



582052

576-02819-14

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to juvenile justice; amending ss. 985.01 and 985.02, F.S.; revising legislative purposes and intent; amending s. 985.03, F.S.; revising definitions; amending s. 985.0301, F.S.; clarifying jurisdictional age restrictions for children in the juvenile justice system; restricting when cases may be transferred to a different jurisdiction; amending s. 985.037, F.S.; providing for the placement of a child in a secure detention facility for contempt of court; providing due process to a child accused of direct contempt; revising the procedure for reviewing a child's placement in secure detention for contempt of court; amending ss. 985.039, 985.045, and 985.101, F.S.; conforming provisions; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officers in the Department of Juvenile Justice; amending s. 985.11, F.S.; revising when fingerprints must be submitted to the Department of Law Enforcement; amending s. 985.14, F.S.; revising the intake process; amending s. 985.145, F.S.; substituting "Department of Juvenile Justice" for references to "juvenile probation officer"; creating s. 985.17, F.S.; providing legislative intent; requiring the department to provide specialized services to minimize the likelihood that youth will enter the juvenile justice



582052

576-02819-14

28 system; providing for the department to promote the
29 Invest in Children license plate to help fund
30 prevention programs and services; providing for the
31 department to monitor state-funded programs, grants,
32 contracts, appropriations, and activities designed to
33 prevent juvenile crime and report annually on these
34 measures; limiting expenditure of funds to those
35 prevention services that are consistent with the law
36 and maximize public accountability; amending s.
37 985.24, F.S.; revising factors to determine if the use
38 of detention care is appropriate; authorizing the
39 department to establish nonsecure, nonresidential
40 evening reporting centers; conforming provisions;
41 amending s. 985.245, F.S.; conforming provisions;
42 amending s. 985.25, F.S.; requiring a child to be held
43 in secure detention under certain circumstances;
44 clarifying procedures for releasing a child before the
45 child's detention hearing; conforming provisions;
46 amending s. 985.255, F.S.; providing that a child
47 shall be given a detention hearing within 24 hours
48 after being taken into custody; clarifying when a
49 court may order continued detention care; revising
50 specified factors for ordering continued detention
51 care; clarifying when a child charged with domestic
52 violence can be held in secure detention; revising
53 written findings required to retain a child charged
54 with domestic violence in secure detention; deleting
55 obsolete provisions; amending s. 985.26, F.S.;

56 conforming terminology; amending s. 985.265, F.S.;



582052

576-02819-14

57 revising procedures for transferring a child to
58 another detention status; providing new notification
59 requirements for when a child is released or
60 transferred from secure detention; revising the
61 frequency of physical observation checks for children
62 detained in jail facilities; amending s. 985.27, F.S.;
63 requiring a child to be held in secure detention
64 pending placement in a high-risk or maximum-risk
65 residential program; conforming provisions; amending
66 s. 985.275, F.S.; requiring the department to notify
67 specified parties when a child absconds from a
68 commitment program; requiring the department to make
69 every reasonable effort to locate the absconded child;
70 amending s. 985.433, F.S.; revising the content of a
71 predisposition report; conforming terminology;
72 amending s. 985.435, F.S.; authorizing a probation
73 program to include an alternative consequence
74 component that may be used to address noncompliance
75 with the technical conditions of probation; requiring
76 the department to identify a child's risk of
77 reoffending if the child is being placed on probation
78 or postcommitment probation; amending s. 985.439,
79 F.S.; authorizing the department to establish
80 alternative sanctions for violations of probation or
81 postcommitment probation; conforming terminology;
82 amending s. 985.441, F.S.; providing that a child on
83 probation for certain offenses may not be committed
84 for a probation violation that is technical in nature;
85 conforming terminology; amending s. 985.46, F.S.;



582052

576-02819-14

86 revising the definition of the term "conditional
87 release"; revising terminology; amending s. 985.461,
88 F.S.; expanding the opportunity for transition-to-
89 adulthood services to all children; revising
90 provisions that the department may use to support
91 participation in transition-to-adulthood services;
92 conforming terminology; amending ss. 985.481 and
93 985.4815, F.S.; deleting obsolete provisions; amending
94 s. 985.514, F.S.; conforming provisions; amending s.
95 985.601, F.S.; requiring the department's programs to
96 include trauma-informed care, family engagement
97 resources and programs, and gender-specific
98 programming; authorizing the department to pay the
99 expenses of programs and activities that address the
100 needs and well-being of children in its care or under
101 its supervision; conforming terminology; repealing ss.
102 985.605, 985.606, and 985.61, F.S.; deleting
103 provisions relating to prevention services programs
104 and providers and early delinquency intervention
105 programs; amending s. 985.632, F.S.; providing for the
106 establishment of a performance accountability system
107 for contract providers; revising definitions;
108 providing for the development of a Comprehensive
109 Accountability Report; requiring the department to
110 prepare and submit the report annually to the Governor
111 and Legislature; specifying content that must be
112 included in the report; revising provisions relating
113 to the cost-effectiveness model and quality
114 improvement; amending s. 985.644, F.S.; clarifying an



582052

576-02819-14

115 exemption for specified certified law enforcement,
116 correctional, and correctional probation officers
117 relating to a requirement to submit to level 2
118 background screenings; creating s. 985.6441, F.S.;
119 providing definitions; limiting the amount that the
120 department may pay a hospital or health care provider
121 for health care services based on a percentage of the
122 Medicare allowable rate; providing applicability;
123 amending s. 985.66, F.S.; revising specified juvenile
124 justice staff development and training procedures;
125 expanding application of training requirements to
126 contract providers who care for children in the
127 department's custody; amending s. 985.664, F.S.;
128 deleting obsolete provisions relating to the initial
129 selection of the juvenile justice circuit advisory
130 board chairs; revising procedures for appointing
131 juvenile justice circuit advisory board chairs;
132 providing that chairs serve at the pleasure of the
133 secretary; amending s. 985.672, F.S.; clarifying
134 language concerning expenditures of the direct-support
135 organization's funds; authorizing the direct-support
136 organization to use department personnel services;
137 defining the term "personnel services"; amending s.
138 985.682, F.S.; deleting obsolete provisions regarding
139 a comprehensive study relating to the siting of
140 facilities; amending s. 985.69, F.S.; providing for
141 the use of specified funds for repair and maintenance;
142 repealing s. 985.694, F.S.; deleting a provision
143 relating to the Juvenile Care and Maintenance Trust



582052

576-02819-14

144 Fund; amending s. 985.701, F.S.; defining the term
145 "juvenile offender" for purposes of prohibiting sexual
146 misconduct with juvenile offenders; creating s.
147 985.702, F.S.; providing an effective date; providing
148 definitions; providing for the imposition of criminal
149 penalties against specified employees who inflict
150 neglect upon juvenile offenders; providing enhanced
151 penalties for such treatment that results in great
152 bodily harm, permanent disability, or permanent
153 disfigurement to a juvenile offender; specifying that
154 such conduct constitutes sufficient cause for an
155 employee's dismissal from employment; prohibiting such
156 employee from future employment with the juvenile
157 justice system; providing incident reporting
158 requirements; prohibiting an employee who witnesses
159 such an incident from knowingly or willfully failing
160 to report such incident; prohibiting false reporting,
161 preventing another from reporting, or coercing another
162 to alter testimony or reports; providing criminal
163 penalties; amending s. 985.721, F.S.; correcting a
164 cross-reference; amending s. 943.0582, F.S.;
165 clarifying that minors are not eligible for expunction
166 if they have been charged by a state attorney for
167 other crimes; repealing s. 945.75, F.S.; deleting a
168 requirement that the Department of Corrections and
169 counties develop programs under which a judge may
170 order juveniles who have committed delinquent acts to
171 tour correctional facilities; amending ss. 121.0515,
172 316.635, and 318.143, F.S.; conforming provisions and



582052

576-02819-14

173 correcting cross-references; providing effective
174 dates.

175

176 Be It Enacted by the Legislature of the State of Florida:

177

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

180 985.01 Purposes and intent.—

181 (1) The purposes of this chapter are:

182 (a) To increase public safety by reducing juvenile
183 delinquency through effective prevention, intervention, and
184 treatment services that strengthen and reform the lives of
185 children.

186 (b)-(a) To provide judicial and other procedures to assure
187 due process through which children, victims, and other
188 interested parties are assured fair hearings by a respectful and
189 respected court or other tribunal and the recognition,
190 protection, and enforcement of their constitutional and other
191 legal rights, while ensuring that public safety interests and
192 the authority and dignity of the courts are adequately
193 protected.

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

199 (d)-(e) To ensure the protection of society, by providing
200 for a comprehensive standardized assessment of the child's needs
201 so that the most appropriate control, discipline, punishment,



582052

576-02819-14

202 and treatment can be administered consistent with the
203 seriousness of the act committed, the community's long-term need
204 for public safety, the prior record of the child, and the
205 specific rehabilitation needs of the child, while also
206 providing, whenever possible, restitution to the victim of the
207 offense.

