal custodian of the child.
1032 The person taking the child into custody shall continue such
1033 attempt until the parent, guardian, or legal custodian of the
1034 child is notified or the child is delivered to the department ~~a~~
1035 ~~juvenile probation officer~~ under ss. 985.14 and 985.145,
1036 whichever occurs first. If the child is delivered to the
1037 department ~~a juvenile probation officer~~ before the parent,
1038 guardian, or legal custodian is notified, the department
1039 ~~juvenile probation officer~~ shall continue the attempt to notify
1040 until the parent, guardian, or legal custodian of the child is
1041 notified. Following notification, the parent or guardian must
1042 provide identifying information, including name, address, date
1043 of birth, social security number, and driver ~~driver's~~ license
1044 number or identification card number of the parent or guardian
1045 to the person taking the child into custody or the department
1046 ~~juvenile probation officer~~.

1047 Section 9. Section 985.105, Florida Statutes, is repealed.

1048 Section 10. Paragraph (b) of subsection (1) of section
1049 985.11, Florida Statutes, is amended to read:

1050 985.11 Fingerprinting and photographing.—

1051 (1)

1052 (b) Unless the child is issued a civil citation or is
1053 participating in a similar diversion program pursuant to s.
1054 985.12, a child who is charged with or found to have committed



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1055 one of the following offenses shall be fingerprinted, and the
1056 fingerprints shall be submitted to the Department of Law
1057 Enforcement as provided in s. 943.051(3)(b):

- 1058 1. Assault, as defined in s. 784.011.
- 1059 2. Battery, as defined in s. 784.03.
- 1060 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 1061 4. Unlawful use of destructive devices or bombs, as defined
1062 in s. 790.1615(1).
- 1063 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1064 6. Assault on a law enforcement officer, a firefighter, or
1065 other specified officers, as defined in s. 784.07(2)(a).
- 1066 7. Open carrying of a weapon, as defined in s. 790.053.
- 1067 8. Exposure of sexual organs, as defined in s. 800.03.
- 1068 9. Unlawful possession of a firearm, as defined in s.
1069 790.22(5).
- 1070 10. Petit theft, as defined in s. 812.014.
- 1071 11. Cruelty to animals, as defined in s. 828.12(1).
- 1072 12. Arson, resulting in bodily harm to a firefighter, as
1073 defined in s. 806.031(1).
- 1074 13. Unlawful possession or discharge of a weapon or firearm
1075 at a school-sponsored event or on school property as defined in
1076 s. 790.115.

1077

1078 A law enforcement agency may fingerprint and photograph a child
1079 taken into custody upon probable cause that such child has
1080 committed any other violation of law, as the agency deems
1081 appropriate. Such fingerprint records and photographs shall be
1082 retained by the law enforcement agency in a separate file, and
1083 these records and all copies thereof must be marked "Juvenile



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1084 Confidential." These records are not available for public
1085 disclosure and inspection under s. 119.07(1) except as provided
1086 in ss. 943.053 and 985.04(2), but shall be available to other
1087 law enforcement agencies, criminal justice agencies, state
1088 attorneys, the courts, the child, the parents or legal
1089 custodians of the child, their attorneys, and any other person
1090 authorized by the court to have access to such records. In
1091 addition, such records may be submitted to the Department of Law
1092 Enforcement for inclusion in the state criminal history records
1093 and used by criminal justice agencies for criminal justice
1094 purposes. These records may, in the discretion of the court, be
1095 open to inspection by anyone upon a showing of cause. The
1096 fingerprint and photograph records shall be produced in the
1097 court whenever directed by the court. Any photograph taken
1098 pursuant to this section may be shown by a law enforcement
1099 officer to any victim or witness of a crime for the purpose of
1100 identifying the person who committed such crime.

1101 Section 11. Subsection (2) of section 985.14, Florida
1102 Statutes, is amended to read:

1103 985.14 Intake and case management system.—

1104 (2) The intake process shall be performed by the department
1105 or juvenile assessment center personnel through a case
1106 management system. The purpose of the intake process is to
1107 assess the child's needs and risks and to determine the most
1108 appropriate treatment plan and setting for the child's
1109 programmatic needs and risks. The intake process shall consist
1110 of a preliminary screening and may be followed by a
1111 comprehensive assessment. The comprehensive assessment may
1112 consist of a full mental health, cognitive impairment, substance



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1113 abuse, or psychosexual evaluation. The intake process shall
1114 result in choosing the most appropriate services through a
1115 balancing of the interests and needs of the child with those of
1116 the family and the community ~~public~~. The department ~~juvenile~~
1117 ~~probation officer~~ shall be responsible for making informed
1118 decisions and recommendations to other agencies, the state
1119 attorney, and the courts so that the child and family may
1120 receive the least intrusive service alternative throughout the
1121 judicial process. The department shall establish uniform
1122 procedures for the department ~~juvenile probation officer~~ to
1123 provide a preliminary screening of the child and family for
1124 substance abuse and mental health services prior to the filing
1125 of a petition or as soon as possible thereafter and prior to a
1126 disposition hearing.

1127 Section 12. Section 985.145, Florida Statutes, is amended
1128 to read:

1129 985.145 Responsibilities of the department ~~juvenile~~
1130 ~~probation officer~~ during intake; screenings and assessments.—

1131 (1) The department ~~juvenile probation officer~~ shall serve
1132 as the primary case manager for the purpose of managing,
1133 coordinating, and monitoring the services provided to the child.
1134 Each program administrator within the Department of Children and
1135 Families ~~Family Services~~ shall cooperate with the primary case
1136 manager in carrying out the duties and responsibilities
1137 described in this section. In addition to duties specified in
1138 other sections and through departmental rules, the department
1139 ~~assigned juvenile probation officer~~ shall be responsible for the
1140 following:

1141 (a) *Reviewing probable cause affidavit.*—The department



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1142 ~~juvenile probation officer~~ shall make a preliminary
1143 determination as to whether the report, affidavit, or complaint
1144 is complete, consulting with the state attorney as may be
1145 necessary. A report, affidavit, or complaint alleging that a
1146 child has committed a delinquent act or violation of law shall
1147 be made to the intake office operating in the county in which
1148 the child is found or in which the delinquent act or violation
1149 of law occurred. Any person or agency having knowledge of the
1150 facts may make such a written report, affidavit, or complaint
1151 and shall furnish to the intake office facts sufficient to
1152 establish the jurisdiction of the court and to support a finding
1153 by the court that the child has committed a delinquent act or
1154 violation of law.

1155 (b) *Notification concerning apparent insufficiencies in*
1156 *probable cause affidavit.*—In any case where the department
1157 ~~juvenile probation officer~~ or the state attorney finds that the
1158 report, affidavit, or complaint is insufficient by the standards
1159 for a probable cause affidavit, the department ~~juvenile~~
1160 ~~probation officer~~ or state attorney shall return the report,
1161 affidavit, or complaint, without delay, to the person or agency
1162 originating the report, affidavit, or complaint or having
1163 knowledge of the facts or to the appropriate law enforcement
1164 agency having investigative jurisdiction of the offense, and
1165 shall request, and the person or agency shall promptly furnish,
1166 additional information in order to comply with the standards for
1167 a probable cause affidavit.

1168 (c) *Screening.*—During the intake process, the department
1169 ~~juvenile probation officer~~ shall screen each child or shall
1170 cause each child to be screened in order to determine:



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1171 1. Appropriateness for release; referral to a diversionary
1172 program, including, but not limited to, a teen court program;
1173 referral for community arbitration; or referral to some other
1174 program or agency for the purpose of nonofficial or nonjudicial
1175 handling.

1176 2. The presence of medical, psychiatric, psychological,
1177 substance abuse, educational, or career and technical education
1178 ~~vocational~~ problems, or other conditions that may have caused
1179 the child to come to the attention of law enforcement or the
1180 department. The child shall also be screened to determine
1181 whether the child poses a danger to himself or herself or others
1182 in the community. The results of this screening shall be made
1183 available to the court and to court officers. In cases where
1184 such conditions are identified and a nonjudicial handling of the
1185 case is chosen, the department ~~juvenile probation officer~~ shall
1186 attempt to refer the child to a program or agency, together with
1187 all available and relevant assessment information concerning the
1188 child's precipitating condition.

1189 (d) *Completing risk assessment instrument.*—The department
1190 ~~juvenile probation officer~~ shall ensure that a risk assessment
1191 instrument establishing the child's eligibility for detention
1192 has been accurately completed and that the appropriate
1193 recommendation was made to the court.

1194 (e) *Rights.*—The department ~~juvenile probation officer~~ shall
1195 inquire as to whether the child understands his or her rights to
1196 counsel and against self-incrimination.

1197 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~
1198 ~~probation officer~~ shall coordinate the multidisciplinary
1199 assessment when required, which includes the classification and



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1200 placement process that determines the child's priority needs,
1201 risk classification, and treatment plan. When sufficient
1202 evidence exists to warrant a comprehensive assessment and the
1203 child fails to voluntarily participate in the assessment
1204 efforts, the department juvenile probation officer shall inform
1205 the court of the need for the assessment and the refusal of the
1206 child to participate in such assessment. This assessment,
1207 classification, and placement process shall develop into the
1208 predisposition report.

1209 (g) *Comprehensive assessment.*—The department juvenile
1210 ~~probation officer~~, pursuant to uniform procedures established by
1211 the department and upon determining that the report, affidavit,
1212 or complaint is complete, shall:

1213 1. Perform the preliminary screening and make referrals for
1214 a comprehensive assessment regarding the child's need for
1215 substance abuse treatment services, mental health services,
1216 intellectual disability services, literacy services, or other
1217 educational or treatment services.

1218 2. If indicated by the preliminary screening, provide for a
1219 comprehensive assessment of the child and family for substance
1220 abuse problems, using community-based licensed programs with
1221 clinical expertise and experience in the assessment of substance
1222 abuse problems.

1223 3. If indicated by the preliminary screening, provide for a
1224 comprehensive assessment of the child and family for mental
1225 health problems, using community-based psychologists,
1226 psychiatrists, or other licensed mental health professionals who
1227 have clinical expertise and experience in the assessment of
1228 mental health problems.



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1229 (h) *Referrals for services.*—The department ~~juvenile~~
1230 ~~probation officer~~ shall make recommendations for services and
1231 facilitate the delivery of those services to the child,
1232 including any mental health services, educational services,
1233 family counseling services, family assistance services, and
1234 substance abuse services.

1235 (i) *Recommendation concerning a petition.*—Upon determining
1236 that the report, affidavit, or complaint complies with the
1237 standards of a probable cause affidavit and that the interests
1238 of the child and the public will be best served, the department
1239 ~~juvenile probation officer~~ may recommend that a delinquency
1240 petition not be filed. If such a recommendation is made, the
1241 department ~~juvenile probation officer~~ shall advise in writing
1242 the person or agency making the report, affidavit, or complaint,
1243 the victim, if any, and the law enforcement agency having
1244 investigative jurisdiction over the offense of the
1245 recommendation; the reasons therefor; and that the person or
1246 agency may submit, within 10 days after the receipt of such
1247 notice, the report, affidavit, or complaint to the state
1248 attorney for special review. The state attorney, upon receiving
1249 a request for special review, shall consider the facts presented
1250 by the report, affidavit, or complaint, and by the department
1251 ~~juvenile probation officer~~ who made the recommendation that no
1252 petition be filed, before making a final decision as to whether
1253 a petition or information should or should not be filed.

1254 (j) *Completing intake report.*—Subject to the interagency
1255 agreement authorized under this paragraph, the department ~~the~~
1256 ~~juvenile probation officer~~ for each case in which a child is
1257 ~~alleged to have committed a violation of law or delinquent act~~



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1258 ~~and is not detained~~ shall submit a written report to the state
1259 attorney for each case in which a child is alleged to have
1260 committed a violation of law or delinquent act and is not
1261 detained. The report shall be submitted within 20 days after the
1262 date the child is taken into custody and include ~~,including~~ the
1263 original police report, complaint, or affidavit, or a copy
1264 thereof, and including a copy of the child's prior juvenile
1265 record, ~~within 20 days after the date the child is taken into~~
1266 ~~custody~~. In cases in which the child is in detention, the intake
1267 office report must be submitted within 24 hours after the child
1268 is placed into detention. The intake office report may include a
1269 recommendation that a petition or information be filed or that
1270 no petition or information be filed and may set forth reasons
1271 for the recommendation. The state attorney and the department
1272 may, on a district-by-district basis, enter into interagency
1273 agreements denoting the cases that will require a recommendation
1274 and those for which a recommendation is unnecessary.

1275 (2) Prior to requesting that a delinquency petition be
1276 filed or prior to filing a dependency petition, the department
1277 ~~juvenile probation officer~~ may request the parent or legal
1278 guardian of the child to attend a course of instruction in
1279 parenting skills, training in conflict resolution, and the
1280 practice of nonviolence; to accept counseling; or to receive
1281 other assistance from any agency in the community which notifies
1282 the clerk of the court of the availability of its services.
1283 Where appropriate, the department ~~juvenile probation officer~~
1284 shall request both parents or guardians to receive such parental
1285 assistance. The department ~~juvenile probation officer~~ may, in
1286 determining whether to request that a delinquency petition be



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1287 filed, take into consideration the willingness of the parent or
1288 legal guardian to comply with such request. The parent or
1289 guardian must provide the department ~~juvenile probation officer~~
1290 with identifying information, including the parent's or
1291 guardian's name, address, date of birth, social security number,
1292 and driver ~~driver's~~ license number or identification card number
1293 in order to comply with s. 985.039.