208 (e)~~(d)~~ To preserve and strengthen the child's family ties
209 whenever possible, by providing for removal of the child from
210 the physical custody of a parent ~~parental custody~~ only when his
211 or her welfare or the safety and protection of the public cannot
212 be adequately safeguarded without such removal; and, when the
213 child is removed from his or her own family, to secure custody,
214 care, and discipline for the child as nearly as possible
215 equivalent to that which should have been given by the parents,
216 ~~and to assure, in all cases in which a child must be permanently~~
217 ~~removed from parental custody, that the child be placed in an~~
218 ~~approved family home, adoptive home, independent living program,~~
219 ~~or other placement that provides the most stable and permanent~~
220 ~~living arrangement for the child, as determined by the court.~~

221 (f)~~(e)~~1. To assure that the adjudication and disposition of
222 a child alleged or found to have committed a violation of
223 Florida law be exercised with appropriate discretion and in
224 keeping with the seriousness of the offense and the need for
225 treatment services, and that all findings made under this
226 chapter be based upon facts presented at a hearing that meets
227 the constitutional standards of fundamental fairness and due
228 process.

229 2. To assure that the sentencing and placement of a child
230 tried as an adult be appropriate and in keeping with the



582052

576-02819-14

231 seriousness of the offense and the child's need for
232 rehabilitative services, and that the proceedings and procedures
233 applicable to such sentencing and placement be applied within
234 the full framework of constitutional standards of fundamental
235 fairness and due process.

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

239 (h) To care for children in the least restrictive and most
240 appropriate service environments, ensuring that children
241 assessed as low and moderate risk to reoffend are not committed
242 to residential programs.

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

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

251 Section 2. Paragraphs (g) and (h) of subsection (1),
252 subsections (2) and (3), paragraph (b) of subsection (4), and
253 subsections (5) and (7) of section 985.02, Florida Statutes, are
254 amended, and subsections (8) and (9) are added to that section,
255 to read:

256 985.02 Legislative intent for the juvenile justice system.—

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



582052

576-02819-14

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

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

264 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
265 children in the care of the state's ~~dependency and delinquency~~
266 system systems need appropriate health care services, that the
267 impact of substance abuse on health indicates the need for
268 health care services to include substance abuse services where
269 appropriate, and that it is in the state's best interest that
270 such children be provided the services they need to enable them
271 to become and remain independent of state care. In order to
272 provide these services, the state's ~~dependency and delinquency~~
273 system systems must have the ability to identify and provide
274 appropriate intervention and treatment for children with
275 personal or family-related substance abuse problems. It is
276 therefore the purpose of the Legislature to provide authority
277 for the state to contract with community substance abuse
278 treatment providers for the development and operation of
279 specialized support and overlay services for the ~~dependency and~~
280 delinquency system systems, which will be fully implemented and
281 utilized as resources permit.

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

286 (a) Develop and implement effective methods of preventing
287 and reducing acts of delinquency, with a focus on maintaining
288 and strengthening the family as a whole so that children may



582052

576-02819-14

289 remain in their homes or communities.

290 (b) Develop and implement effective programs to prevent
291 delinquency, to divert children from the traditional juvenile
292 justice system, to intervene at an early stage of delinquency,
293 and to provide critically needed alternatives to
294 institutionalization and deep-end commitment.

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

297 (d) Increase the capacity of local governments and public
298 and private agencies to conduct rehabilitative treatment
299 programs and to provide research, evaluation, and training
300 services in the field of juvenile delinquency prevention.

301
302 ~~The Legislature intends that detention care, in addition to~~
303 ~~providing secure and safe custody, will promote the health and~~
304 ~~well-being of the children committed thereto and provide an~~
305 ~~environment that fosters their social, emotional, intellectual,~~
306 ~~and physical development.~~

307 (4) DETENTION.—

308 (b) The Legislature intends that a juvenile found to have
309 committed a delinquent act understands the consequences and the
310 serious nature of such behavior. Therefore, the Legislature
311 finds that secure detention is appropriate to provide punishment
312 for children who pose a threat to public safety ~~that discourages~~
313 ~~further delinquent behavior.~~ The Legislature also finds that
314 certain juveniles have committed a sufficient number of criminal
315 acts, including acts involving violence to persons, to represent
316 sufficient danger to the community to warrant sentencing and
317 placement within the adult system. It is the intent of the



582052

576-02819-14

318 Legislature to establish clear criteria in order to identify
319 these juveniles and remove them from the juvenile justice
320 system.

321 (5) SITING OF FACILITIES.—

322 (a) The Legislature finds that timely siting and
323 development of needed residential facilities for juvenile
324 offenders is critical to the public safety of the citizens of
325 this state and to the effective rehabilitation of juvenile
326 offenders.

327 (b) It is the purpose of the Legislature to guarantee that
328 such facilities are sited and developed within reasonable
329 timeframes after they are legislatively authorized and
330 appropriated.

331 (c) The Legislature further finds that such facilities must
332 be located in areas of the state close to the home communities
333 of the children they house in order to ensure the most effective
334 rehabilitation efforts, ~~and the most intensive~~ postrelease
335 supervision, ~~and case management.~~ The placement of facilities
336 close to the home communities of the children they house is also
337 intended to facilitate family involvement in the treatment
338 process. Residential facilities shall have no more than 90 ~~165~~
339 beds each, including campus-style programs, unless those campus-
340 style programs include more than one ~~level of restrictiveness,~~
341 ~~provide multilevel education and treatment program programs~~
342 using different treatment protocols, ~~7~~ and have facilities that
343 coexist separately in distinct locations on the same property.

344 (d) It is the intent of the Legislature that all other
345 departments and agencies of the state shall cooperate fully with
346 the Department of Juvenile Justice to accomplish the siting of



582052

576-02819-14

347 facilities for juvenile offenders.

348
349 The supervision, counseling, and rehabilitative treatment, ~~and~~
350 ~~punitive~~ efforts of the juvenile justice system should avoid the
351 inappropriate use of correctional programs and large
352 institutions. ~~The Legislature finds that detention services~~
353 ~~should exceed the primary goal of providing safe and secure~~
354 ~~custody pending adjudication and disposition.~~

355 (7) GENDER-SPECIFIC PROGRAMMING.—

356 (a) The Legislature finds that the ~~prevention, treatment,~~
357 ~~and rehabilitation~~ needs of children youth served by the
358 juvenile justice system are gender-specific. A gender-specific
359 approach is one in which programs, services, and treatments
360 comprehensively address the unique developmental needs of a
361 targeted gender group under the care of the department. Young
362 women and men have different pathways to delinquency, display
363 different patterns of offending, and respond differently to
364 interventions, treatment, and services.

365 (b) ~~Gender-specific programming refers to unique program~~
366 ~~models and services that comprehensively address the needs of a~~
367 ~~targeted gender group. Gender-specific services require the~~
368 ~~adherence to the principle of equity to ensure that the~~
369 ~~different interests of young women and men are recognized and~~
370 ~~varying needs are met, with equality as the desired outcome.~~
371 Gender-specific interventions focus programming focuses on the
372 differences between young females' and young males' social roles
373 and responsibilities, ~~positions in society,~~ access to and use of
374 resources, history of trauma, and reasons for interaction with
375 the juvenile justice system and social codes governing behavior.



582052

576-02819-14

376 Gender-specific programs increase the effectiveness of programs
377 by making interventions more appropriate to the specific needs
378 of young women and men and ensuring that these programs do not
379 unknowingly create, maintain, or reinforce gender roles or
380 relations that may be damaging.

381 (8) TRAUMA-INFORMED CARE.—The Legislature finds that the
382 department should use trauma-informed care as an approach to
383 treating children with histories of trauma. Trauma-informed care
384 assists service providers in recognizing the symptoms of trauma
385 and acknowledges the role trauma has played in the child’s life.
386 Services for children should be based on an understanding of the
387 vulnerabilities and triggers of trauma survivors that
388 traditional service delivery approaches may exacerbate, so that
389 these services and programs can be more supportive and avoid
390 retraumatization. The department should use trauma-specific
391 interventions that are designed to address the consequences of
392 trauma in the child and to facilitate healing.

393 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
394 that families and community support systems are critical to the
395 success of children and to ensure they are nondelinquent.
396 Therefore, when appropriate, children who can safely be held
397 accountable when served and treated in their homes and
398 communities should be diverted from more restrictive placements
399 within the juvenile justice system. There should be an emphasis
400 on strengthening the family and immersing the family members in
401 their community support system. The department should develop
402 customized plans that acknowledge the importance of family and
403 community support systems. The customized plans should recognize
404 a child’s individual needs, capitalize on their strengths,



582052

576-02819-14

405 reduce their risks, and prepare them for a successful transition
406 to, and unification with, their family and community support
407 system. The child's family must be considered in the
408 department's process of assessing the needs, services and
409 treatment, and community connections of the children who are
410 involved in the juvenile justice system or in danger of becoming
411 involved in the system.

412 Section 3. Section 985.03, Florida Statutes, is reordered
413 and amended to read:

414 985.03 Definitions.—As used in this chapter, the term:

415 (1) "Abscond" means to hide, conceal, or absent oneself
416 from the jurisdiction of the court or supervision of the
417 department to avoid prosecution or supervision.

418 (2)~~(1)~~ "Addictions receiving facility" means a substance
419 abuse service provider as defined in chapter 397.

420 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the court
421 to determine whether or not the facts support the allegations
422 stated in the petition, as is provided for under s. 985.35 in
423 delinquency cases.

424 (4)~~(3)~~ "Adult" means any natural person other than a child.

425 (5)~~(4)~~ "Arbitration" means a process whereby a neutral
426 third person or panel, called an arbitrator or an arbitration
427 panel, considers the facts and arguments presented by the
428 parties and renders a decision which may be binding or
429 nonbinding.

430 (6)~~(5)~~ "Authorized agent" or "designee" of the department
431 means a person or agency assigned or designated by the
432 department ~~or the Department of Children and Family Services, as~~
433 ~~appropriate,~~ to perform duties or exercise powers under this



582052

576-02819-14

434 chapter and includes contract providers and their employees for
435 ~~purposes of providing services to and managing cases of children~~
436 ~~in need of services and families in need of services.~~

437 ~~(7)(6)~~ "Child" or "juvenile" or "youth" means any unmarried
438 person under the age of 18 ~~who has not been emancipated by order~~
439 ~~of the court and who has been found or alleged to be dependent,~~
440 ~~in need of services, or from a family in need of services;~~ or
441 any ~~married or unmarried~~ person who is alleged to have committed
442 ~~charged with~~ a violation of law occurring prior to the time that
443 person reached the age of 18 years.

444 ~~(8)(7)~~ "Child in need of services" has the same meaning as
445 provided in s. 984.03 ~~means a child for whom there is no pending~~
446 ~~investigation into an allegation or suspicion of abuse, neglect,~~
447 ~~or abandonment; no pending referral alleging the child is~~
448 ~~delinquent; or no current supervision by the department or the~~
449 ~~Department of Children and Family Services for an adjudication~~
450 ~~of dependency or delinquency. The child must also, under this~~
451 ~~chapter, be found by the court:~~

452 ~~(a) To have persistently run away from the child's parents~~
453 ~~or legal custodians despite reasonable efforts of the child, the~~
454 ~~parents or legal custodians, and appropriate agencies to remedy~~
455 ~~the conditions contributing to the behavior. Reasonable efforts~~
456 ~~shall include voluntary participation by the child's parents or~~
457 ~~legal custodians and the child in family mediation, services,~~
458 ~~and treatment offered by the department or the Department of~~
459 ~~Children and Family Services;~~

460 ~~(b) To be habitually truant from school, while subject to~~
461 ~~compulsory school attendance, despite reasonable efforts to~~
462 ~~remedy the situation under ss. 1003.26 and 1003.27 and through~~



582052

576-02819-14

463 ~~voluntary participation by the child's parents or legal~~
464 ~~custodians and by the child in family mediation, services, and~~
465 ~~treatment offered by the Department of Juvenile Justice or the~~
466 ~~Department of Children and Family Services; or~~

467 ~~(c) To have persistently disobeyed the reasonable and~~
468 ~~lawful demands of the child's parents or legal custodians, and~~
469 ~~to be beyond their control despite efforts by the child's~~
470 ~~parents or legal custodians and appropriate agencies to remedy~~
471 ~~the conditions contributing to the behavior. Reasonable efforts~~
472 ~~may include such things as good faith participation in family or~~
473 ~~individual counseling.~~

474 ~~(9)(8)~~ "Child who has been found to have committed a
475 delinquent act" means a child who, under this chapter, is found
476 by a court to have committed a violation of law or to be in
477 direct or indirect contempt of court, except that this
478 definition does not include an act constituting contempt of
479 court arising out of a dependency proceeding or a proceeding
480 concerning a child or family in need of services.

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

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

487 (11) "Comprehensive assessment" or "assessment" means the
488 gathering of information for the evaluation of a juvenile
489 offender's or a child's physical, psychological, educational,
490 career and technical education ~~vocational~~, and social condition
491 and family environment as they relate to the child's need for



582052

576-02819-14

492 rehabilitative and treatment services, including substance abuse
493 treatment services, mental health services, developmental
494 services, literacy services, medical services, family services,
495 and other specialized services, as appropriate.

496 (12) "Conditional release" means the care, treatment, help,
497 ~~and supervision,~~ and provision of transition-to-adulthood
498 services provided to a juvenile released from a residential
499 commitment program which is intended to promote rehabilitation
500 and prevent recidivism. The purpose of conditional release is to
501 protect the public, reduce recidivism, increase responsible
502 productive behavior, and provide for a successful transition of
503 the youth from the department to his or her ~~the~~ family.
504 Conditional release includes, but is not limited to,
505 nonresidential community-based programs.

506 (13) "Court," ~~unless otherwise expressly stated,~~ means the
507 circuit court assigned to exercise jurisdiction under this
508 chapter, unless otherwise expressly stated.

509 (14) "Day treatment" means a nonresidential, community-
510 based program designed to provide therapeutic intervention to
511 youth who are served by the department, ~~who are~~ placed on
512 probation or conditional release, or are committed to the
513 minimum-risk nonresidential level. A day treatment program may
514 provide educational and career and technical education
515 ~~vocational~~ services and shall provide case management services;
516 individual, group, and family counseling; training designed to
517 address delinquency risk factors; and monitoring of a youth's
518 compliance with, and facilitation of a youth's completion of,
519 sanctions if ordered by the court. Program types may include,
520 but are not limited to, career programs, marine programs,



582052

576-02819-14

521 juvenile justice alternative schools, training and
522 rehabilitation programs, and gender-specific programs.

523 (15) (a) "Delinquency program" means any intake, probation,
524 or similar program; regional detention center or facility; or
525 community-based program, whether owned and operated by or
526 contracted by the department, or institution owned and operated
527 by or contracted by the department, which provides intake,
528 supervision, or custody and care of children who are alleged to
529 be or who have been found to be delinquent under this chapter.

530 (b) "Delinquency program staff" means supervisory and
531 direct care staff of a delinquency program as well as support
532 staff who have direct contact with children in a delinquency
533 program.

534 ~~(c) "Delinquency prevention programs" means programs~~
535 ~~designed for the purpose of reducing the occurrence of~~
536 ~~delinquency, including criminal gang activity, and juvenile~~
537 ~~arrests. The term excludes arbitration, diversionary or~~
538 ~~mediation programs, and community service work or other~~
539 ~~treatment available subsequent to a child committing a~~
540 ~~delinquent act.~~

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

542 (17) "Designated facility" or "designated treatment
543 facility" means any facility designated by the department to
544 provide treatment to juvenile offenders.

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

549 (a) "Secure detention" means temporary custody of the child



582052

576-02819-14

550 while the child is under the physical restriction of a secure
551 detention center or facility pending adjudication, disposition,
552 or placement.

553 ~~(b) "Nonsecure detention" means temporary custody of the~~
554 ~~child while the child is in a residential home in the community~~
555 ~~in a physically nonrestrictive environment under the supervision~~
556 ~~of the Department of Juvenile Justice pending adjudication,~~
557 ~~disposition, or placement.~~

558 (b) (e) "Nonsecure detention" "Home detention" means
559 temporary, nonsecure custody of the child while the child is
560 released to the custody of the parent, guardian, or custodian in
561 a physically nonrestrictive environment under the supervision of
562 the department staff pending adjudication, disposition, or
563 placement. Forms of nonsecure detention include, but are not
564 limited to, home detention, electronic monitoring, day reporting
565 centers, evening reporting centers, and nonsecure shelters.
566 Nonsecure detention may include other requirements imposed by
567 the court.

568 (19) "Detention center or facility" means a facility used
569 pending court adjudication or disposition or execution of court
570 order for the temporary care of a child alleged or found to have
571 committed a violation of law. A detention center or facility may
572 provide secure ~~or nonsecure~~ custody. A facility used for the
573 commitment of adjudicated delinquents shall not be considered a
574 detention center or facility.

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

578 (21) "Disposition hearing" means a hearing in which the



582052

576-02819-14

579 court determines the most appropriate dispositional services in
580 the least restrictive available setting provided for under part
581 VII, in delinquency cases.