1294 (3) When indicated by the comprehensive assessment, the
1295 department is authorized to contract within appropriated funds
1296 for services with a local nonprofit community mental health or
1297 substance abuse agency licensed or authorized under chapter 394
1298 or chapter 397 or other authorized nonprofit social service
1299 agency providing related services. The determination of mental
1300 health or substance abuse services shall be conducted in
1301 coordination with existing programs providing mental health or
1302 substance abuse services in conjunction with the intake office.

1303 (4) Client information resulting from the screening and
1304 evaluation shall be documented under rules of the department and
1305 shall serve to assist the department ~~juvenile probation officer~~
1306 in providing the most appropriate services and recommendations
1307 in the least intrusive manner. Such client information shall be
1308 used in the multidisciplinary assessment and classification of
1309 the child, but such information, and any information obtained
1310 directly or indirectly through the assessment process, is
1311 inadmissible in court prior to the disposition hearing, unless
1312 the child's written consent is obtained. At the disposition
1313 hearing, documented client information shall serve to assist the
1314 court in making the most appropriate custody, adjudicatory, and
1315 dispositional decision.



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1316 (5) If the screening and assessment indicate that the
1317 interests of the child and the public will be best served, the
1318 department juvenile probation officer, with the approval of the
1319 state attorney, may refer the child for care, diagnostic, and
1320 evaluation services; substance abuse treatment services; mental
1321 health services; intellectual disability services; a
1322 diversionary, arbitration, or mediation program; community
1323 service work; or other programs or treatment services
1324 voluntarily accepted by the child and the child's parents or
1325 legal guardian. If a child volunteers to participate in any work
1326 program under this chapter or volunteers to work in a specified
1327 state, county, municipal, or community service organization
1328 supervised work program or to work for the victim, the child is
1329 considered an employee of the state for the purposes of
1330 liability. In determining the child's average weekly wage,
1331 unless otherwise determined by a specific funding program, all
1332 remuneration received from the employer is considered a
1333 gratuity, and the child is not entitled to any benefits
1334 otherwise payable under s. 440.15 regardless of whether the
1335 child may be receiving wages and remuneration from other
1336 employment with another employer and regardless of the child's
1337 future wage-earning capacity.

1338 (6) The victim, if any, and the law enforcement agency that
1339 investigated the offense shall be notified immediately by the
1340 state attorney of the action taken under subsection (5).

1341 Section 13. Section 985.17, Florida Statutes, is created to
1342 read:

1343 985.17 Prevention services.-

1344 (1) The Legislature finds that prevention services decrease



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1345 recidivism by addressing the needs of at-risk youth and their
1346 families, preventing further involvement of such youth in the
1347 juvenile justice system, protecting the safety of the public,
1348 and facilitating successful reentry of at-risk youth into the
1349 community. To assist with decreasing recidivism, the
1350 department's prevention services shall strengthen protective
1351 factors and reduce risk factors using tested and effective
1352 approaches.

1353 (2) A goal of the department's prevention services shall be
1354 to develop the capacity for local communities to serve their
1355 youth.

1356 (a) The department shall engage faith and community-based
1357 organizations to provide a full range of voluntary programs and
1358 services to prevent and reduce juvenile delinquency, including,
1359 but not limited to, chaplaincy services, crisis intervention
1360 counseling, mentoring, and tutoring.

1361 (b) The department shall establish volunteer coordinators
1362 in each circuit and encourage the recruitment of volunteers to
1363 serve as mentors for youth in department services.

1364 (c) The department shall promote the sale of the Invest in
1365 Children license plate to help fund programs and services to
1366 prevent juvenile delinquency. The department shall allocate
1367 money for programs and services within each county based on that
1368 county's proportionate share of the license plate annual use
1369 fees collected by the county.

1370 (3) The department's prevention services for youth at risk
1371 of becoming delinquent should:

1372 (a) Focus on preventing initial or further involvement of
1373 such youth in the juvenile justice system by including services



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1374 such as literacy services, gender-specific programming,
1375 recreational services, and after-school services, and should
1376 include targeted services to troubled, truant, ungovernable,
1377 abused, trafficked, or runaway youth. To decrease the likelihood
1378 that a youth will commit a delinquent act, the department should
1379 use mentoring and may provide specialized services addressing
1380 the strengthening of families, job training, and substance
1381 abuse.

1382 (b) Address the multiple needs of such youth in order to
1383 decrease the prevalence of disproportionate minority
1384 representation in the juvenile justice system.

1385 (4) The department shall expend funds related to the
1386 prevention services in a manner consistent with the policies
1387 expressed in ss. 984.02 and 985.01 and in a manner that
1388 maximizes accountability to the public and ensures the
1389 documentation of outcomes.

1390 (a) As a condition of receipt of state funds, all entities
1391 that receive or use state moneys to fund prevention services
1392 through contracts with the department or grants from any entity
1393 dispersed by the department shall:

1394 1. Design the programs providing such services to further
1395 one or more of the following strategies:

1396 a. Encouraging youth to attend and succeed in school, which
1397 may include special assistance and tutoring to address
1398 deficiencies in academic performance and collecting outcome data
1399 to reveal the number of days youth attended school while
1400 participating in the program.

1401 b. Engaging youth in productive and wholesome activities
1402 during nonschool hours that build positive character, instill



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1403 positive values, and enhance educational experiences.
1404 c. Encouraging youth to avoid the use of violence.
1405 d. Assisting youth in acquiring the skills needed to find
1406 meaningful employment, which may include assisting the youth in
1407 finding a suitable employer.
1408 2. Provide the department with demographic information,
1409 dates of services, and types of interventions received by each
1410 youth.
1411 (b) The department shall monitor output and outcome
1412 measures for each program strategy in paragraph (a) and annually
1413 report the outputs and outcomes in the Comprehensive
1414 Accountability Report as provided in s. 985.632.
1415 (c) The department shall monitor all state-funded programs
1416 that receive or use state moneys to fund the prevention services
1417 through contracts or grants with the department for compliance
1418 with all provisions in the contracts and grants.
1419 Section 14. Section 985.24, Florida Statutes, is amended to
1420 read:
1421 985.24 Use of detention; prohibitions.—
1422 (1) All determinations and court orders regarding the use
1423 of ~~secure, nonsecure, or home~~ detention care shall be based
1424 primarily upon findings that the child:
1425 (a) Presents a substantial risk of not appearing at a
1426 subsequent hearing;
1427 (b) Presents a substantial risk of inflicting bodily harm
1428 on others as evidenced by recent behavior, including the illegal
1429 possession of a firearm;
1430 (c) Presents a history of committing a property offense
1431 prior to adjudication, disposition, or placement;



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1432 (d) Has committed contempt of court by:
1433 1. Intentionally disrupting the administration of the
1434 court;
1435 2. Intentionally disobeying a court order; or
1436 3. Engaging in a punishable act or speech in the court's
1437 presence which shows disrespect for the authority and dignity of
1438 the court; or
1439 (e) Requests protection from imminent bodily harm.
1440 (2) A child alleged to have committed a delinquent act or
1441 violation of law may not be placed into secure or, nonsecure, ~~or~~
1442 ~~home~~ detention care for any of the following reasons:
1443 (a) To allow a parent to avoid his or her legal
1444 responsibility.
1445 (b) To permit more convenient administrative access to the
1446 child.
1447 (c) To facilitate further interrogation or investigation.
1448 (d) Due to a lack of more appropriate facilities.
1449 (3) A child alleged to be dependent under chapter 39 may
1450 not, under any circumstances, be placed into secure detention
1451 care.
1452 (4) The department may, within its existing resources,
1453 develop nonsecure, nonresidential evening reporting centers as
1454 an alternative to placing a child in secure detention. Evening
1455 reporting centers may be collocated with a juvenile assessment
1456 center. If established, evening reporting centers shall serve
1457 children and families who are awaiting a child's court hearing
1458 and, at a minimum, operate during the afternoon and evening
1459 hours to provide a highly structured program of supervision.
1460 Evening reporting centers may also provide academic tutoring,



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1461 counseling, family engagement programs, and other activities.

1462 (5)~~(4)~~ The department shall continue to identify
1463 alternatives to secure detention care and shall develop such
1464 alternatives and annually submit them to the Legislature for
1465 authorization and appropriation.

1466 Section 15. Paragraph (b) of subsection (2) and subsection
1467 (4) of section 985.245, Florida Statutes, are amended to read:

1468 985.245 Risk assessment instrument.—

1469 (2)

1470 (b) The risk assessment instrument shall take into
1471 consideration, but need not be limited to, prior history of
1472 failure to appear, prior offenses, offenses committed pending
1473 adjudication, any unlawful possession of a firearm, theft of a
1474 motor vehicle or possession of a stolen motor vehicle, and
1475 probation status at the time the child is taken into custody.
1476 The risk assessment instrument shall also take into
1477 consideration appropriate aggravating and mitigating
1478 circumstances, and shall be designed to target a narrower
1479 population of children than s. 985.255. The risk assessment
1480 instrument shall also include any information concerning the
1481 child's history of abuse and neglect. The risk assessment shall
1482 indicate whether detention care is warranted, and, if detention
1483 care is warranted, whether the child should be placed into
1484 secure or, nonsecure, ~~or home~~ detention care.

1485 (4) For a child who is under the supervision of the
1486 department through probation, ~~home detention~~, nonsecure
1487 detention, conditional release, postcommitment probation, or
1488 commitment and who is charged with committing a new offense, the
1489 risk assessment instrument may be completed and scored based on



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1490 the underlying charge for which the child was placed under the
1491 supervision of the department and the new offense.

1492 Section 16. Subsection (1) of section 985.25, Florida
1493 Statutes, is amended to read:

1494 985.25 Detention intake.—

1495 (1) The department juvenile probation officer shall receive
1496 custody of a child who has been taken into custody from the law
1497 enforcement agency or court and shall review the facts in the
1498 law enforcement report or probable cause affidavit and make such
1499 further inquiry as may be necessary to determine whether
1500 detention care is appropriate ~~required~~.

1501 (a) During the period of time from the taking of the child
1502 into custody to the date of the detention hearing, the initial
1503 decision as to the child's placement into secure ~~detention care,~~
1504 or nonsecure detention care, ~~or home detention care~~ shall be
1505 made by the department juvenile probation officer under ss.
1506 985.24 and 985.245(1).

1507 (b) The department juvenile probation officer shall base
1508 the decision whether ~~or not~~ to place the child into secure
1509 ~~detention care, home detention care,~~ or nonsecure detention care
1510 on an assessment of risk in accordance with the risk assessment
1511 instrument and procedures developed by the department under s.
1512 985.245. However, a child charged with possessing or discharging
1513 a firearm on school property in violation of s. 790.115 shall be
1514 placed in secure detention care. A child who has been taken into
1515 custody on three or more separate occasions within a 60-day
1516 period shall be placed in secure detention care until the
1517 child's detention hearing.

1518 (c) If the final score on the child's risk assessment



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1519 ~~instrument indicates juvenile probation officer determines that~~
1520 ~~a child who is eligible for~~ detention care is appropriate, but
1521 the department otherwise determines the child based upon the
1522 ~~results of the risk assessment instrument~~ should be released,
1523 the department juvenile probation officer shall contact the
1524 state attorney, who may authorize release.

1525 (d) If the final score on the risk assessment instrument
1526 indicates detention is not appropriate ~~authorized~~, the child may
1527 be released by the department juvenile probation officer in
1528 accordance with ss. 985.115 and 985.13.

1529
1530 Under no circumstances shall the department juvenile probation
1531 ~~officer~~ or the state attorney or law enforcement officer
1532 authorize the detention of any child in a jail or other facility
1533 intended or used for the detention of adults, without an order
1534 of the court.

1535 Section 17. Subsections (1) and (2) and paragraphs (a) and
1536 (c) of subsection (3) of section 985.255, Florida Statutes, are
1537 amended to read:

1538 985.255 Detention criteria; detention hearing.—

1539 (1) Subject to s. 985.25(1), a child taken into custody and
1540 placed into secure or nonsecure ~~or home~~ detention care shall be
1541 given a hearing within 24 hours after being taken into custody.

1542 At the hearing, the court may order continued detention ~~or~~
1543 ~~detained in secure detention care prior to a detention hearing~~
1544 ~~may continue to be detained by the court~~ if:

1545 (a) The child is alleged to be an escapee from a
1546 residential commitment program; or an absconder from a
1547 nonresidential commitment program, a probation program, or



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1548 conditional release supervision; or is alleged to have escaped
1549 while being lawfully transported to or from a residential
1550 commitment program.

1551 (b) The child is wanted in another jurisdiction for an
1552 offense which, if committed by an adult, would be a felony.

1553 (c) The child is charged with a delinquent act or violation
1554 of law and requests in writing through legal counsel to be
1555 detained for protection from an imminent physical threat to his
1556 or her personal safety.

1557 (d) The child is charged with committing an offense of
1558 domestic violence as defined in s. 741.28 and is detained as
1559 provided in subsection (2).

1560 (e) The child is charged with possession of or discharging
1561 a firearm on school property in violation of s. 790.115 or the
1562 illegal possession of a firearm.

1563 (f) The child is charged with a capital felony, a life
1564 felony, a felony of the first degree, a felony of the second
1565 degree that does not involve a violation of chapter 893, or a
1566 felony of the third degree that is also a crime of violence,
1567 including any such offense involving the use or possession of a
1568 firearm.

1569 (g) The child is charged with any second degree or third
1570 degree felony involving a violation of chapter 893 or any third
1571 degree felony that is not also a crime of violence, and the
1572 child:

1573 1. Has a record of failure to appear at court hearings
1574 after being properly notified in accordance with the Rules of
1575 Juvenile Procedure;

1576 2. Has a record of law violations prior to court hearings;



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1577 3. Has already been detained or has been released and is
1578 awaiting final disposition of the case;

1579 4. Has a record of violent conduct resulting in physical
1580 injury to others; or

1581 5. Is found to have been in possession of a firearm.

1582 (h) The child is alleged to have violated the conditions of
1583 the child's probation or conditional release supervision.

1584 However, a child detained under this paragraph may be held only
1585 in a consequence unit as provided in s. 985.439. If a
1586 consequence unit is not available, the child shall be placed on
1587 nonsecure home detention with electronic monitoring.

1588 (i) The child is detained on a judicial order for failure
1589 to appear and has previously willfully failed to appear, after
1590 proper notice:

1591 1. For an adjudicatory hearing on the same case regardless
1592 of the results of the risk assessment instrument; or

1593 2. At two or more court hearings of any nature on the same
1594 case regardless of the results of the risk assessment
1595 instrument.

1596
1597 A child may be held in secure detention for up to 72 hours in
1598 advance of the next scheduled court hearing pursuant to this
1599 paragraph. The child's failure to keep the clerk of court and
1600 defense counsel informed of a current and valid mailing address
1601 where the child will receive notice to appear at court
1602 proceedings does not provide an adequate ground for excusal of
1603 the child's nonappearance at the hearings.

1604 ~~(j) The child is detained on a judicial order for failure~~
1605 ~~to appear and has previously willfully failed to appear, after~~



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1606 ~~proper notice, at two or more court hearings of any nature on~~
1607 ~~the same case regardless of the results of the risk assessment~~
1608 ~~instrument. A child may be held in secure detention for up to 72~~
1609 ~~hours in advance of the next scheduled court hearing pursuant to~~
1610 ~~this paragraph. The child's failure to keep the clerk of court~~
1611 ~~and defense counsel informed of a current and valid mailing~~
1612 ~~address where the child will receive notice to appear at court~~
1613 ~~proceedings does not provide an adequate ground for excusal of~~
1614 ~~the child's nonappearance at the hearings.~~

1615 (2) A child who is charged with committing an offense that
1616 is classified as an act of domestic violence as defined in s.
1617 741.28 and whose risk assessment instrument indicates secure
1618 detention is not appropriate ~~who does not meet detention~~
1619 ~~criteria~~ may be held in secure detention if the court makes
1620 specific written findings that:

1621 (a) Respite care for the child is not available; or.

1622 (b) It is necessary to place the child in secure detention
1623 in order to protect the victim from injury.

1624
1625 The child may not be held in secure detention under this
1626 subsection for more than 48 hours unless ordered by the court.
1627 After 48 hours, the court shall hold a hearing if the state
1628 attorney or victim requests that secure detention be continued.
1629 The child may continue to be held in detention care if the court
1630 makes a specific, written finding that respite care is
1631 unavailable or it ~~detention care~~ is necessary to protect the
1632 victim from injury. However, the child may not be held in
1633 detention care beyond the time limits set forth in this section
1634 or s. 985.26.



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1635 (3) (a) ~~A child who meets any of the criteria in subsection~~
1636 ~~(1) and who is ordered to be detained under that subsection~~
1637 ~~shall be given a hearing within 24 hours after being taken into~~
1638 ~~custody.~~ The purpose of the detention hearing required under
1639 subsection (1) is to determine the existence of probable cause
1640 that the child has committed the delinquent act or violation of
1641 law that he or she is charged with and the need for continued
1642 detention. Unless a child is detained under paragraph (1) (d) or
1643 paragraph (1) (e), the court shall use the results of the risk
1644 assessment performed by the department juvenile probation
1645 ~~officer~~ and, based on the criteria in subsection (1), shall
1646 determine the need for continued detention. ~~A child placed into~~
1647 ~~secure, nonsecure, or home detention care may continue to be so~~
1648 ~~detained by the court.~~

1649 (c) Except as provided in s. 790.22(8) or in s. 985.27,
1650 when a child is placed into secure or nonsecure detention care,
1651 or into a respite home or other placement pursuant to a court
1652 order following a hearing, the court order must include specific
1653 instructions that direct the release of the child from such
1654 placement no later than 5 p.m. on the last day of the detention
1655 period specified in s. 985.26 or s. 985.27, whichever is
1656 applicable, unless the requirements of such applicable provision
1657 have been met or an order of continuance has been granted under
1658 s. 985.26(4). If the court order does not include a release
1659 date, the release date shall be requested from the court on the
1660 same date that the child is placed in detention care. If a
1661 subsequent hearing is needed to provide additional information
1662 to the court for safety planning, the initial order placing the
1663 child in detention care shall reflect the next detention review



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1664 hearing, which shall be held within 3 calendar days after the
1665 child's initial detention placement.

1666 Section 18. Subsections (1), (2), and (3) of section
1667 985.26, Florida Statutes, are amended to read:

1668 985.26 Length of detention.—

1669 (1) A child may not be placed into or held in secure or
1670 ~~nonsecure, or home~~ detention care for longer than 24 hours
1671 unless the court orders such detention care, and the order
1672 includes specific instructions that direct the release of the
1673 child from such detention care, in accordance with s. 985.255.
1674 The order shall be a final order, reviewable by appeal under s.
1675 985.534 and the Florida Rules of Appellate Procedure. Appeals of
1676 such orders shall take precedence over other appeals and other
1677 pending matters.

1678 (2) A child may not be held in secure or nonsecure, ~~or~~
1679 ~~home~~ detention care under a special detention order for more
1680 than 21 days unless an adjudicatory hearing for the case has
1681 been commenced in good faith by the court. However, upon good
1682 cause being shown that the nature of the charge requires
1683 additional time for the prosecution or defense of the case, the
1684 court may extend the length of detention for an additional 9
1685 days if the child is charged with an offense that would be, if
1686 committed by an adult, a capital felony, a life felony, a felony
1687 of the first degree, or a felony of the second degree involving
1688 violence against any individual.

1689 (3) Except as provided in subsection (2), a child may not
1690 be held in secure or nonsecure, ~~or home~~ detention care for more
1691 than 15 days following the entry of an order of adjudication.

1692 Section 19. Section 985.265, Florida Statutes, is amended



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1693 to read:

1694 985.265 Detention transfer and release; education; adult
1695 jails.-

1696 (1) If a child is detained under this part, the department
1697 may transfer the child from nonsecure ~~or home~~ detention care to
1698 secure detention care only if significantly changed
1699 circumstances warrant such transfer.

1700 (2) If a child is on release status and not detained under
1701 this part, the child may be placed into secure or, nonsecure, ~~or~~
1702 ~~home~~ detention care only pursuant to a court hearing in which
1703 the original risk assessment instrument and the, rescored based
1704 ~~on~~ newly discovered evidence or changed circumstances are
1705 introduced into evidence with a rescored risk assessment
1706 instrument with the results recommending detention, is
1707 introduced into evidence.

1708 (3) (a) When a juvenile sexual offender is placed in
1709 detention, detention staff shall provide appropriate monitoring
1710 and supervision to ensure the safety of other children in the
1711 facility.

1712 (b) When a juvenile ~~sexual offender, under this subsection,~~
1713 is released from secure detention or transferred to ~~home~~
1714 ~~detention or~~ nonsecure detention, detention staff shall
1715 immediately notify the appropriate law enforcement agency, and
1716 school personnel, and victim if the juvenile is charged with
1717 committing any of the following offenses or attempting to commit
1718 any of the following offenses:

- 1719 1. Murder, under s. 782.04;
1720 2. Sexual battery, under chapter 794;
1721 3. Stalking, under s. 784.048; or



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1722 4. Domestic violence, as defined in s. 741.28.
1723 (4) (a) While a child who is currently enrolled in school is
1724 in nonsecure ~~or home~~ detention care, the child shall continue to
1725 attend school unless otherwise ordered by the court.
1726 (b) While a child is in secure detention care, the child
1727 shall receive education commensurate with his or her grade level
1728 and educational ability.
1729 (5) The court shall order the delivery of a child to a jail
1730 or other facility intended or used for the detention of adults:
1731 (a) When the child has been transferred or indicted for
1732 criminal prosecution as an adult under part X, except that the
1733 court may not order or allow a child alleged to have committed a
1734 misdemeanor who is being transferred for criminal prosecution
1735 pursuant to either s. 985.556 or s. 985.557 to be detained or
1736 held in a jail or other facility intended or used for the
1737 detention of adults; however, such child may be held temporarily
1738 in a detention facility; or
1739 (b) When a child taken into custody in this state is wanted
1740 by another jurisdiction for prosecution as an adult.
1741
1742 The child shall be housed separately from adult inmates to
1743 prohibit a child from having regular contact with incarcerated
1744 adults, including trustees. "Regular contact" means sight and
1745 sound contact. Separation of children from adults shall permit
1746 no more than haphazard or accidental contact. The receiving jail
1747 or other facility shall contain a separate section for children
1748 and shall have an adequate staff to supervise and monitor the
1749 child's activities at all times. Supervision and monitoring of
1750 children includes physical observation and documented checks by



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1751 jail or receiving facility supervisory personnel at intervals
1752 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit
1753 placing two or more children in the same cell. Under no
1754 circumstances shall a child be placed in the same cell with an
1755 adult.

1756 Section 20. Section 985.27, Florida Statutes, is amended to
1757 read:

1758 985.27 Postdisposition ~~Postcommitment~~ detention while
1759 awaiting commitment placement.—

1760 (1) The court must place all children who are adjudicated
1761 and awaiting placement in a commitment program in detention
1762 care. Children who are in ~~home detention care~~ or nonsecure
1763 detention care may be placed on electronic monitoring.

1764 ~~(a) A child who is awaiting placement in a low-risk~~
1765 ~~residential program must be removed from detention within 5~~
1766 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1767 ~~child held in secure detention during the 5 days must meet~~
1768 ~~detention admission criteria under this part. A child who is~~
1769 ~~placed in home detention care, nonsecure detention care, or home~~
1770 ~~or nonsecure detention care with electronic monitoring, while~~
1771 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
1772 ~~held in secure detention care for 5 days, if the child violates~~
1773 ~~the conditions of the home detention care, the nonsecure~~
1774 ~~detention care, or the electronic monitoring agreement. For any~~
1775 ~~subsequent violation, the court may impose an additional 5 days~~
1776 ~~in secure detention care.~~

1777 (a) ~~(b)~~ A child who is awaiting placement in a nonsecure
1778 ~~moderate-risk~~ residential program must be removed from detention
1779 within 5 days, excluding Saturdays, Sundays, and legal holidays.



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1780 Any child held in secure detention during the 5 days must meet
1781 detention admission criteria under this part. The department may
1782 seek an order from the court authorizing continued detention for
1783 a specific period of time necessary for the appropriate
1784 residential placement of the child. However, such continued
1785 detention in secure detention care may not exceed 15 days after
1786 entry of the commitment order, excluding Saturdays, Sundays, and
1787 legal holidays, and except as otherwise provided in this
1788 section. A child who is placed in ~~home detention care~~, nonsecure
1789 detention care, or ~~home or~~ nonsecure detention care with
1790 electronic monitoring, while awaiting placement in a nonsecure
1791 residential moderate-risk program, may be held in secure
1792 detention care for 5 days, if the child violates the conditions
1793 of the ~~home detention care~~, the nonsecure detention care, or the
1794 electronic monitoring agreement. For any subsequent violation,
1795 the court may impose an additional 5 days in secure detention
1796 care.

1797 **(b)(e)** If the child is committed to a high-risk residential
1798 program, the child must be held in secure detention care until
1799 placement or commitment is accomplished.

1800 **(c)(d)** If the child is committed to a maximum-risk
1801 residential program, the child must be held in secure detention
1802 care until placement or commitment is accomplished.

1803 (2) Regardless of detention status, a child being
1804 transported by the department to a residential commitment
1805 facility of the department may be placed in secure detention
1806 overnight, not to exceed a 24-hour period, for the specific
1807 purpose of ensuring the safe delivery of the child to his or her
1808 residential commitment program, court, appointment, transfer, or



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1809 release.

1810 Section 21. Subsection (1) of section 985.275, Florida
1811 Statutes, is amended to read:

1812 985.275 Detention of escapee or absconder on authority of
1813 the department.—

1814 (1) If an authorized agent of the department has reasonable
1815 grounds to believe that any delinquent child committed to the
1816 department has escaped from a residential commitment facility or
1817 from being lawfully transported thereto or therefrom, or has
1818 absconded from a nonresidential commitment facility, the agent
1819 shall notify law enforcement and, if the offense would require
1820 notification under chapter 960, notify the victim. The agent
1821 shall make every reasonable effort as permitted within existing
1822 resources provided to the department to locate the delinquent
1823 child and the child may be returned to the facility ~~take the~~
1824 ~~child into active custody and may deliver the child to the~~
1825 ~~facility~~ or, if it is closer, to a detention center for return
1826 to the facility. However, a child may not be held in detention
1827 longer than 24 hours, excluding Saturdays, Sundays, and legal
1828 holidays, unless a special order so directing is made by the
1829 judge after a detention hearing resulting in a finding that
1830 detention is required based on the criteria in s. 985.255. The
1831 order shall state the reasons for such finding. The reasons
1832 shall be reviewable by appeal or in habeas corpus proceedings in
1833 the district court of appeal.