582 (22) "Family" means a collective of persons, consisting of
583 a child and a parent, guardian, adult custodian, or adult
584 relative, in which:

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

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

589 (23) "Family in need of services" has the same meaning as
590 provided in s. 984.03 ~~means a family that has a child for whom~~
591 ~~there is no pending investigation into an allegation of abuse,~~
592 ~~neglect, or abandonment or no current supervision by the~~
593 ~~department or the Department of Children and Family Services for~~
594 ~~an adjudication of dependency or delinquency. The child must~~
595 ~~also have been referred to a law enforcement agency or the~~
596 ~~department for:~~

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

598 ~~(b) Persistently disobeying reasonable and lawful demands~~
599 ~~of parents or legal custodians, and being beyond their control;~~
600 ~~or~~

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

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

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

606 ~~(a) The child has 15 unexcused absences within 90 calendar~~
607 ~~days with or without the knowledge or justifiable consent of the~~



582052

576-02819-14

608 ~~child's parent or legal guardian, is subject to compulsory~~
609 ~~school attendance under s. 1003.21(1) and (2)(a), and is not~~
610 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~
611 ~~specified by law or the rules of the State Board of Education.~~

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

615
616 ~~If a child who is subject to compulsory school attendance is~~
617 ~~responsive to the interventions described in ss. 1003.26 and~~
618 ~~1003.27 and has completed the necessary requirements to pass the~~
619 ~~current grade as indicated in the district pupil progression~~
620 ~~plan, the child shall not be determined to be habitually truant~~
621 ~~and shall be passed. If a child within the compulsory school~~
622 ~~attendance age has 15 unexcused absences within 90 calendar days~~
623 ~~or fails to enroll in school, the state attorney may file a~~
624 ~~child-in-need-of-services petition. Before filing a petition,~~
625 ~~the child must be referred to the appropriate agency for~~
626 ~~evaluation. After consulting with the evaluating agency, the~~
627 ~~state attorney may elect to file a child-in-need-of-services~~
628 ~~petition.~~

629 ~~(c) A school representative, designated according to school~~
630 ~~board policy, and a juvenile probation officer of the department~~
631 ~~have jointly investigated the truancy problem or, if that was~~
632 ~~not feasible, have performed separate investigations to identify~~
633 ~~conditions that could be contributing to the truant behavior;~~
634 ~~and if, after a joint staffing of the case to determine the~~
635 ~~necessity for services, such services were determined to be~~
636 ~~needed, the persons who performed the investigations met jointly~~



582052

576-02819-14

637 ~~with the family and child to discuss any referral to appropriate~~
638 ~~community agencies for economic services, family or individual~~
639 ~~counseling, or other services required to remedy the conditions~~
640 ~~that are contributing to the truant behavior.~~

641 ~~(d) The failure or refusal of the parent or legal guardian~~
642 ~~or the child to participate, or make a good faith effort to~~
643 ~~participate, in the activities prescribed to remedy the truant~~
644 ~~behavior, or the failure or refusal of the child to return to~~
645 ~~school after participation in activities required by this~~
646 ~~subsection, or the failure of the child to stop the truant~~
647 ~~behavior after the school administration and the department have~~
648 ~~worked with the child as described in s. 1003.27(3) shall be~~
649 ~~handled as prescribed in s. 1003.27.~~

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

654 ~~(24)(27)~~ "Intake" means the initial acceptance and
655 screening by the department or juvenile assessment center
656 personnel of a complaint or a law enforcement report or probable
657 cause affidavit of delinquency, ~~family in need of services, or~~
658 ~~child in need of services~~ to determine the recommendation to be
659 taken in the best interests of the child, the family, and the
660 community. The emphasis of intake is on diversion and the least
661 restrictive available services. Consequently, intake includes
662 such alternatives as:

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



582052

576-02819-14

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

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

670 ~~(25)-(28)~~ "Judge" means the circuit judge exercising
671 jurisdiction pursuant to this chapter.

672 ~~(26)-(29)~~ "Juvenile justice continuum" includes, but is not
673 limited to, ~~delinquency~~ prevention programs and services
674 designed for the purpose of preventing or reducing delinquent
675 acts, including criminal activity by criminal gangs, and
676 juvenile arrests, as well as programs and services targeted at
677 children who have committed delinquent acts, and children who
678 have previously been committed to residential treatment programs
679 for delinquents. The term includes children-in-need-of-services
680 and families-in-need-of-services programs under chapter 984;
681 conditional release; substance abuse and mental health programs;
682 educational and career programs; recreational programs;
683 community services programs; community service work programs;
684 mother-infant programs; and alternative dispute resolution
685 programs serving children at risk of delinquency and their
686 families, whether offered or delivered by state or local
687 governmental entities, public or private for-profit or not-for-
688 profit organizations, or religious or charitable organizations.

689 ~~(27)-(30)~~ "Juvenile probation officer" means the authorized
690 agent of the department who performs the intake, case
691 management, or supervision functions.

692 ~~(28)-(31)~~ "Legal custody or guardian" means a legal status
693 created by court order or letter of guardianship which vests in
694 a custodian of the person or guardian, whether an agency or an



582052

576-02819-14

695 individual, the right to have physical custody of the child and
696 the right and duty to protect, train, and discipline the child
697 and to provide him or her with food, shelter, education, and
698 ordinary medical, dental, psychiatric, and psychological care.

699 ~~(29)(32)~~ "Licensed child-caring agency" means a person,
700 society, association, or agency licensed by the Department of
701 Children and Families ~~Family Services~~ to care for, receive, and
702 board children.

703 ~~(30)(33)~~ "Licensed health care professional" means a
704 physician licensed under chapter 458, an osteopathic physician
705 licensed under chapter 459, a nurse licensed under part I of
706 chapter 464, a physician assistant licensed under chapter 458 or
707 chapter 459, or a dentist licensed under chapter 466.

708 ~~(31)(34)~~ "Likely to injure oneself" means that, as
709 evidenced by violent or other actively self-destructive
710 behavior, it is more likely than not that within a 24-hour
711 period the child will attempt to commit suicide or inflict
712 serious bodily harm on himself or herself.

713 ~~(32)(35)~~ "Likely to injure others" means that it is more
714 likely than not that within a 24-hour period the child will
715 inflict serious and unjustified bodily harm on another person.

716 ~~(33)(36)~~ "Mediation" means a process whereby a neutral
717 third person called a mediator acts to encourage and facilitate
718 the resolution of a dispute between two or more parties. It is
719 an informal and nonadversarial process with the objective of
720 helping the disputing parties reach a mutually acceptable and
721 voluntary agreement. In mediation, decisionmaking authority
722 rests with the parties. The role of the mediator includes, but
723 is not limited to, assisting the parties in identifying issues,



582052

576-02819-14

724 fostering joint problem solving, and exploring settlement
725 alternatives.

726 ~~(34)(37)~~ "Mother-infant program" means a residential
727 program designed to serve the needs of juvenile mothers or
728 expectant juvenile mothers who are committed as delinquents,
729 which is operated or contracted by the department. A mother-
730 infant program facility must be licensed as a child care
731 facility under s. 402.308 and must provide the services and
732 support necessary to enable each juvenile mother committed to
733 the facility to provide for the needs of her infants who, upon
734 agreement of the mother, may accompany her in the program.

735 ~~(35)(38)~~ "Necessary medical treatment" means care which is
736 necessary within a reasonable degree of medical certainty to
737 prevent the deterioration of a child's condition or to alleviate
738 immediate pain of a child.

739 ~~(36)(39)~~ "Next of kin" means an adult relative of a child
740 who is the child's brother, sister, grandparent, aunt, uncle, or
741 first cousin.

742 ~~(37)(40)~~ "Ordinary medical care" means medical procedures
743 that are administered or performed on a routine basis and
744 include, but are not limited to, inoculations, physical
745 examinations, remedial treatment for minor illnesses and
746 injuries, preventive services, medication management, chronic
747 disease detection and treatment, and other medical procedures
748 that are administered or performed on a routine basis and do not
749 involve hospitalization, surgery, the use of general anesthesia,
750 or the provision of psychotropic medications.

751 ~~(38)(41)~~ "Parent" means a woman who gives birth to a child
752 and a man whose consent to the adoption of the child would be



582052

576-02819-14

753 required under s. 63.062(1). If a child has been legally
754 adopted, the term "parent" means the adoptive mother or father
755 of the child. The term does not include an individual whose
756 parental relationship to the child has been legally terminated,
757 or an alleged or prospective parent, unless the parental status
758 falls within the terms of either s. 39.503(1) or s. 63.062(1).

759 (39)-(42) "Preliminary screening" means the gathering of
760 preliminary information to be used in determining a child's need
761 for further evaluation or assessment or for referral for other
762 substance abuse services through means such as psychosocial
763 interviews; urine and breathalyzer screenings; and reviews of
764 available educational, delinquency, and dependency records of
765 the child.