1834 Section 22. Paragraph (b) of subsection (4), paragraph (h)
1835 of subsection (6), and paragraph (a) of subsection (7) of
1836 section 985.433, Florida Statutes, are amended to read:

1837 985.433 Disposition hearings in delinquency cases.—When a



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1838 child has been found to have committed a delinquent act, the
1839 following procedures shall be applicable to the disposition of
1840 the case:

1841 (4) Before the court determines and announces the
1842 disposition to be imposed, it shall:

1843 (b) Discuss with the child his or her compliance with any
1844 predisposition ~~home release~~ plan or other plan imposed since the
1845 date of the offense.

1846 (6) The first determination to be made by the court is a
1847 determination of the suitability or unsuitability for
1848 adjudication and commitment of the child to the department. This
1849 determination shall include consideration of the recommendations
1850 of the department, which may include a predisposition report.
1851 The predisposition report shall include, whether as part of the
1852 child's multidisciplinary assessment, classification, and
1853 placement process components or separately, evaluation of the
1854 following criteria:

1855 (h) The child's educational status, including, but not
1856 limited to, the child's strengths, abilities, and unmet and
1857 special educational needs. The report shall identify appropriate
1858 educational and career ~~vocational~~ goals for the child. Examples
1859 of appropriate goals include:

1860 1. Attainment of a high school diploma or its equivalent.

1861 2. Successful completion of literacy courses ~~course(s)~~.

1862 3. Successful completion of career and technical education
1863 courses ~~vocational course(s)~~.

1864 4. Successful attendance and completion of the child's
1865 current grade or recovery of credits of classes the child
1866 previously failed, if enrolled in school.



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1867 5. Enrollment in an apprenticeship or a similar program.
1868

1869 It is the intent of the Legislature that the criteria set forth
1870 in this subsection are general guidelines to be followed at the
1871 discretion of the court and not mandatory requirements of
1872 procedure. It is not the intent of the Legislature to provide
1873 for the appeal of the disposition made under this section.

1874 (7) If the court determines that the child should be
1875 adjudicated as having committed a delinquent act and should be
1876 committed to the department, such determination shall be in
1877 writing or on the record of the hearing. The determination shall
1878 include a specific finding of the reasons for the decision to
1879 adjudicate and to commit the child to the department, including
1880 any determination that the child was a member of a criminal
1881 gang.

1882 (a) The department ~~juvenile probation officer~~ shall
1883 recommend to the court the most appropriate placement and
1884 treatment plan, specifically identifying the restrictiveness
1885 level most appropriate for the child if commitment is
1886 recommended. If the court has determined that the child was a
1887 member of a criminal gang, that determination shall be given
1888 great weight in identifying the most appropriate restrictiveness
1889 level for the child. The court shall consider the department's
1890 recommendation in making its commitment decision.

1891 Section 23. Subsections (4) through (6) of section 985.435,
1892 Florida Statutes, are renumbered as subsections (5) through (7),
1893 respectively, subsection (3) and present subsection (4) of that
1894 section are amended, and a new subsection (4) is added to that
1895 section, to read:



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1896 985.435 Probation and postcommitment probation; community
1897 service.—

1898 (3) A probation program must also include a rehabilitative
1899 program component such as a requirement of participation in
1900 substance abuse treatment or in a school or career and technical
1901 education ~~other educational~~ program. The nonconsent of the child
1902 to treatment in a substance abuse treatment program in no way
1903 precludes the court from ordering such treatment. Upon the
1904 recommendation of the department at the time of disposition, or
1905 subsequent to disposition pursuant to the filing of a petition
1906 alleging a violation of the child's conditions of postcommitment
1907 probation, the court may order the child to submit to random
1908 testing for the purpose of detecting and monitoring the use of
1909 alcohol or controlled substances.

1910 (4) A probation program may also include an alternative
1911 consequence component to address instances in which a child is
1912 noncompliant with technical conditions of his or her probation,
1913 but has not committed any new violations of law. The alternative
1914 consequence component is designed to provide swift and
1915 appropriate consequences to any noncompliance with technical
1916 conditions of probation. If the probation program includes this
1917 component, specific consequences that apply to noncompliance
1918 with specific technical conditions of probation must be detailed
1919 in the disposition order.

1920 (5) ~~(4)~~ An identification of the child's risk of reoffending
1921 A classification scale for levels of supervision shall be
1922 provided by the department, taking into account the child's
1923 needs and risks relative to probation supervision requirements
1924 to reasonably ensure the public safety. Probation programs for



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1925 children shall be supervised by the department or by any other
1926 person or agency specifically authorized by the court. These
1927 programs must include, but are not limited to, structured or
1928 restricted activities as described in this section and s.
1929 985.439, and shall be designed to encourage the child toward
1930 acceptable and functional social behavior.

1931 Section 24. Subsections (1) and (4) of section 985.439,
1932 Florida Statutes, are amended to read:

1933 985.439 Violation of probation or postcommitment
1934 probation.—

1935 (1) (a) This section is applicable when the court has
1936 jurisdiction over a child on probation or postcommitment
1937 probation, regardless of adjudication ~~an adjudicated delinquent~~
1938 ~~child~~.

1939 (b) If the conditions of the probation program or the
1940 postcommitment probation program are violated, the department or
1941 the state attorney may bring the child before the court on a
1942 petition alleging a violation of the program. A ~~Any~~ child who
1943 violates the conditions of probation or postcommitment probation
1944 must be brought before the court if sanctions are sought.

1945 (4) Upon the child's admission, or if the court finds after
1946 a hearing that the child has violated the conditions of
1947 probation or postcommitment probation, the court shall enter an
1948 order revoking, modifying, or continuing probation or
1949 postcommitment probation. In each such case, the court shall
1950 enter a new disposition order and, in addition to the sanctions
1951 set forth in this section, may impose any sanction the court
1952 could have imposed at the original disposition hearing. If the
1953 child is found to have violated the conditions of probation or



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1954 postcommitment probation, the court may:

1955 (a) Place the child in a consequence unit in that judicial
1956 circuit, if available, for up to 5 days for a first violation
1957 and up to 15 days for a second or subsequent violation.

1958 (b) Place the child in nonsecure ~~on home~~ detention with
1959 electronic monitoring. However, this sanction may be used only
1960 if a residential consequence unit is not available.

1961 (c) If the violation of probation is technical in nature
1962 and not a new violation of law, place the child in an
1963 alternative consequence program designed to provide swift and
1964 appropriate consequences to any further violations of probation.

1965 1. Alternative consequence programs shall be established,
1966 within existing resources, at the local level in coordination
1967 with law enforcement agencies, the chief judge of the circuit,
1968 the state attorney, and the public defender.

1969 2. Alternative consequence programs may be operated by an
1970 entity such as a law enforcement agency, the department, a
1971 juvenile assessment center, a county or municipality, or another
1972 entity selected by the department.

1973 3. Upon placing a child in an alternative consequence
1974 program, the court must approve specific consequences for
1975 specific violations of the conditions of probation.

1976 (d) ~~(e)~~ Modify or continue the child's probation program or
1977 postcommitment probation program.

1978 (e) ~~(d)~~ Revoke probation or postcommitment probation and
1979 commit the child to the department.

1980 Section 25. Subsection (2) of section 985.441, Florida
1981 Statutes, is amended to read:

1982 985.441 Commitment.—



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1983 (2) Notwithstanding subsection (1), the court having
1984 jurisdiction over an adjudicated delinquent child whose
1985 underlying offense is was a misdemeanor, or a child who is
1986 currently on probation for a misdemeanor, may not commit the
1987 child for any misdemeanor offense or any probation violation
1988 that is technical in nature and not a new violation of law at a
1989 restrictiveness level other than minimum-risk nonresidential
1990 unless the probation violation is a new violation of law
1991 constituting a felony. However, the court may commit such child
1992 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
1993 if:

1994 (a) The child has previously been adjudicated or had
1995 adjudication withheld for a felony offense;

1996 (b) The child has previously been adjudicated or had
1997 adjudication withheld for three or more misdemeanor offenses
1998 within the previous 18 months;

1999 (c) The child is before the court for disposition for a
2000 violation of s. 800.03, s. 806.031, or s. 828.12; or

2001 (d) The court finds by a preponderance of the evidence that
2002 the protection of the public requires such placement or that the
2003 particular needs of the child would be best served by such
2004 placement. Such finding must be in writing.

2005 Section 26. Paragraph (a) of subsection (1) and subsection
2006 (5) of section 985.46, Florida Statutes, are amended to read:

2007 985.46 Conditional release.—

2008 (1) The Legislature finds that:

2009 (a) Conditional release is the care, treatment, help, ~~and~~
2010 supervision, and provision of transition-to-adulthood services
2011 to provided juveniles released from residential commitment



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2012 programs to promote rehabilitation and prevent recidivism.

2013 (5) Participation in the educational program by students of
2014 compulsory school attendance age pursuant to s. 1003.21(1) and
2015 (2) (a) is mandatory for juvenile justice youth on conditional
2016 release or postcommitment probation status. A student of
2017 noncompulsory school-attendance age who has not received a high
2018 school diploma or its equivalent must participate in an the
2019 educational program or career and technical education course. A
2020 youth who has received a high school diploma or its equivalent
2021 and is not employed must participate in workforce development or
2022 other career or technical education or attend a community
2023 college or a university while in the program, subject to
2024 available funding.

2025 Section 27. Subsections (1) through (5) of section 985.461,
2026 Florida Statutes, are amended to read:

2027 985.461 Transition to adulthood.—

2028 (1) The Legislature finds that ~~elder~~ youth are faced with
2029 the need to learn how to support themselves within legal means
2030 and overcome the stigma of being delinquent. In most cases,
2031 parents expedite this transition. It is the intent of the
2032 Legislature that the department provide ~~elder~~ youth in its
2033 custody or under its supervision with opportunities for
2034 participating in transition-to-adulthood services while in the
2035 department's commitment programs or in probation or conditional
2036 release programs in the community. These services should be
2037 reasonable and appropriate for the youths' respective ages or
2038 special needs and provide activities that build life skills and
2039 increase the ability to live independently and become self-
2040 sufficient.



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2041 (2) Youth served by the department who are in the custody
2042 of the Department of Children and Families ~~Family Services~~ and
2043 who entered juvenile justice placement from a foster care
2044 placement, if otherwise eligible, may receive independent living
2045 transition services pursuant to s. 409.1451. Court-ordered
2046 commitment or probation with the department is not a barrier to
2047 eligibility for the array of services available to a youth who
2048 is in the dependency foster care system only.

2049 (3) For a dependent child in the foster care system,
2050 adjudication for delinquency does not, by itself, disqualify
2051 such child for eligibility in the Department of Children and
2052 Families' ~~Family Services'~~ independent living program.

2053 (4) As part of the child's treatment plan, the department
2054 may provide transition-to-adulthood services to children
2055 released from residential commitment. To support participation
2056 in transition-to-adulthood services and subject to
2057 appropriation, the department may:

2058 (a) Assess the child's skills and abilities to live
2059 independently and become self-sufficient. The specific services
2060 to be provided shall be determined using an assessment of his or
2061 her readiness for adult life.

2062 (b) Use community reentry teams to assist in the
2063 development of ~~Develop~~ a list of age-appropriate activities and
2064 responsibilities to be incorporated in the child's written case
2065 plan for any youth ~~17 years of age or older~~ who is under the
2066 custody or supervision of the department. Community reentry
2067 teams may include representatives from school districts, law
2068 enforcement, workforce development services, community-based
2069 service providers, and the youth's family. Such community



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2070 reentry teams must be created within existing resources provided
2071 to the department. Activities may include, but are not limited
2072 to, life skills training, including training to develop banking
2073 and budgeting skills, interviewing and career planning skills,
2074 parenting skills, personal health management, and time
2075 management or organizational skills; educational support;
2076 employment training; and counseling.

2077 (c) Provide information related to social security
2078 insurance benefits and public assistance.

2079 (d) Request parental or guardian permission for the youth
2080 to participate in transition-to-adulthood services. Upon such
2081 consent, age-appropriate activities shall be incorporated into
2082 the youth's written case plan. This plan may include specific
2083 goals and objectives and shall be reviewed and updated at least
2084 quarterly. If the parent or guardian is cooperative, the plan
2085 may not interfere with the parent's or guardian's rights to
2086 nurture and train his or her child in ways that are otherwise in
2087 compliance with the law and court order.

2088 (e) Contract for transition-to-adulthood services that
2089 include residential services and assistance and allow the child
2090 to live independently of the daily care and supervision of an
2091 adult in a setting that is not licensed under s. 409.175. A
2092 child under the care or supervision of the department ~~who has~~
2093 ~~reached 17 years of age but is not yet 19 years of age~~ is
2094 eligible for such services if he or she does not pose a danger
2095 to the public and is able to demonstrate minimally sufficient
2096 skills and aptitude for living under decreased adult
2097 supervision, as determined by the department, using established
2098 procedures and assessments.



2099 (f) Assist the child in building a portfolio of educational
2100 and vocational accomplishments, necessary identification,
2101 resumes, and cover letters in an effort to enhance the child's
2102 employability.

2103 (g) Collaborate with school district contacts to facilitate
2104 appropriate educational services based on the child's identified
2105 needs.