766 ~~(43) "Preventive services" means social services and other~~
767 ~~supportive and rehabilitative services provided to the parent of~~
768 ~~the child, the legal guardian of the child, or the custodian of~~
769 ~~the child and to the child for the purpose of averting the~~
770 ~~removal of the child from the home or disruption of a family~~
771 ~~which will or could result in the placement of a child in foster~~
772 ~~care. Social services and other supportive and rehabilitative~~
773 ~~services shall promote the child's need for a safe, continuous,~~
774 ~~stable living environment and shall promote family autonomy and~~
775 ~~shall strengthen family life as the first priority whenever~~
776 ~~possible.~~

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

780 (41)-(44) "Probation" means the legal status of probation
781 created by law and court order in cases involving a child who



582052

576-02819-14

782 has been found to have committed a delinquent act. Probation is
783 an individualized program in which the freedom of the child is
784 limited and the child is restricted to noninstitutional quarters
785 or restricted to the child's home in lieu of commitment to the
786 custody of the department. Youth on probation may be assessed
787 and classified for placement in day-treatment probation programs
788 designed for youth who represent a minimum risk to themselves
789 and public safety and do not require placement and services in a
790 residential setting.

791 ~~(42)(45)~~ "Relative" means a grandparent, great-grandparent,
792 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
793 niece, or nephew, whether related by the whole or half blood, by
794 affinity, or by adoption. The term does not include a
795 stepparent.

796 ~~(44)(46)~~ "Restrictiveness level" means the level of
797 programming and security provided by programs that service the
798 supervision, custody, care, and treatment needs of committed
799 children. Sections 985.601(10) and 985.721 apply to children
800 placed in programs at any residential commitment level. The
801 restrictiveness levels of commitment are as follows:

802 (a) *Minimum-risk nonresidential.*—Programs or program models
803 at this commitment level work with youth who remain in the
804 community and participate at least 5 days per week in a day
805 treatment program. Youth assessed and classified for programs at
806 this commitment level represent a minimum risk to themselves and
807 public safety and do not require placement and services in
808 residential settings. Youth in this level have full access to,
809 and reside in, the community. Youth who have been found to have
810 committed delinquent acts that involve firearms, that are sexual



582052

576-02819-14

811 offenses, or that would be life felonies or first degree
812 felonies if committed by an adult may not be committed to a
813 program at this level.

814 ~~(b) *Low risk residential.* Programs or program models at~~
815 ~~this commitment level are residential but may allow youth to~~
816 ~~have unsupervised access to the community. Residential~~
817 ~~facilities shall have no more than 165 beds each, including~~
818 ~~campus-style programs, unless those campus-style programs~~
819 ~~include more than one level of restrictiveness, provide~~
820 ~~multilevel education and treatment programs using different~~
821 ~~treatment protocols, and have facilities that coexist separately~~
822 ~~in distinct locations on the same property. Youth assessed and~~
823 ~~classified for placement in programs at this commitment level~~
824 ~~represent a low risk to themselves and public safety but do~~
825 ~~require placement and services in residential settings. Children~~
826 ~~who have been found to have committed delinquent acts that~~
827 ~~involve firearms, delinquent acts that are sexual offenses, or~~
828 ~~delinquent acts that would be life felonies or first degree~~
829 ~~felonies if committed by an adult shall not be committed to a~~
830 ~~program at this level.~~

831 ~~(b)(c) *Nonsecure Moderate-risk residential.*~~ Programs or
832 program models at this commitment level are residential but may
833 allow youth to have supervised access to the community.
834 Facilities at this commitment level are either environmentally
835 secure, staff secure, or are hardware-secure with walls,
836 fencing, or locking doors. Residential facilities at this
837 commitment level shall have no more than 90 ~~165~~ beds each,
838 including campus-style programs, unless those campus-style
839 programs include more than one ~~level of restrictiveness, provide~~



582052

576-02819-14

840 ~~multilevel education and treatment program programs~~ using
841 different treatment protocols, and have facilities that coexist
842 separately in distinct locations on the same property.
843 Facilities at this commitment level shall provide 24-hour awake
844 supervision, custody, care, and treatment of residents. Youth
845 assessed and classified for placement in programs at this
846 commitment level represent a low or moderate risk to public
847 safety and require close supervision. The staff at a facility at
848 this commitment level may seclude a child who is a physical
849 threat to himself or herself or others. Mechanical restraint may
850 also be used when necessary.

851 (c) ~~(d)~~ *High-risk residential.*—Programs or program models at
852 this commitment level are residential and do not allow youth to
853 have access to the community, except that temporary release
854 providing community access for up to 72 continuous hours may be
855 approved by a court for a youth who has made successful progress
856 in his or her program in order for the youth to attend a family
857 emergency or, during the final 60 days of his or her placement,
858 to visit his or her home, enroll in school or a career and
859 technical education ~~vocational~~ program, complete a job
860 interview, or participate in a community service project. High-
861 risk residential facilities are hardware-secure with perimeter
862 fencing and locking doors. Residential facilities at this
863 commitment level shall have no more than 90 ~~165~~ beds each,
864 including campus-style programs, unless those campus-style
865 programs include more than one ~~level of restrictiveness, provide~~
866 ~~multilevel education and treatment program programs~~ using
867 different treatment protocols, and have facilities that coexist
868 separately in distinct locations on the same property.



582052

576-02819-14

869 Facilities at this commitment level shall provide 24-hour awake
870 supervision, custody, care, and treatment of residents. Youth
871 assessed and classified for this level of placement require
872 close supervision in a structured residential setting. Placement
873 in programs at this level is prompted by a concern for public
874 safety that outweighs placement in programs at lower commitment
875 levels. The staff at a facility at this commitment level may
876 seclude a child who is a physical threat to himself or herself
877 or others. Mechanical restraint may also be used when necessary.
878 The facility may provide for single cell occupancy, except that
879 youth may be housed together during prerelease transition.

880 (d) ~~(e)~~ *Maximum-risk residential.*—Programs or program models
881 at this commitment level include juvenile correctional
882 facilities and juvenile prisons. The programs at this commitment
883 level are long-term residential and do not allow youth to have
884 access to the community. Facilities at this commitment level are
885 maximum-custody, hardware-secure with perimeter security fencing
886 and locking doors. Residential facilities at this commitment
887 level shall have no more than 90 ~~165~~ beds each, including
888 campus-style programs, unless those campus-style programs
889 include more than one ~~level of restrictiveness, provide~~
890 ~~multilevel education and treatment program programs~~ using
891 different treatment protocols, and have facilities that coexist
892 separately in distinct locations on the same property.
893 Facilities at this commitment level shall provide 24-hour awake
894 supervision, custody, care, and treatment of residents. The
895 staff at a facility at this commitment level may seclude a child
896 who is a physical threat to himself or herself or others.
897 Mechanical restraint may also be used when necessary. Facilities



582052

576-02819-14

898 at this commitment level ~~The facility~~ shall provide for single
899 cell occupancy, except that youth may be housed together during
900 prerelease transition. Youth assessed and classified for this
901 level of placement require close supervision in a maximum
902 security residential setting. Placement in a program at this
903 level is prompted by a demonstrated need to protect the public.

904 (43) ~~(47)~~ "Respite" means a placement that is available for
905 the care, custody, and placement of a youth charged with
906 domestic violence as an alternative to secure detention or for
907 placement of a youth when a shelter bed for a child in need of
908 services or a family in need of services is unavailable.

909 (45) ~~(48)~~ "Secure detention center or facility" means a
910 physically restricting facility for the temporary care of
911 children, pending adjudication, disposition, or placement.

912 (46) ~~(49)~~ "Shelter" means a place for the temporary care of
913 a child who is alleged to be or who has been found to be
914 delinquent.

915 ~~(50) "Shelter hearing" means a hearing provided for under~~
916 ~~s. 984.14 in family in need of services cases or child in need~~
917 ~~of services cases.~~

918 ~~(51) "Staff-secure shelter" means a facility in which a~~
919 ~~child is supervised 24 hours a day by staff members who are~~
920 ~~awake while on duty. The facility is for the temporary care and~~
921 ~~assessment of a child who has been found to be dependent, who~~
922 ~~has violated a court order and been found in contempt of court,~~
923 ~~or whom the Department of Children and Family Services is unable~~
924 ~~to properly assess or place for assistance within the continuum~~
925 ~~of services provided for dependent children.~~

926 (47) ~~(52)~~ "Substance abuse" means using, without medical



582052

576-02819-14

927 reason, any psychoactive or mood-altering drug, including
928 alcohol, in such a manner as to induce impairment resulting in
929 dysfunctional social behavior.

930 (48)~~(53)~~ "Taken into custody" means the status of a child
931 immediately when temporary physical control over the child is
932 attained by a person authorized by law, pending the child's
933 release, detention, placement, or other disposition as
934 authorized by law.

935 (49)~~(54)~~ "Temporary legal custody" means the relationship
936 that a juvenile court creates between a child and an adult
937 relative of the child, adult nonrelative approved by the court,
938 or other person until a more permanent arrangement is ordered.
939 Temporary legal custody confers upon the custodian the right to
940 have temporary physical custody of the child and the right and
941 duty to protect, train, and discipline the child and to provide
942 the child with food, shelter, and education, and ordinary
943 medical, dental, psychiatric, and psychological care, unless
944 these rights and duties are otherwise enlarged or limited by the
945 court order establishing the temporary legal custody
946 relationship.

947 (50)~~(55)~~ "Temporary release" means the terms and conditions
948 under which a child is temporarily released from a residential
949 commitment facility or allowed home visits. If the temporary
950 release is from a nonsecure ~~moderate-risk~~ residential facility,
951 a high-risk residential facility, or a maximum-risk residential
952 facility, the terms and conditions of the temporary release must
953 be approved by the child, the court, and the facility. ~~The term~~
954 ~~includes periods during which the child is supervised pursuant~~
955 ~~to a conditional release program or a period during which the~~



582052

576-02819-14

956 ~~child is supervised by a juvenile probation officer or other~~
957 ~~nonresidential staff of the department or staff employed by an~~
958 ~~entity under contract with the department.~~

959 (51)~~(56)~~ "Transition-to-adulthood services" means services
960 that are provided for youth in the custody of the department or
961 under the supervision of the department and that have the
962 objective of instilling the knowledge, skills, and aptitudes
963 essential to a socially integrated, self-supporting adult life.
964 The services may include, but are not limited to:

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

967 (b) A plan for the youth to acquire the knowledge,
968 information, and counseling necessary to make a successful
969 transition to adulthood.

970 (c) Services that have proven effective toward achieving
971 the transition to adulthood.

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

978 (53)~~(57)~~ "Violation of law" or "delinquent act" means a
979 violation of any law of this state, the United States, or any
980 other state which is a misdemeanor or a felony or a violation of
981 a county or municipal ordinance which would be punishable by
982 incarceration if the violation were committed by an adult.

983 (54)~~(58)~~ "Waiver hearing" means a hearing provided for
984 under s. 985.556(4).



582052

576-02819-14

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

987 985.0301 Jurisdiction.—

988 (4) (a) Petitions alleging delinquency shall be filed in the
989 county where the delinquent act or violation of law occurred.
990 The ~~, but the~~ circuit court for that county may transfer the
991 case to the circuit court of the circuit in which the child
992 resides or will reside at the time of detention or placement for
993 dispositional purposes. A child who has been detained may ~~shall~~
994 be transferred to the ~~appropriate~~ detention center or facility
995 in the circuit in which the child resides or will reside at the
996 time of detention ~~or other placement directed by the receiving~~
997 ~~court.~~

998 (b) The jurisdiction to be exercised by the court when a
999 child is taken into custody before the filing of a petition
1000 under subsection (2) shall be exercised by the circuit court for
1001 the county in which the child is taken into custody, which court
1002 shall have personal jurisdiction of the child and the child's
1003 parent or legal guardian. Upon the filing of a petition in the
1004 appropriate circuit court, the court that is exercising initial
1005 jurisdiction of the person of the child shall, if the child has
1006 been detained, immediately order the child to be transferred to
1007 the detention center or facility or other placement as ordered
1008 by the court having subject matter jurisdiction of the case.

1009 (5) (a) Notwithstanding s. ss. ~~743.07, 985.43, 985.433,~~
1010 ~~985.435, 985.439, and 985.441,~~ and except as provided in
1011 paragraph (b) ~~ss. 985.461 and 985.465 and paragraph (f),~~ when
1012 the jurisdiction of any child who is alleged to have committed a
1013 delinquent act or violation of law is obtained, the court shall



582052

576-02819-14

1014 retain jurisdiction to dispose a case, unless relinquished by
1015 its order, until the child reaches 19 years of age, with the
1016 same power over the child which the court had before the child
1017 became an adult. ~~For the purposes of s. 985.461, the court may~~
1018 ~~retain jurisdiction for an additional 365 days following the~~
1019 ~~child's 19th birthday if the child is participating in~~
1020 ~~transition to adulthood services. The additional services do not~~
1021 ~~extend involuntary court-sanctioned residential commitment and~~
1022 ~~therefore require voluntary participation by the affected youth.~~

1023 (b) The court shall retain jurisdiction, Notwithstanding
1024 ~~ss. 743.07 and 985.455(3), the term of any order placing a child~~
1025 ~~in a probation program must be until the child's 19th birthday~~
1026 unless relinquished by its own order:

1027 1. Over a child on probation until the child reaches 19
1028 years of age he or she is released by the court on the motion of
1029 ~~an interested party or on his or her own motion.~~

1030 2. Over a child committed to the department until the child
1031 reaches 21 years of age, specifically for the purpose of
1032 allowing the child to complete the commitment program, including
1033 conditional release supervision.

1034 (c) The court shall retain jurisdiction over a juvenile
1035 sexual offender, as defined in s. 985.475, who has been placed
1036 on community-based treatment alternative with supervision or who
1037 has been placed in a program or facility for juvenile sexual
1038 offenders, pursuant to s. 985.48, until the juvenile sexual
1039 offender reaches 21 years of age, specifically for the purpose
1040 of allowing the juvenile to complete the program.

1041 (e) ~~Notwithstanding ss. 743.07 and 985.455(3), the term of~~
1042 ~~the commitment must be until the child is discharged by the~~



582052

576-02819-14

1043 ~~department or until he or she reaches the age of 21 years.~~
1044 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
1045 ~~985.455, and 985.513, and except as provided in this section, a~~
1046 ~~child may not be held under a commitment from a court under s.~~
1047 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
1048 ~~21 years of age.~~

1049 ~~(d) The court may retain jurisdiction over a child~~
1050 ~~committed to the department for placement in a juvenile prison~~
1051 ~~or in a high-risk or maximum-risk residential commitment program~~
1052 ~~to allow the child to participate in a juvenile conditional~~
1053 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
1054 ~~court may not be retained after the child's 22nd birthday.~~
1055 ~~However, if the child is not successful in the conditional~~
1056 ~~release program, the department may use the transfer procedure~~
1057 ~~under s. 985.441(4).~~

1058 ~~(e) The court may retain jurisdiction over a child~~
1059 ~~committed to the department for placement in an intensive~~
1060 ~~residential treatment program for 10-year-old to 13-year-old~~
1061 ~~offenders, in the residential commitment program in a juvenile~~
1062 ~~prison or in a residential sex offender program until the child~~
1063 ~~reaches the age of 21. If the court exercises this jurisdiction~~
1064 ~~retention, it shall do so solely for the purpose of the child~~
1065 ~~completing the intensive residential treatment program for 10-~~
1066 ~~year-old to 13-year-old offenders, in the residential commitment~~
1067 ~~program in a juvenile prison, or in a residential sex offender~~
1068 ~~program. Such jurisdiction retention does not apply for other~~
1069 ~~programs, other purposes, or new offenses.~~

1070 ~~(f) The court may retain jurisdiction over a child~~
1071 ~~committed to a juvenile correctional facility or a juvenile~~



582052

576-02819-14

1072 ~~prison until the child reaches the age of 21 years, specifically~~
1073 ~~for the purpose of allowing the child to complete such program.~~

1074 ~~(g) The court may retain jurisdiction over a juvenile~~
1075 ~~sexual offender who has been placed in a program or facility for~~
1076 ~~juvenile sexual offenders until the juvenile sexual offender~~
1077 ~~reaches the age of 21, specifically for the purpose of~~
1078 ~~completing the program.~~

1079 ~~(d)~~ (h) The court may retain jurisdiction over a child and
1080 the child's parent or legal guardian whom the court has ordered
1081 to pay restitution until the restitution order is satisfied. To
1082 retain jurisdiction, the court shall enter a restitution order,
1083 which is separate from any disposition or order of commitment,
1084 on or prior to the date that the court's jurisdiction would
1085 cease under this section. The contents of the restitution order
1086 shall be limited to the child's name and address, the name and
1087 address of the parent or legal guardian, the name and address of
1088 the payee, the case number, the date and amount of restitution
1089 ordered, any amount of restitution paid, the amount of
1090 restitution due and owing, and a notation that costs, interest,
1091 penalties, and attorney fees may also be due and owing. The
1092 terms of the restitution order are subject to s. 775.089(5).

1093 ~~(e)~~ (i) This subsection does not prevent the exercise of
1094 jurisdiction by any court having jurisdiction of the child if
1095 the child, after becoming an adult, commits a violation of law.