2106 (5) For a child ~~who is 17 years of age or older~~, under the
2107 department's care or supervision, and without benefit of parents
2108 or legal guardians capable of assisting the child in the
2109 transition to adult life, the department may provide an
2110 assessment to determine the child's skills and abilities to live
2111 independently and become self-sufficient. Based on the
2112 assessment and within existing resources, services and training
2113 may be provided in order to develop the necessary skills and
2114 abilities ~~before the child's 18th birthday.~~

2115 Section 28. Paragraph (b) of subsection (3) of section
2116 985.481, Florida Statutes, is amended to read:

2117 985.481 Sexual offenders adjudicated delinquent;
2118 notification upon release.-

2119 (3)

2120 (b) ~~No later than November 1, 2007~~, The department must
2121 make the information described in subparagraph (a)1. available
2122 electronically to the Department of Law Enforcement in its
2123 database and in a format that is compatible with the
2124 requirements of the Florida Crime Information Center.

2125 Section 29. Subsection (5) of section 985.4815, Florida
2126 Statutes, is amended to read:

2127 985.4815 Notification to Department of Law Enforcement of



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2128 information on juvenile sexual offenders.-

2129 (5) In addition to notification and transmittal
2130 requirements imposed by any other provision of law, the
2131 department shall compile information on any sexual offender and
2132 provide the information to the Department of Law Enforcement. ~~No~~
2133 ~~later than November 1, 2007,~~ The department must make the
2134 information available electronically to the Department of Law
2135 Enforcement in its database in a format that is compatible with
2136 the requirements of the Florida Crime Information Center.

2137 Section 30. Subsection (1) of section 985.514, Florida
2138 Statutes, is amended to read:

2139 985.514 Responsibility for cost of care; fees.-

2140 (1) When any child is placed into secure or nonsecure home
2141 detention care or into other placement for the purpose of being
2142 supervised by the department pursuant to a court order following
2143 a detention hearing, the court shall order the child's parents
2144 to pay fees to the department as provided in s. 985.039.

2145 Section 31. Paragraph (a) of subsection (3) and paragraph
2146 (a) of subsection (9) of section 985.601, Florida Statutes, are
2147 amended to read:

2148 985.601 Administering the juvenile justice continuum.-

2149 (3) (a) The department shall develop or contract for
2150 diversified and innovative programs to provide rehabilitative
2151 treatment, including early intervention and prevention,
2152 diversion, comprehensive intake, case management, diagnostic and
2153 classification assessments, trauma-informed care, individual and
2154 family counseling, family engagement resources and programs,
2155 gender-specific programming, shelter care, diversified detention
2156 care emphasizing alternatives to secure detention, diversified



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2157 probation, halfway houses, foster homes, community-based
2158 substance abuse treatment services, community-based mental
2159 health treatment services, community-based residential and
2160 nonresidential programs, mother-infant programs, and
2161 environmental programs. The department may pay expenses in
2162 support of innovative programs and activities that address
2163 identified needs and the well-being of children in the
2164 department's care or under its supervision, subject to the
2165 requirements of chapters 215, 216, and 287. Each program shall
2166 place particular emphasis on reintegration and conditional
2167 release for all children in the program.

2168 (9) (a) The department shall operate a statewide, regionally
2169 administered system of detention services for children, in
2170 accordance with a comprehensive plan for the regional
2171 administration of all detention services in the state. The plan
2172 must provide for the maintenance of adequate availability of
2173 detention services for all counties. The plan must cover all the
2174 department's operating circuits, with each operating circuit
2175 having access to a secure facility and nonsecure ~~and home~~
2176 detention programs, and the plan may be altered or modified by
2177 the Department of Juvenile Justice as necessary.

2178 Section 32. Sections 985.605, 985.606, and 985.61, Florida
2179 Statutes, are repealed.

2180 Section 33. Section 985.632, Florida Statutes, is amended
2181 to read:

2182 985.632 Quality improvement assurance and cost-
2183 effectiveness; Comprehensive Accountability Report.—

2184 (1) INTENT.—It is the intent of the Legislature that the
2185 department establish a performance accountability system for



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2186 each provider who contracts with the department for the delivery
2187 of services to children. The contract shall include both output
2188 measures, such as the number of children served, and outcome
2189 measures, including program completion and postcompletion
2190 recidivism. Each contractor shall report performance results to
2191 the department annually. The department's Bureau of Research and
2192 Planning shall summarize performance results from all contracts
2193 and report the information to the Legislature annually in the
2194 Comprehensive Accountability Report. The report shall:

2195 (a) Ensure that information be provided to decisionmakers
2196 in a timely manner so that resources are allocated to programs
2197 that of the department which achieve desired performance levels.

2198 (b) Provide information about the cost of such programs and
2199 their differential effectiveness so that the quality of such
2200 programs can be compared and improvements made continually.

2201 (c) Provide information to aid in developing related policy
2202 issues and concerns.

2203 (d) Provide information to the public about the
2204 effectiveness of such programs in meeting established goals and
2205 objectives.

2206 (e) Provide a basis for a system of accountability so that
2207 each child client is afforded the best programs to meet his or
2208 her needs.

2209 (f) Improve service delivery to children through the use of
2210 technical assistance clients.

2211 (g) Modify or eliminate activities or programs that are not
2212 effective.

2213 (h) Collect and analyze available statistical data for the
2214 purpose of ongoing evaluation of all programs.



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2215 (2) DEFINITIONS.—As used in this section, the term:
2216 ~~(a) "Client" means any person who is being provided~~
2217 ~~treatment or services by the department or by a provider under~~
2218 ~~contract with the department.~~
2219 (a) "Program" means any facility or service for youth that
2220 is operated by the department or by a provider under contract
2221 with the department.
2222 (b) "Program component" means an aggregation of generally
2223 related objectives which, because of their special character,
2224 related workload, and interrelated output, can logically be
2225 considered an entity for purposes of organization, management,
2226 accounting, reporting, and budgeting.
2227 ~~(c) "Program effectiveness" means the ability of the~~
2228 ~~program to achieve desired client outcomes, goals, and~~
2229 ~~objectives.~~
2230 (c) "Program group" means a collection of programs with
2231 sufficient similarity of functions, services, and youth to
2232 permit appropriate comparison amongst programs within the group.
2233 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in
2234 consultation with contract service providers, shall develop and
2235 use a standard methodology for annually measuring, evaluating,
2236 and reporting program outputs and youth outcomes for each
2237 program and program group. The standard methodology must:
2238 (a) Include common terminology and operational definitions
2239 for measuring the performance of system and program
2240 administration, program outputs, and program outcomes.
2241 (b) Specify program outputs for each program and for each
2242 program group within the juvenile justice continuum.
2243 (c) Specify desired child outcomes and methods by which to



2244 measure child outcomes for each program and program group
2245 ~~annually collect and report cost data for every program operated~~
2246 ~~or contracted by the department. The cost data shall conform to~~
2247 ~~a format approved by the department and the Legislature. Uniform~~
2248 ~~cost data shall be reported and collected for state-operated and~~
2249 ~~contracted programs so that comparisons can be made among~~
2250 ~~programs. The department shall ensure that there is accurate~~
2251 ~~cost accounting for state-operated services including market-~~
2252 ~~equivalent rent and other shared cost. The cost of the~~
2253 ~~educational program provided to a residential facility shall be~~
2254 ~~reported and included in the cost of a program. The department~~
2255 ~~shall submit an annual cost report to the President of the~~
2256 ~~Senate, the Speaker of the House of Representatives, the~~
2257 ~~Minority Leader of each house of the Legislature, the~~
2258 ~~appropriate substantive and fiscal committees of each house of~~
2259 ~~the Legislature, and the Governor, no later than December 1 of~~
2260 ~~each year. Cost-benefit analysis for educational programs will~~
2261 ~~be developed and implemented in collaboration with and in~~
2262 ~~cooperation with the Department of Education, local providers,~~
2263 ~~and local school districts. Cost data for the report shall~~
2264 ~~include data collected by the Department of Education for the~~
2265 ~~purposes of preparing the annual report required by s.~~
2266 ~~1003.52(19).~~

2267 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in
2268 consultation with the Office of Economic and Demographic
2269 Research and contract service providers, shall develop a cost-
2270 effectiveness model and apply the model to each commitment
2271 program. ~~Program recidivism rates shall be a component of the~~
2272 ~~model.~~



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2273 (a) The cost-effectiveness model shall compare program
2274 costs to expected and actual child recidivism rates ~~client~~
2275 ~~outcomes and program outputs~~. It is the intent of the
2276 Legislature that continual development efforts take place to
2277 improve the validity and reliability of the cost-effectiveness
2278 model.

2279 (b) The department shall rank commitment programs based on
2280 the cost-effectiveness model, performance measures, and
2281 adherence to quality improvement standards and shall ~~submit a~~
2282 report this data in the annual Comprehensive Accountability
2283 Report to the appropriate substantive and fiscal committees of
2284 each house of the Legislature by December 31 of each year.

2285 (c) Based on reports of the department on child ~~client~~
2286 outcomes and program outputs and on the department's most recent
2287 cost-effectiveness rankings, the department may terminate a
2288 program operated by the department or a provider if the program
2289 has failed to achieve a minimum standard ~~threshold~~ of program
2290 effectiveness. This paragraph does not preclude the department
2291 from terminating a contract as provided under this section or as
2292 otherwise provided by law or contract, and does not limit the
2293 department's authority to enter into or terminate a contract.

2294 (d) In collaboration with the Office of Economic and
2295 Demographic Research, and contract service providers, the
2296 department shall develop a work plan to refine the cost-
2297 effectiveness model so that the model is consistent with the
2298 performance-based program budgeting measures approved by the
2299 Legislature to the extent the department deems appropriate. The
2300 department shall notify the Office of Program Policy Analysis
2301 and Government Accountability of any meetings to refine the



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2302 model.

2303 (e) Contingent upon specific appropriation, the department,
2304 in consultation with the Office of Economic and Demographic
2305 Research, and contract service providers, shall:

2306 1. Construct a profile of each commitment program that uses
2307 the results of the quality improvement data portion of the
2308 Comprehensive Accountability ~~assurance~~ Report required by this
2309 section, the cost-effectiveness data portion of the
2310 Comprehensive Accountability Report required in this subsection,
2311 and other reports available to the department.

2312 2. Target, for a more comprehensive evaluation, any
2313 commitment program that has achieved consistently high, low, or
2314 disparate ratings in the reports required under subparagraph 1.
2315 and target, for technical assistance, any commitment program
2316 that has achieved low or disparate ratings in the reports
2317 required under subparagraph 1.

2318 3. Identify the essential factors that contribute to the
2319 high, low, or disparate program ratings.

2320 4. Use the results of these evaluations in developing or
2321 refining juvenile justice programs or program models, child
2322 elient outcomes and program outputs, provider contracts, quality
2323 improvement ~~assurance~~ standards, and the cost-effectiveness
2324 model.

2325 (5) QUALITY IMPROVEMENT.—The department shall:

2326 (a) Establish a comprehensive quality improvement ~~assurance~~
2327 system for each program operated by the department or operated
2328 by a provider under contract with the department. Each contract
2329 entered into by the department must provide for quality
2330 improvement ~~assurance~~.



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2331 (b) Provide operational definitions of and criteria for
2332 quality improvement assurance for each specific program
2333 component.

2334 (c) Establish quality improvement assurance goals and
2335 objectives for each specific program component.

2336 (d) Establish the information and specific data elements
2337 required for the quality improvement assurance program.

2338 (e) Develop a quality improvement assurance manual of
2339 specific, standardized terminology and procedures to be followed
2340 by each program.

2341 (f) Evaluate each program operated by the department or a
2342 provider under a contract with the department annually and
2343 establish minimum standards thresholds for each program
2344 component. If a provider fails to meet the established minimum
2345 standards thresholds, such failure shall cause the department to
2346 cancel the provider's contract unless the provider achieves
2347 compliance with minimum standards thresholds within 6 months or
2348 unless there are documented extenuating circumstances. In
2349 addition, the department may not contract with the same provider
2350 for the canceled service for a period of 12 months. If a
2351 department-operated program fails to meet the established
2352 minimum standards thresholds, the department must take necessary
2353 and sufficient steps to ensure and document program changes to
2354 achieve compliance with the established minimum standards
2355 thresholds. If the department-operated program fails to achieve
2356 compliance with the established minimum standards thresholds
2357 within 6 months and if there are no documented extenuating
2358 circumstances, the department must notify the Executive Office
2359 of the Governor and the Legislature of the corrective action



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2360 taken. Appropriate corrective action may include, but is not
2361 limited to:

2362 1. Contracting out for the services provided in the
2363 program;

2364 2. Initiating appropriate disciplinary action against all
2365 employees whose conduct or performance is deemed to have
2366 materially contributed to the program's failure to meet
2367 established minimum standards ~~thresholds~~;

2368 3. Redesigning the program; or

2369 4. Realigning the program.

2370 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The
2371 department shall submit the Comprehensive Accountability Report
2372 ~~an annual report~~ to the President of the Senate, the Speaker of
2373 the House of Representatives, the Minority Leader of each house
2374 of the Legislature, the appropriate substantive and fiscal
2375 committees of each house of the Legislature, and the Governor,
2376 no later than February 1 of each year. The Comprehensive
2377 Accountability Report ~~annual report~~ must contain, at a minimum,
2378 for each specific program component: a comprehensive description
2379 of the population served by the program; a specific description
2380 of the services provided by the program; cost; a comparison of
2381 expenditures to federal and state funding; immediate and long-
2382 range concerns; and recommendations to maintain, expand,
2383 improve, modify, or eliminate each program component so that
2384 changes in services lead to enhancement in program quality. The
2385 department shall ensure the reliability and validity of the
2386 information contained in the report.