1096 Section 5. Subsections (2) and (4) of section 985.037,
1097 Florida Statutes, are amended to read:

1098 985.037 Punishment for contempt of court; alternative
1099 sanctions.—

1100 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may



582052

576-02819-14

1101 be placed in a secure detention facility for purposes of
1102 punishment for contempt of court if alternative sanctions are
1103 unavailable or inappropriate, or if the child has already been
1104 ordered to serve an alternative sanction but failed to comply
1105 with the sanction. A delinquent child who has been held in
1106 direct or indirect contempt may be placed in a secure detention
1107 facility not to exceed 5 days for a first offense and not to
1108 exceed 15 days for a second or subsequent offense.

1109 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1110 PROCESS.—

1111 (a) If a child is charged with direct contempt of court,
1112 including traffic court, the court may impose an authorized
1113 sanction immediately. The court must hold a hearing to determine
1114 if the child committed direct contempt. Due process must be
1115 afforded to the child during this hearing.

1116 (b) If a child is charged with indirect contempt of court,
1117 the court must hold a hearing within 24 hours to determine
1118 whether the child committed indirect contempt of a valid court
1119 order. At the hearing, the following due process rights must be
1120 provided to the child:

1121 1. Right to a copy of the order to show cause alleging
1122 facts supporting the contempt charge.

1123 2. Right to an explanation of the nature and the
1124 consequences of the proceedings.

1125 3. Right to legal counsel and the right to have legal
1126 counsel appointed by the court if the juvenile is indigent,
1127 under s. 985.033.

1128 4. Right to confront witnesses.

1129 5. Right to present witnesses.



582052

576-02819-14

1130 6. Right to have a transcript or record of the proceeding.

1131 7. Right to appeal to an appropriate court.

1132

1133 The child's parent or guardian may address the court regarding
1134 the due process rights of the child. Upon motion by the defense
1135 attorney or state attorney, the court shall review the placement
1136 of the child ~~every 72 hours~~ to determine whether it is
1137 appropriate for the child to remain in the facility.

1138 (c) The court may not order that a child be placed in a
1139 secure detention facility for punishment for contempt unless the
1140 court determines that an alternative sanction is inappropriate
1141 or unavailable or that the child was initially ordered to an
1142 alternative sanction and did not comply with the alternative
1143 sanction. The court is encouraged to order a child to perform
1144 community service, up to the maximum number of hours, where
1145 appropriate before ordering that the child be placed in a secure
1146 detention facility as punishment for contempt of court.

1147 (d) In addition to any other sanction imposed under this
1148 section, the court may direct the Department of Highway Safety
1149 and Motor Vehicles to withhold issuance of, or suspend, a
1150 child's driver ~~driver's~~ license or driving privilege. The court
1151 may order that a child's driver ~~driver's~~ license or driving
1152 privilege be withheld or suspended for up to 1 year for a first
1153 offense of contempt and up to 2 years for a second or subsequent
1154 offense. If the child's driver ~~driver's~~ license or driving
1155 privilege is suspended or revoked for any reason at the time the
1156 sanction for contempt is imposed, the court shall extend the
1157 period of suspension or revocation by the additional period
1158 ordered under this paragraph. If the child's driver ~~driver's~~



582052

576-02819-14

1159 license is being withheld at the time the sanction for contempt
1160 is imposed, the period of suspension or revocation ordered under
1161 this paragraph shall begin on the date on which the child is
1162 otherwise eligible to drive.

1163 Section 6. Paragraph (a) of subsection (1) of section
1164 985.039, Florida Statutes, is amended to read:

1165 985.039 Cost of supervision; cost of care.-

1166 (1) Except as provided in subsection (3) or subsection (4):

1167 (a) When any child is placed into nonsecure ~~home~~ detention,
1168 probation, or other supervision status with the department, or
1169 is committed to the minimum-risk nonresidential restrictiveness
1170 level, the court shall order the parent of such child to pay to
1171 the department a fee for the cost of the supervision of such
1172 child in the amount of \$1 per day for each day that the child is
1173 in such status.

1174 Section 7. Subsection (5) of section 985.045, Florida
1175 Statutes, is amended to read:

1176 985.045 Court records.-

1177 (5) This chapter does not prohibit a circuit court from
1178 providing a restitution order containing the information
1179 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
1180 court or a private collection agency for the sole purpose of
1181 collecting unpaid restitution ordered in a case in which the
1182 circuit court has retained jurisdiction over the child and the
1183 child's parent or legal guardian. The collection court or
1184 private collection agency shall maintain the confidential status
1185 of the information to the extent such confidentiality is
1186 provided by law.

1187 Section 8. Paragraph (d) of subsection (1) and subsection



582052

576-02819-14

1188 (3) of section 985.101, Florida Statutes, are amended to read:
1189 985.101 Taking a child into custody.—

1190 (1) A child may be taken into custody under the following
1191 circumstances:

1192 (d) By a law enforcement officer who has probable cause to
1193 believe that the child is in violation of the conditions of the
1194 child's probation, nonsecure ~~home~~ detention, postcommitment
1195 probation, or conditional release supervision; has absconded
1196 from nonresidential commitment; or has escaped from residential
1197 commitment.

1198
1199 Nothing in this subsection shall be construed to allow the
1200 detention of a child who does not meet the detention criteria in
1201 part V.

1202 (3) When a child is taken into custody as provided in this
1203 section, the person taking the child into custody shall attempt
1204 to notify the parent, guardian, or legal custodian of the child.
1205 The person taking the child into custody shall continue such
1206 attempt until the parent, guardian, or legal custodian of the
1207 child is notified or the child is delivered to the department ~~a~~
1208 ~~juvenile probation officer~~ under ss. 985.14 and 985.145,
1209 whichever occurs first. If the child is delivered to the
1210 department ~~a juvenile probation officer~~ before the parent,
1211 guardian, or legal custodian is notified, the department
1212 ~~juvenile probation officer~~ shall continue the attempt to notify
1213 until the parent, guardian, or legal custodian of the child is
1214 notified. Following notification, the parent or guardian must
1215 provide identifying information, including name, address, date
1216 of birth, social security number, and driver ~~driver's~~ license



582052

576-02819-14

1217 number or identification card number of the parent or guardian
1218 to the person taking the child into custody or the department
1219 ~~juvenile probation officer.~~

1220 Section 9. Section 985.105, Florida Statutes, is repealed.

1221 Section 10. Paragraph (b) of subsection (1) of section
1222 985.11, Florida Statutes, is amended to read:

1223 985.11 Fingerprinting and photographing.—

1224 (1)

1225 (b) Unless the child is issued a civil citation or is
1226 participating in a similar diversion program pursuant to s.
1227 985.12, a child who is charged with or found to have committed
1228 one of the following offenses shall be fingerprinted, and the
1229 fingerprints shall be submitted to the Department of Law
1230 Enforcement as provided in s. 943.051(3)(b):

1231 1. Assault, as defined in s. 784.011.

1232 2. Battery, as defined in s. 784.03.

1233 3. Carrying a concealed weapon, as defined in s. 790.01(1).

1234 4. Unlawful use of destructive devices or bombs, as defined
1235 in s. 790.1615(1).

1236 5. Neglect of a child, as defined in s. 827.03(1)(e).

1237 6. Assault on a law enforcement officer, a firefighter, or
1238 other specified officers, as defined in s. 784.07(2)(a).

1239 7. Open carrying of a weapon, as defined in s. 790.053.

1240 8. Exposure of sexual organs, as defined in s. 800.03.

1241 9. Unlawful possession of a firearm, as defined in s.
1242 790.22(5).

1243 10. Petit theft, as defined in s. 812.014.

1244 11. Cruelty to animals, as defined in s. 828.12(1).

1245 12. Arson, resulting in bodily harm to a firefighter, as



582052

576-02819-14

1246 defined in s. 806.031(1).

1247 13. Unlawful possession or discharge of a weapon or firearm
1248 at a school-sponsored event or on school property as defined in
1249 s. 790.115.

1250

1251 A law enforcement agency may fingerprint and photograph a child
1252 taken into custody upon probable cause that such child has
1253 committed any other violation of law, as the agency deems
1254 appropriate. Such fingerprint records and photographs shall be
1255 retained by the law enforcement agency in a separate file, and
1256 these records and all copies thereof must be marked "Juvenile
1257 Confidential." These records are not available for public
1258 disclosure and inspection under s. 119.07(1) except as provided
1259 in ss. 943.053 and 985.04(2), but shall be available to other
1260 law enforcement agencies, criminal justice agencies, state
1261 attorneys, the courts, the child, the parents or legal
1262 custodians of the child, their attorneys, and any other person
1263 authorized by the court to have access to such records. In
1264 addition, such records may be submitted to the Department of Law
1265 Enforcement for inclusion in the state criminal history records
1266 and used by criminal justice agencies for criminal justice
1267 purposes. These records may, in the discretion of the court, be
1268 open to inspection by anyone upon a showing of cause. The
1269 fingerprint and photograph records shall be produced in the
1270 court whenever directed by the court. Any photograph taken
1271 pursuant to this section may be shown by a law enforcement
1272 officer to any victim or witness of a crime for the purpose of
1273 identifying the person who committed such crime.