2387 (7)(6) ONGOING EVALUATIONS; REPORTS.—The department shall
2388 collect and analyze available statistical data for the purpose



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2389 of ongoing evaluation of all programs. The department shall
2390 provide the Legislature with necessary information and reports
2391 to enable the Legislature to make informed decisions regarding
2392 the effectiveness of, and any needed changes in, services,
2393 programs, policies, and laws.

2394 Section 34. Paragraph (a) of subsection (1) and paragraph
2395 (b) of subsection (3) of section 985.644, Florida Statutes, are
2396 amended to read:

2397 985.644 Departmental contracting powers; personnel
2398 standards and investigation screening.-

2399 (1) The department may contract with the Federal
2400 Government, other state departments and agencies, county and
2401 municipal governments and agencies, public and private agencies,
2402 and private individuals and corporations in carrying out the
2403 purposes of, and the responsibilities established in, this
2404 chapter.

2405 (a) Each contract entered into by the department for
2406 services delivered on an appointment or intermittent basis by a
2407 provider that does not have regular custodial responsibility for
2408 children and each contract with a school for ~~before or after~~care
2409 services must ensure that all owners, operators, and personnel
2410 who have direct contact with children are subject to level 2
2411 background screening pursuant to chapter 435.

2412 (3)

2413 (b) ~~Except for~~ Law enforcement, correctional, and
2414 correctional probation officers, certified pursuant to s.
2415 943.13, are not required to submit to level 2 screenings as long
2416 as they are currently employed by a law enforcement agency or
2417 correctional facility. ~~to whom s. 943.13(5) applies,~~ The



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2418 department shall electronically submit to the Department of Law
2419 Enforcement:

2420 1. Fingerprint information obtained during the employment
2421 screening required by subparagraph (a)1.

2422 2. Fingerprint information for all persons employed by the
2423 department, or by a provider under contract with the department,
2424 in delinquency facilities, services, or programs if such
2425 fingerprint information has not previously been electronically
2426 submitted pursuant to this section ~~to the Department of Law~~
2427 ~~Enforcement under this paragraph.~~

2428 Section 35. Section 985.6441, Florida Statutes, is created
2429 to read:

2430 985.6441 Health care services.—

2431 (1) As used in this section, the term:

2432 (a) "Health care provider" has the same meaning as provided
2433 in s. 766.105.

2434 (b) "Hospital" means a hospital licensed under chapter 395.

2435 (2) When compensating health care providers, the department
2436 must comply with the following reimbursement limitations:

2437 (a) Payments to a hospital or a health care provider may
2438 not exceed 110 percent of the Medicare allowable rate for any
2439 health care services provided if there is no contract between
2440 the department and the hospital or the health care provider
2441 providing services at a hospital.

2442 (b)1. The department may continue to make payments for
2443 health care services at the contracted rates for contracts
2444 executed before July 1, 2014, through the current term of the
2445 contract if a contract has been executed between the department
2446 and a hospital or a health care provider providing services at a



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2447 hospital.
2448 2. Payments may not exceed 110 percent of the Medicare
2449 allowable rate after the current term of the contract expires or
2450 after the contract is renewed during the 2013-2014 fiscal year.
2451 (c) Payments may not exceed 110 percent of the Medicare
2452 allowable rate under a contract executed on or after July 1,
2453 2014, between the department and a hospital or a health care
2454 provider providing services at a hospital.
2455 (d) Notwithstanding paragraphs (a)-(c), the department may
2456 pay up to 125 percent of the Medicare allowable rate for health
2457 care services at a hospital that reports, or has reported, a
2458 negative operating margin for the previous fiscal year to the
2459 Agency for Health Care Administration through hospital-audited
2460 financial data.
2461 Section 36. Subsections (1), (2), and (3) of section
2462 985.66, Florida Statutes, are amended to read:
2463 985.66 Juvenile justice training ~~academies~~; staff
2464 development and training; Juvenile Justice Training Trust Fund.—
2465 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
2466 provide a systematic approach to staff development and training
2467 for judges, state attorneys, public defenders, law enforcement
2468 officers, school district personnel, and juvenile justice
2469 program staff that will meet the needs of such persons in their
2470 discharge of duties while at the same time meeting the
2471 requirements for the American Correction Association
2472 accreditation by the Commission on Accreditation for
2473 Corrections, it is the purpose of the Legislature to require the
2474 department to establish, maintain, and oversee the operation of
2475 juvenile justice training, programs, and courses ~~academies~~ in



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2476 the state. The purpose of the Legislature in establishing staff
2477 development and training programs is to provide employees of the
2478 department, any private or public entity, or contract providers
2479 who provide services or care for children under the
2480 responsibility of the department with the knowledge and skills
2481 needed to appropriately interact with children and provide such
2482 care and services ~~foster better staff morale and reduce~~
2483 ~~mistreatment and aggressive and abusive behavior in delinquency~~
2484 ~~programs~~; to positively impact the recidivism of children in the
2485 juvenile justice system; and to afford greater protection of the
2486 public through an improved level of services delivered by a
2487 professionally trained juvenile justice ~~program~~ staff to
2488 children who are alleged to be or who have been found to be
2489 delinquent.

2490 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2491 (a) Designate the number and location of the training
2492 programs and courses; assess, design, academies; develop,
2493 implement, evaluate, maintain, and update the curriculum to be
2494 used in the training of juvenile justice ~~program~~ staff;
2495 establish timeframes for participation in and completion of
2496 training by juvenile justice ~~program~~ staff; develop, implement,
2497 score, analyze, maintain, and update job-related examinations;
2498 develop, implement, analyze, and update the types and
2499 frequencies for ~~of~~ evaluations of the training programs,
2500 courses, and instructors academies; and manage ~~approve, modify,~~
2501 ~~or disapprove~~ the budget and contracts for all the training
2502 deliverables academies, ~~and the contractor to be selected to~~
2503 ~~organize and operate the training academies and to provide the~~
2504 ~~training curriculum.~~



2505 (b) Establish uniform minimum job-related preservice and
2506 inservice training courses and examinations for juvenile justice
2507 program staff.

2508 (c) Consult and cooperate with the state or any political
2509 subdivision; any private entity or contractor; and with private
2510 and public universities, colleges, community colleges, and other
2511 educational institutions concerning the development of juvenile
2512 justice training and programs or courses of instruction,
2513 including, but not limited to, education and training in the
2514 areas of juvenile justice.

2515 (d) Enter into contracts and agreements with other
2516 agencies, organizations, associations, corporations,
2517 individuals, or federal agencies as necessary in the execution
2518 of the powers of the department or the performance of its
2519 duties.

2520 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
2521 establish a certifiable program for juvenile justice training
2522 pursuant to this section, and all department program staff and
2523 providers who deliver direct care services pursuant to contract
2524 with the department shall be required to participate in and
2525 successfully complete the department-approved program of
2526 training pertinent to their areas of responsibility. Judges,
2527 state attorneys, and public defenders, law enforcement officers,
2528 ~~and~~ school district personnel, and employees of contract
2529 providers who provide services or care for children under the
2530 responsibility of the department may participate in such
2531 training program. For the juvenile justice program staff, the
2532 department shall, based on a job-task analysis:

2533 (a) Design, implement, maintain, evaluate, and revise a



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2534 basic training program, including a competency-based
2535 examination, for the purpose of providing minimum employment
2536 training qualifications for all juvenile justice personnel. All
2537 program staff of the department and providers who deliver
2538 direct-care services who are hired after October 1, 1999, must
2539 meet the following minimum requirements:

- 2540 1. Be at least 19 years of age.
- 2541 2. Be a high school graduate or its equivalent as
2542 determined by the department.
- 2543 3. Not have been convicted of any felony or a misdemeanor
2544 involving perjury or a false statement, or have received a
2545 dishonorable discharge from any of the Armed Forces of the
2546 United States. Any person who, after September 30, 1999, pleads
2547 guilty or nolo contendere to or is found guilty of any felony or
2548 a misdemeanor involving perjury or false statement is not
2549 eligible for employment, notwithstanding suspension of sentence
2550 or withholding of adjudication. Notwithstanding this
2551 subparagraph, any person who pled nolo contendere to a
2552 misdemeanor involving a false statement before October 1, 1999,
2553 and who has had such record of that plea sealed or expunged is
2554 not ineligible for employment for that reason.
- 2555 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding
2556 fingerprinting and background investigations and other screening
2557 requirements for personnel.
- 2558 5. Execute and submit to the department an affidavit-of-
2559 application form, adopted by the department, attesting to his or
2560 her compliance with subparagraphs 1.-4. The affidavit must be
2561 executed under oath and constitutes an official statement under
2562 s. 837.06. The affidavit must include conspicuous language that



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2563 the intentional false execution of the affidavit constitutes a
2564 misdemeanor of the second degree. The employing agency shall
2565 retain the affidavit.

2566 (b) Design, implement, maintain, evaluate, and revise an
2567 advanced training program, including a competency-based
2568 examination for each training course, which is intended to
2569 enhance knowledge, skills, and abilities related to job
2570 performance.

2571 (c) Design, implement, maintain, evaluate, and revise a
2572 career development training program, including a competency-
2573 based examination for each training course. Career development
2574 courses are intended to prepare personnel for promotion.

2575 (d) The department is encouraged to design, implement,
2576 maintain, evaluate, and revise juvenile justice training
2577 courses, or to enter into contracts for such training courses,
2578 that are intended to provide for the safety and well-being of
2579 both citizens and juvenile offenders.

2580 Section 37. Subsection (5) of section 985.664, Florida
2581 Statutes, is amended to read:

2582 985.664 Juvenile justice circuit advisory boards.—

2583 ~~(5) (a) To form the initial juvenile justice circuit~~
2584 ~~advisory board, the Secretary of Juvenile Justice, in~~
2585 ~~consultation with the juvenile justice county councils in~~
2586 ~~existence on October 1, 2013, shall appoint the chair of the~~
2587 ~~board, who must meet the board membership requirements in~~
2588 ~~subsection (4). Within 45 days after being appointed, the chair~~
2589 ~~shall appoint the remaining members to the juvenile justice~~
2590 ~~circuit advisory board and submit the appointments to the~~
2591 ~~department for approval.~~



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2592 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2593 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2594 the juvenile justice circuit advisory board, shall appoint a new
2595 chair, who must meet the board membership requirements in
2596 subsection (4). The chair shall appoint members to vacant seats
2597 within 45 days after the vacancy and submit the appointments to
2598 the department for approval. The chair shall serve at the
2599 pleasure of the Secretary of Juvenile Justice.

2600 Section 38. Subsections (1) and (4) of section 985.672,
2601 Florida Statutes, are amended to read:

2602 985.672 Direct-support organization; definition; use of
2603 property; board of directors; audit.—

2604 (1) DEFINITION.—As used in this section, the term “direct-
2605 support organization” means an organization whose sole purpose
2606 is to support the juvenile justice system and which is:

2607 (a) A corporation not-for-profit incorporated under chapter
2608 617 and which is approved by the Department of State;

2609 (b) Organized and operated to conduct programs and
2610 activities; to raise funds; to request and receive grants,
2611 gifts, and bequests of moneys; to acquire, receive, hold,
2612 invest, and administer, in its own name, securities, funds,
2613 objects of value, or other property, real or personal; and to
2614 make expenditures to or for the direct or indirect benefit of
2615 the Department of Juvenile Justice or the juvenile justice
2616 system operated by a county commission or a circuit board;

2617 (c) Determined by the Department of Juvenile Justice to be
2618 consistent with the goals of the juvenile justice system, in the
2619 best interest of the state, and in accordance with the adopted
2620 goals and mission of the Department of Juvenile Justice.



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2621
2622 Expenditures of the organization shall be ~~expressly~~ used for the
2623 prevention to prevent and amelioration of ~~ameliorate~~ juvenile
2624 delinquency. The expenditures of the direct-support organization
2625 may not be used for the purpose of lobbying as defined in s.
2626 11.045.

2627 (4) USE OF PROPERTY.—The department may permit, without
2628 charge, appropriate use of fixed property, ~~and facilities, and~~
2629 personnel services of the juvenile justice system by the direct-
2630 support organization, subject to ~~the provisions of~~ this section.
2631 For the purposes of this subsection, the term "personnel
2632 services" includes full-time or part-time personnel, as well as
2633 payroll processing services.

2634 (a) The department may prescribe any condition with which
2635 the direct-support organization must comply in order to use
2636 fixed property or facilities of the juvenile justice system.

2637 (b) The department may not permit the use of any fixed
2638 property or facilities of the juvenile justice system by the
2639 direct-support organization if it does not provide equal
2640 membership and employment opportunities to all persons
2641 regardless of race, color, religion, sex, age, or national
2642 origin.

2643 (c) The department shall adopt rules prescribing the
2644 procedures by which the direct-support organization is governed
2645 and any conditions with which a direct-support organization must
2646 comply to use property or facilities of the department.

2647 Section 39. Subsections (1) through (4) and subsection (9)
2648 of section 985.682, Florida Statutes, are amended to read:

2649 985.682 Siting of facilities; study; criteria.—



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2650 ~~(1) The department is directed to conduct or contract for a~~
2651 ~~statewide comprehensive study to determine current and future~~
2652 ~~needs for all types of facilities for children committed to the~~
2653 ~~custody, care, or supervision of the department under this~~
2654 ~~chapter.~~

2655 ~~(2) The study shall assess, rank, and designate appropriate~~
2656 ~~sites, and shall be reflective of the different purposes and~~
2657 ~~uses for all facilities, based upon the following criteria:~~

2658 ~~(a) Current and future estimates of children originating~~
2659 ~~from each county;~~

2660 ~~(b) Current and future estimates of types of delinquent~~
2661 ~~acts committed in each county;~~

2662 ~~(c) Geographic location of existing facilities;~~

2663 ~~(d) Availability of personnel within the local labor~~
2664 ~~market;~~

2665 ~~(e) Current capacity of facilities in the area;~~

2666 ~~(f) Total usable and developable acreage of various sites~~
2667 ~~based upon the use and purpose of the facility;~~

2668 ~~(g) Accessibility of each site to existing utility,~~
2669 ~~transportation, law enforcement, health care, fire protection,~~
2670 ~~refuse collection, water, and sewage disposal services;~~

2671 ~~(h) Susceptibility of each site to flooding hazards or~~
2672 ~~other adverse natural environmental consequences;~~

2673 ~~(i) Site location in relation to desirable and undesirable~~
2674 ~~proximity to other public facilities, including schools;~~

2675 ~~(j) Patterns of residential growth and projected population~~
2676 ~~growth; and~~

2677 ~~(k) Such other criteria as the department, in conjunction~~
2678 ~~with local governments, deems appropriate.~~



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2679 ~~(3) The department shall recommend certification of the~~
2680 ~~study by the Governor and Cabinet within 2 months after its~~
2681 ~~receipt.~~

2682 ~~(4) Upon certification of the study by the Governor and~~
2683 ~~Cabinet, the department shall notify those counties designated~~
2684 ~~as being in need of a facility.~~

2685 (5)~~(9)~~ The Governor and Cabinet shall consider the
2686 following when determining whether to grant the appeal from the
2687 decision of the local government on the requested modification:

2688 (a) The record of the proceedings before the local
2689 government.

2690 (b) Reports and studies by any other agency relating to
2691 matters within the jurisdiction of such agency which may be
2692 potentially affected by the proposed site.

2693 (c) Existing ~~The statewide study, as established in~~
2694 ~~subsection (1); other existing studies,~~ reports and information
2695 maintained by the department as the Governor and Cabinet may
2696 request addressing the feasibility and availability of
2697 alternative sites in the general area, and the need for a
2698 facility in the area based on the average number of petitions,
2699 commitments, and transfers into the criminal court from the
2700 county to state facilities for the most recent 3 calendar years.

2701 Section 40. Section 985.69, Florida Statutes, is amended to
2702 read:

2703 985.69 Repair and maintenance ~~One-time startup~~ funding for
2704 juvenile justice purposes.—Funds from juvenile justice
2705 appropriations may be used ~~utilized~~ as ~~one-time startup~~ funding
2706 for juvenile justice purposes that include, but are not limited
2707 to, remodeling or renovation of existing facilities,



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2708 ~~construction costs, leasing costs,~~ purchase of equipment and
2709 furniture, site development, and other necessary and reasonable
2710 costs associated with the repair and maintenance ~~startup~~ of
2711 facilities or programs.

2712 Section 41. Section 985.694, Florida Statutes, is repealed.

2713 Section 42. Paragraph (a) of subsection (1) of section
2714 985.701, Florida Statutes, is amended to read:

2715 985.701 Sexual misconduct prohibited; reporting required;
2716 penalties.—

2717 (1) (a) 1. As used in this section ~~subsection~~, the term:

2718 a. "Sexual misconduct" means fondling the genital area,
2719 groin, inner thighs, buttocks, or breasts of a person; the oral,
2720 anal, or vaginal penetration by or union with the sexual organ
2721 of another; or the anal or vaginal penetration of another by any
2722 other object. The term does not include an act done for a bona
2723 fide medical purpose or an internal search conducted in the
2724 lawful performance of duty by an employee of the department or
2725 an employee of a provider under contract with the department.

2726 b. "Employee" includes paid staff members, volunteers, and
2727 interns who work in a department program or a program operated
2728 by a provider under a contract.

2729 c. "Juvenile offender" means any person of any age who is
2730 detained or supervised by, or committed to the custody of, the
2731 department.

2732 2. An employee who engages in sexual misconduct with a
2733 juvenile offender ~~detained or supervised by, or committed to the~~
2734 ~~eustody of, the department~~ commits a felony of the second
2735 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2736 775.084. An employee may be found guilty of violating this



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2737 subsection without having committed the crime of sexual battery.

2738 3. The consent of the juvenile offender to any act of
2739 sexual misconduct is not a defense to prosecution under this
2740 subsection.

2741 4. This subsection does not apply to an employee of the
2742 department, or an employee of a provider under contract with the
2743 department, who:

2744 a. Is legally married to a juvenile offender who is
2745 detained or supervised by, or committed to the custody of, the
2746 department.

2747 b. Has no reason to believe that the person with whom the
2748 employee engaged in sexual misconduct is a juvenile offender
2749 ~~detained or supervised by, or committed to the custody of, the~~
2750 ~~department.~~

2751 Section 43. Effective October, 1, 2014, Section 985.702,
2752 Florida Statutes, is created to read:

2753 985.702 Willful and malicious neglect of a juvenile
2754 offender prohibited; reporting required; penalties.-

2755 (1) As used in this section, the term:

2756 (a) "Employee" means a paid staff member, volunteer, or
2757 intern who works in a department program or a program operated
2758 by a provider under a contract with the department.

2759 (b) "Juvenile offender" means any person of any age who is
2760 detained or supervised by, or committed to the custody of the
2761 department.

2762 (c) "Neglect" means:

2763 1. An employee's failure or omission to provide a juvenile
2764 offender with the proper level of care, supervision, and
2765 services necessary to maintain the juvenile offender's physical



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2766 and mental health, including, but not limited to, adequate food,
2767 nutrition, clothing, shelter, supervision, medicine, and medical
2768 services; or

2769 2. An employee's failure to make a reasonable effort to
2770 protect a juvenile offender from abuse, neglect, or exploitation
2771 by another person.

2772 (2) (a) An employee who willfully and maliciously neglects a
2773 juvenile offender without causing great bodily harm, permanent
2774 disability, or permanent disfigurement commits a felony of the
2775 third degree, punishable as provided in s. 775.082, s. 775.083,
2776 or s. 775.084.

2777 (b) An employee who willfully and maliciously neglects a
2778 juvenile offender and in so doing causes great bodily harm,
2779 permanent disability, or permanent disfigurement commits a
2780 felony of the second degree, punishable as provided in s.
2781 775.082, s. 775.083, or s. 775.084.

2782 (c) Notwithstanding prosecution, any violation of paragraph
2783 (a) or paragraph (b), as determined by the Public Employees
2784 Relations Commission, constitutes sufficient cause under s.
2785 110.227 for dismissal from employment with the department, and
2786 such person may not again be employed in any capacity in the
2787 juvenile justice system.

2788 (3) An employee who witnesses the infliction of neglect
2789 upon a juvenile offender shall immediately report the incident
2790 to the department's incident hotline and prepare, date, and sign
2791 an independent report that specifically describes the nature of
2792 the incident, the location and time of the incident, and the
2793 persons involved in the incident. The employee shall deliver the
2794 report to the employee's supervisor or program director, who



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2795 must provide copies to the department's inspector general and
2796 the circuit juvenile justice manager. The inspector general
2797 shall immediately conduct an appropriate administrative
2798 investigation, and, if there is probable cause to believe that a
2799 violation of subsection (2) has occurred, the inspector general
2800 shall notify the state attorney in the circuit in which the
2801 incident occurred.

2802 (4) (a) A person who is required to prepare a report under
2803 this section who knowingly or willfully fails to do so, or who
2804 knowingly or willfully prevents another person from doing so,
2805 commits a misdemeanor of the first degree, punishable as
2806 provided in s. 775.082 or s. 775.083.

2807 (b) A person who knowingly or willfully submits inaccurate,
2808 incomplete, or untruthful information with respect to a report
2809 required under this section commits a misdemeanor of the first
2810 degree, punishable as provided in s. 775.082 or s. 775.083.

2811 (c) A person who knowingly or willfully coerces or
2812 threatens any other person with the intent to alter testimony or
2813 a written report regarding an incident of neglect upon a
2814 juvenile offender commits a felony of the third degree,
2815 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2816 Section 44. Subsection (2) of section 985.721, Florida
2817 Statutes, is amended to read:

2818 985.721 Escapes from secure detention or residential
2819 commitment facility.—An escape from:

2820 (2) Any residential commitment facility described in s.
2821 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,
2822 punishment, or rehabilitation of children found to have
2823 committed delinquent acts or violations of law; or



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2824
2825 constitutes escape within the intent and meaning of s. 944.40
2826 and is a felony of the third degree, punishable as provided in
2827 s. 775.082, s. 775.083, or s. 775.084.

2828 Section 45. Paragraphs (c) and (f) of subsection (3) of
2829 section 943.0582, Florida Statutes, are amended to read:

2830 943.0582 Prearrest, postarrest, or teen court diversion
2831 program expunction.—

2832 (3) The department shall expunge the nonjudicial arrest
2833 record of a minor who has successfully completed a prearrest or
2834 postarrest diversion program if that minor:

2835 (c) Submits to the department, with the application, an
2836 official written statement from the state attorney for the
2837 county in which the arrest occurred certifying that he or she
2838 has successfully completed that county's prearrest or postarrest
2839 diversion program, that his or her participation in the program
2840 was based on an arrest for a nonviolent misdemeanor, and that he
2841 or she has not otherwise been charged by the state attorney with
2842 or found to have committed any criminal offense or comparable
2843 ordinance violation.

2844 (f) Has never, prior to filing the application for
2845 expunction, been charged by the state attorney with or been
2846 found to have committed any criminal offense or comparable
2847 ordinance violation.

2848 Section 46. Section 945.75, Florida Statutes, is repealed.

2849 Section 47. Paragraphs (h) through (k) of subsection (3) of
2850 section 121.0515, Florida Statutes, are redesignated as
2851 paragraphs (g) through (j), respectively, and paragraphs (e)
2852 through (i) of subsection (2), present paragraphs (g) and (k) of



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2853 subsection (3), paragraph (b) of subsection (5), paragraph (d)
2854 of subsection (8), and paragraph (c) of subsection (10) of that
2855 section are amended to read:

2856 121.0515 Special Risk Class.—

2857 (2) MEMBERSHIP.—

2858 ~~(c) Effective July 1, 2001, "special risk member" includes~~
2859 ~~any member who is employed as a youth custody officer by the~~
2860 ~~Department of Juvenile Justice and meets the special criteria~~
2861 ~~set forth in paragraph (3) (g).~~

2862 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,
2863 the member must be employed by a law enforcement agency or
2864 medical examiner's office in a forensic discipline and meet the
2865 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

2866 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
2867 by the Department of Law Enforcement in the crime laboratory or
2868 by the Division of State Fire Marshal in the forensic laboratory
2869 and meet the special criteria set forth in paragraph (3) (h)
2870 ~~(3) (i)~~.

2871 (g)~~(h)~~ Effective July 1, 2008, the member must be employed
2872 by a local government law enforcement agency or medical
2873 examiner's office and meet the special criteria set forth in
2874 paragraph (3) (i) ~~(3) (j)~~.

2875 (h)~~(i)~~ Effective August 1, 2008, "special risk member"
2876 includes any member who meets the special criteria for continued
2877 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

2878 (3) CRITERIA.—A member, to be designated as a special risk
2879 member, must meet the following criteria:

2880 ~~(g) Effective July 1, 2001, the member must be employed as~~
2881 ~~a youth custody officer and be certified, or required to be~~



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2882 ~~certified, in compliance with s. 943.1395. In addition, the~~
2883 ~~member's primary duties and responsibilities must be the~~
2884 ~~supervised custody, surveillance, control, investigation,~~
2885 ~~apprehension, arrest, and counseling of assigned juveniles~~
2886 ~~within the community;~~

2887 (j)~~(k)~~ The member must have already qualified for and be
2888 actively participating in special risk membership under
2889 paragraph (a), paragraph (b), or paragraph (c), must have
2890 suffered a qualifying injury as defined in this paragraph, must
2891 not be receiving disability retirement benefits as provided in
2892 s. 121.091(4), and must satisfy the requirements of this
2893 paragraph.

2894 1. The ability to qualify for the class of membership
2895 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
2896 medical physicians, one of whom is a primary treating physician
2897 of the member, certify the existence of the physical injury and
2898 medical condition that constitute a qualifying injury as defined
2899 in this paragraph and that the member has reached maximum
2900 medical improvement after August 1, 2008. The certifications
2901 from the licensed medical physicians must include, at a minimum,
2902 that the injury to the special risk member has resulted in a
2903 physical loss, or loss of use, of at least two of the following:
2904 left arm, right arm, left leg, or right leg; and:

2905 a. That this physical loss or loss of use is total and
2906 permanent, except if the loss of use is due to a physical injury
2907 to the member's brain, in which event the loss of use is
2908 permanent with at least 75 percent loss of motor function with
2909 respect to each arm or leg affected.

2910 b. That this physical loss or loss of use renders the



2911 member physically unable to perform the essential job functions
2912 of his or her special risk position.

2913 c. That, notwithstanding this physical loss or loss of use,
2914 the individual can perform the essential job functions required
2915 by the member's new position, as provided in subparagraph 3.

2916 d. That use of artificial limbs is not possible or does not
2917 alter the member's ability to perform the essential job
2918 functions of the member's position.

2919 e. That the physical loss or loss of use is a direct result
2920 of a physical injury and not a result of any mental,
2921 psychological, or emotional injury.

2922 2. For the purposes of this paragraph, "qualifying injury"
2923 means an injury sustained in the line of duty, as certified by
2924 the member's employing agency, by a special risk member that
2925 does not result in total and permanent disability as defined in
2926 s. 121.091(4)(b). An injury is a qualifying injury if the injury
2927 is a physical injury to the member's physical body resulting in
2928 a physical loss, or loss of use, of at least two of the
2929 following: left arm, right arm, left leg, or right leg.

2930 Notwithstanding any other provision of this section, an injury
2931 that would otherwise qualify as a qualifying injury is not
2932 considered a qualifying injury if and when the member ceases
2933 employment with the employer for whom he or she was providing
2934 special risk services on the date the injury occurred.

2935 3. The new position, as described in sub-subparagraph 1.c.,
2936 that is required for qualification as a special risk member
2937 under this paragraph is not required to be a position with
2938 essential job functions that entitle an individual to special
2939 risk membership. Whether a new position as described in sub-



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2940 subparagraph 1.c. exists and is available to the special risk
2941 member is a decision to be made solely by the employer in
2942 accordance with its hiring practices and applicable law.

2943 4. This paragraph does not grant or create additional
2944 rights for any individual to continued employment or to be hired
2945 or rehired by his or her employer that are not already provided
2946 within the Florida Statutes, the State Constitution, the
2947 Americans with Disabilities Act, if applicable, or any other
2948 applicable state or federal law.

2949 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

2950 (b) Any member who is a special risk member on July 1,
2951 2008, and who became eligible to participate under paragraph
2952 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
2953 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
2954 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
2955 designation removed and thereafter shall be a Regular Class
2956 member and earn only Regular Class membership credit. The
2957 department may review the special risk designation of members to
2958 determine whether or not those members continue to meet the
2959 criteria for Special Risk Class membership.

2960 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

2961 (d) Notwithstanding any other provision of this subsection,
2962 this subsection does not apply to any special risk member who
2963 qualifies for continued membership pursuant to paragraph (3) (j)
2964 ~~(3) (k)~~.

2965 (10) CREDIT FOR UPGRADED SERVICE.—

2966 (c) Any member of the Special Risk Class who has earned
2967 creditable service through June 30, 2008, in another membership
2968 class of the Florida Retirement System in a position with the



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2969 Department of Law Enforcement or the Division of State Fire
2970 Marshal and became covered by the Special Risk Class as
2971 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
2972 law enforcement agency or medical examiner's office and became
2973 covered by the Special Risk Class as described in paragraph
2974 (3) (i) ~~(3) (j)~~, which service is within the purview of the
2975 Special Risk Class, and is employed in such position on or after
2976 July 1, 2008, may purchase additional retirement credit to
2977 upgrade such service to Special Risk Class service, to the
2978 extent of the percentages of the member's average final
2979 compensation provided in s. 121.091(1)(a)2. The cost for such
2980 credit must be an amount representing the actuarial accrued
2981 liability for the difference in accrual value during the
2982 affected period of service. The cost shall be calculated using
2983 the discount rate and other relevant actuarial assumptions that
2984 were used to value the Florida Retirement System Pension Plan
2985 liabilities in the most recent actuarial valuation. The division
2986 shall ensure that the transfer sum is prepared using a formula
2987 and methodology certified by an enrolled actuary. The cost must
2988 be paid immediately upon notification by the division. The local
2989 government employer may purchase the upgraded service credit on
2990 behalf of the member if the member has been employed by that
2991 employer for at least 3 years.

2992 Section 48. Paragraph (a) of subsection (4) of section
2993 316.635, Florida Statutes, is amended to read:

2994 316.635 Courts having jurisdiction over traffic violations;
2995 powers relating to custody and detention of minors.—

2996 (4) A minor who willfully fails to appear before any court
2997 or judicial officer as required by written notice to appear is



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2998 guilty of contempt of court. Upon a finding by a court, after
2999 notice and a hearing, that a minor is in contempt of court for
3000 willful failure to appear pursuant to a valid notice to appear,
3001 the court may:

3002 (a) For a first offense, order the minor to serve up to 5
3003 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3004 ~~chapter 985~~ or, if space in a staff-secure shelter is
3005 unavailable, in a secure juvenile detention center.

3006 Section 49. Paragraph (a) of subsection (2) of section
3007 318.143, Florida Statutes, is amended to read:

3008 318.143 Sanctions for infractions by minors.—

3009 (2) Failure to comply with one or more of the sanctions
3010 imposed by the court constitutes contempt of court. Upon a
3011 finding by the court, after notice and a hearing, that a minor
3012 is in contempt of court for failure to comply with court-ordered
3013 sanctions, the court may:

3014 (a) For a first offense, order the minor to serve up to 5
3015 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3016 ~~chapter 985~~ or, if space in a staff-secure shelter is
3017 unavailable, in a secure juvenile detention center.

3018 Section 50. Except as otherwise expressly provided in this
3019 act, this act shall take effect July 1, 2014.

3020

3021 ===== T I T L E A M E N D M E N T =====

3022 And the title is amended as follows:

3023 Delete everything before the enacting clause
3024 and insert:

3025 A bill to be entitled

3026 An act relating to juvenile justice; amending ss.



3027 985.01 and 985.02, F.S.; revising legislative purposes
3028 and intent; amending s. 985.03, F.S.; revising
3029 definitions; amending s. 985.0301, F.S.; clarifying
3030 jurisdictional age restrictions for children in the
3031 juvenile justice system; restricting when cases may be
3032 transferred to a different jurisdiction; amending s.
3033 985.037, F.S.; providing for the placement of a child
3034 in a secure detention facility for contempt of court;
3035 providing due process to a child accused of direct
3036 contempt; revising the procedure for reviewing a
3037 child's placement in secure detention for contempt of
3038 court; amending ss. 985.039, 985.045, and 985.101,
3039 F.S.; conforming provisions; repealing s. 985.105,
3040 F.S., relating to the creation, duties, and
3041 qualifications of the youth custody officers in the
3042 Department of Juvenile Justice; amending s. 985.11,
3043 F.S.; revising when fingerprints must be submitted to
3044 the Department of Law Enforcement; amending s. 985.14,
3045 F.S.; revising the intake process; amending s.
3046 985.145, F.S.; substituting "Department of Juvenile
3047 Justice" for references to "juvenile probation
3048 officer"; creating s. 985.17, F.S.; providing
3049 legislative intent; requiring the department to
3050 provide specialized services to minimize the
3051 likelihood that youth will enter the juvenile justice
3052 system; providing for the department to promote the
3053 Invest in Children license plate to help fund
3054 prevention programs and services; providing for the
3055 department to monitor state-funded programs, grants,



3056 contracts, appropriations, and activities designed to
3057 prevent juvenile crime and report annually on these
3058 measures; limiting expenditure of funds to those
3059 prevention services that are consistent with the law
3060 and maximize public accountability; amending s.
3061 985.24, F.S.; revising factors to determine if the use
3062 of detention care is appropriate; authorizing the
3063 department to establish nonsecure, nonresidential
3064 evening reporting centers; conforming provisions;
3065 amending s. 985.245, F.S.; conforming provisions;
3066 amending s. 985.25, F.S.; requiring a child to be held
3067 in secure detention under certain circumstances;
3068 clarifying procedures for releasing a child before the
3069 child's detention hearing; conforming provisions;
3070 amending s. 985.255, F.S.; providing that a child
3071 shall be given a detention hearing within 24 hours
3072 after being taken into custody; clarifying when a
3073 court may order continued detention care; revising
3074 specified factors for ordering continued detention
3075 care; clarifying when a child charged with domestic
3076 violence can be held in secure detention; revising
3077 written findings required to retain a child charged
3078 with domestic violence in secure detention; deleting
3079 obsolete provisions; amending s. 985.26, F.S.;
3080 conforming terminology; amending s. 985.265, F.S.;
3081 revising procedures for transferring a child to
3082 another detention status; providing new notification
3083 requirements for when a child is released or
3084 transferred from secure detention; revising the



3085 frequency of physical observation checks for children
3086 detained in jail facilities; amending s. 985.27, F.S.;
3087 requiring a child to be held in secure detention
3088 pending placement in a high-risk or maximum-risk
3089 residential program; conforming provisions; amending
3090 s. 985.275, F.S.; requiring the department to notify
3091 specified parties when a child absconds from a
3092 commitment program; requiring the department to make
3093 every reasonable effort to locate the absconded child;
3094 amending s. 985.433, F.S.; revising the content of a
3095 predisposition report; conforming terminology;
3096 amending s. 985.435, F.S.; authorizing a probation
3097 program to include an alternative consequence
3098 component that may be used to address noncompliance
3099 with the technical conditions of probation; requiring
3100 the department to identify a child's risk of
3101 reoffending if the child is being placed on probation
3102 or postcommitment probation; amending s. 985.439,
3103 F.S.; authorizing the department to establish
3104 alternative sanctions for violations of probation or
3105 postcommitment probation; conforming terminology;
3106 amending s. 985.441, F.S.; providing that a child on
3107 probation for certain offenses may not be committed
3108 for a probation violation that is technical in nature;
3109 conforming terminology; amending s. 985.46, F.S.;
3110 revising the definition of the term "conditional
3111 release"; revising terminology; amending s. 985.461,
3112 F.S.; expanding the opportunity for transition-to-
3113 adulthood services to all children; revising



3114 provisions that the department may use to support
3115 participation in transition-to-adulthood services;
3116 conforming terminology; amending ss. 985.481 and
3117 985.4815, F.S.; deleting obsolete provisions; amending
3118 s. 985.514, F.S.; conforming provisions; amending s.
3119 985.601, F.S.; requiring the department's programs to
3120 include trauma-informed care, family engagement
3121 resources and programs, and gender-specific
3122 programming; authorizing the department to pay the
3123 expenses of programs and activities that address the
3124 needs and well-being of children in its care or under
3125 its supervision; conforming terminology; repealing ss.
3126 985.605, 985.606, and 985.61, F.S.; deleting
3127 provisions relating to prevention services programs
3128 and providers and early delinquency intervention
3129 programs; amending s. 985.632, F.S.; providing for the
3130 establishment of a performance accountability system
3131 for contract providers; revising definitions;
3132 providing for the development of a Comprehensive
3133 Accountability Report; requiring the department to
3134 prepare and submit the report annually to the Governor
3135 and Legislature; specifying content that must be
3136 included in the report; revising provisions relating
3137 to the cost-effectiveness model and quality
3138 improvement; amending s. 985.644, F.S.; clarifying an
3139 exemption for specified certified law enforcement,
3140 correctional, and correctional probation officers
3141 relating to a requirement to submit to level 2
3142 background screenings; creating s. 985.6441, F.S.;



3143 providing definitions; limiting the amount that the
3144 department may pay a hospital or health care provider
3145 for health care services based on a percentage of the
3146 Medicare allowable rate; providing applicability;
3147 amending s. 985.66, F.S.; revising specified juvenile
3148 justice staff development and training procedures;
3149 expanding application of training requirements to
3150 contract providers who care for children in the
3151 department's custody; amending s. 985.664, F.S.;
3152 deleting obsolete provisions relating to the initial
3153 selection of the juvenile justice circuit advisory
3154 board chairs; revising procedures for appointing
3155 juvenile justice circuit advisory board chairs;
3156 providing that chairs serve at the pleasure of the
3157 secretary; amending s. 985.672, F.S.; clarifying
3158 language concerning expenditures of the direct-support
3159 organization's funds; authorizing the direct-support
3160 organization to use department personnel services;
3161 defining the term "personnel services"; amending s.
3162 985.682, F.S.; deleting obsolete provisions regarding
3163 a comprehensive study relating to the siting of
3164 facilities; amending s. 985.69, F.S.; providing for
3165 the use of specified funds for repair and maintenance;
3166 repealing s. 985.694, F.S.; deleting a provision
3167 relating to the Juvenile Care and Maintenance Trust
3168 Fund; amending s. 985.701, F.S.; defining the term
3169 "juvenile offender" for purposes of prohibiting sexual
3170 misconduct with juvenile offenders; creating s.
3171 985.702, F.S.; providing an effective date; providing



3172 definitions; providing for the imposition of criminal
3173 penalties against specified employees who inflict
3174 neglect upon juvenile offenders; providing enhanced
3175 penalties for such treatment that results in great
3176 bodily harm, permanent disability, or permanent
3177 disfigurement to a juvenile offender; specifying that
3178 such conduct constitutes sufficient cause for an
3179 employee's dismissal from employment; prohibiting such
3180 employee from future employment with the juvenile
3181 justice system; providing incident reporting
3182 requirements; prohibiting an employee who witnesses
3183 such an incident from knowingly or willfully failing
3184 to report such incident; prohibiting false reporting,
3185 preventing another from reporting, or coercing another
3186 to alter testimony or reports; providing criminal
3187 penalties; amending s. 985.721, F.S.; correcting a
3188 cross-reference; amending s. 943.0582, F.S.;
3189 clarifying that minors are not eligible for expunction
3190 if they have been charged by a state attorney for
3191 other crimes; repealing s. 945.75, F.S.; deleting a
3192 requirement that the Department of Corrections and
3193 counties develop programs under which a judge may
3194 order juveniles who have committed delinquent acts to
3195 tour correctional facilities; amending ss. 121.0515,
3196 316.635, and 318.143, F.S.; conforming provisions and
3197 correcting cross-references; providing effective
3198 dates.