1274 Section 11. Subsection (2) of section 985.14, Florida



582052

576-02819-14

1275 Statutes, is amended to read:

1276 985.14 Intake and case management system.—

1277 (2) The intake process shall be performed by the department
1278 or juvenile assessment center personnel through a case
1279 management system. The purpose of the intake process is to
1280 assess the child's needs and risks and to determine the most
1281 appropriate treatment plan and setting for the child's
1282 programmatic needs and risks. The intake process shall consist
1283 of a preliminary screening and may be followed by a
1284 comprehensive assessment. The comprehensive assessment may
1285 consist of a full mental health, cognitive impairment, substance
1286 abuse, or psychosexual evaluation. The intake process shall
1287 result in choosing the most appropriate services through a
1288 balancing of the interests and needs of the child with those of
1289 the family and the community public. The department juvenile
1290 ~~probation officer~~ shall be responsible for making informed
1291 decisions and recommendations to other agencies, the state
1292 attorney, and the courts so that the child and family may
1293 receive the least intrusive service alternative throughout the
1294 judicial process. The department shall establish uniform
1295 procedures for the department juvenile probation officer to
1296 provide a preliminary screening of the child and family for
1297 substance abuse and mental health services prior to the filing
1298 of a petition or as soon as possible thereafter and prior to a
1299 disposition hearing.

1300 Section 12. Section 985.145, Florida Statutes, is amended
1301 to read:

1302 985.145 Responsibilities of the department juvenile
1303 ~~probation officer~~ during intake; screenings and assessments.—



582052

576-02819-14

1304 (1) The department ~~juvenile probation officer~~ shall serve
1305 as the primary case manager for the purpose of managing,
1306 coordinating, and monitoring the services provided to the child.
1307 Each program administrator within the Department of Children and
1308 Families ~~Family Services~~ shall cooperate with the primary case
1309 manager in carrying out the duties and responsibilities
1310 described in this section. In addition to duties specified in
1311 other sections and through departmental rules, the department
1312 ~~assigned juvenile probation officer~~ shall be responsible for the
1313 following:

1314 (a) *Reviewing probable cause affidavit.*—The department
1315 ~~juvenile probation officer~~ shall make a preliminary
1316 determination as to whether the report, affidavit, or complaint
1317 is complete, consulting with the state attorney as may be
1318 necessary. A report, affidavit, or complaint alleging that a
1319 child has committed a delinquent act or violation of law shall
1320 be made to the intake office operating in the county in which
1321 the child is found or in which the delinquent act or violation
1322 of law occurred. Any person or agency having knowledge of the
1323 facts may make such a written report, affidavit, or complaint
1324 and shall furnish to the intake office facts sufficient to
1325 establish the jurisdiction of the court and to support a finding
1326 by the court that the child has committed a delinquent act or
1327 violation of law.

1328 (b) *Notification concerning apparent insufficiencies in*
1329 *probable cause affidavit.*—In any case where the department
1330 ~~juvenile probation officer~~ or the state attorney finds that the
1331 report, affidavit, or complaint is insufficient by the standards
1332 for a probable cause affidavit, the department ~~juvenile~~



582052

576-02819-14

1333 ~~probation officer~~ or state attorney shall return the report,
1334 affidavit, or complaint, without delay, to the person or agency
1335 originating the report, affidavit, or complaint or having
1336 knowledge of the facts or to the appropriate law enforcement
1337 agency having investigative jurisdiction of the offense, and
1338 shall request, and the person or agency shall promptly furnish,
1339 additional information in order to comply with the standards for
1340 a probable cause affidavit.

1341 (c) *Screening.*—During the intake process, the department
1342 ~~juvenile probation officer~~ shall screen each child or shall
1343 cause each child to be screened in order to determine:

1344 1. Appropriateness for release; referral to a diversionary
1345 program, including, but not limited to, a teen court program;
1346 referral for community arbitration; or referral to some other
1347 program or agency for the purpose of nonofficial or nonjudicial
1348 handling.

1349 2. The presence of medical, psychiatric, psychological,
1350 substance abuse, educational, or career and technical education
1351 ~~vocational~~ problems, or other conditions that may have caused
1352 the child to come to the attention of law enforcement or the
1353 department. The child shall also be screened to determine
1354 whether the child poses a danger to himself or herself or others
1355 in the community. The results of this screening shall be made
1356 available to the court and to court officers. In cases where
1357 such conditions are identified and a nonjudicial handling of the
1358 case is chosen, the department ~~juvenile probation officer~~ shall
1359 attempt to refer the child to a program or agency, together with
1360 all available and relevant assessment information concerning the
1361 child's precipitating condition.



582052

576-02819-14

1362 (d) *Completing risk assessment instrument.*—The department
1363 ~~juvenile probation officer~~ shall ensure that a risk assessment
1364 instrument establishing the child's eligibility for detention
1365 has been accurately completed and that the appropriate
1366 recommendation was made to the court.

1367 (e) *Rights.*—The department ~~juvenile probation officer~~ shall
1368 inquire as to whether the child understands his or her rights to
1369 counsel and against self-incrimination.

1370 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~
1371 ~~probation officer~~ shall coordinate the multidisciplinary
1372 assessment when required, which includes the classification and
1373 placement process that determines the child's priority needs,
1374 risk classification, and treatment plan. When sufficient
1375 evidence exists to warrant a comprehensive assessment and the
1376 child fails to voluntarily participate in the assessment
1377 efforts, the department ~~juvenile probation officer~~ shall inform
1378 the court of the need for the assessment and the refusal of the
1379 child to participate in such assessment. This assessment,
1380 classification, and placement process shall develop into the
1381 predisposition report.

1382 (g) *Comprehensive assessment.*—The department ~~juvenile~~
1383 ~~probation officer~~, pursuant to uniform procedures established by
1384 the department and upon determining that the report, affidavit,
1385 or complaint is complete, shall:

1386 1. Perform the preliminary screening and make referrals for
1387 a comprehensive assessment regarding the child's need for
1388 substance abuse treatment services, mental health services,
1389 intellectual disability services, literacy services, or other
1390 educational or treatment services.



582052

576-02819-14

1391 2. If indicated by the preliminary screening, provide for a
1392 comprehensive assessment of the child and family for substance
1393 abuse problems, using community-based licensed programs with
1394 clinical expertise and experience in the assessment of substance
1395 abuse problems.

1396 3. If indicated by the preliminary screening, provide for a
1397 comprehensive assessment of the child and family for mental
1398 health problems, using community-based psychologists,
1399 psychiatrists, or other licensed mental health professionals who
1400 have clinical expertise and experience in the assessment of
1401 mental health problems.

1402 (h) *Referrals for services.*—The department juvenile
1403 ~~probation officer~~ shall make recommendations for services and
1404 facilitate the delivery of those services to the child,
1405 including any mental health services, educational services,
1406 family counseling services, family assistance services, and
1407 substance abuse services.

1408 (i) *Recommendation concerning a petition.*—Upon determining
1409 that the report, affidavit, or complaint complies with the
1410 standards of a probable cause affidavit and that the interests
1411 of the child and the public will be best served, the department
1412 ~~juvenile probation officer~~ may recommend that a delinquency
1413 petition not be filed. If such a recommendation is made, the
1414 department juvenile probation officer shall advise in writing
1415 the person or agency making the report, affidavit, or complaint,
1416 the victim, if any, and the law enforcement agency having
1417 investigative jurisdiction over the offense of the
1418 recommendation; the reasons therefor; and that the person or
1419 agency may submit, within 10 days after the receipt of such



582052

576-02819-14

1420 notice, the report, affidavit, or complaint to the state
1421 attorney for special review. The state attorney, upon receiving
1422 a request for special review, shall consider the facts presented
1423 by the report, affidavit, or complaint, and by the department
1424 ~~juvenile probation officer~~ who made the recommendation that no
1425 petition be filed, before making a final decision as to whether
1426 a petition or information should or should not be filed.

1427 (j) *Completing intake report.*—Subject to the interagency
1428 agreement authorized under this paragraph, the department ~~the~~
1429 ~~juvenile probation officer for each case in which a child is~~
1430 ~~alleged to have committed a violation of law or delinquent act~~
1431 ~~and is not detained~~ shall submit a written report to the state
1432 attorney for each case in which a child is alleged to have
1433 committed a violation of law or delinquent act and is not
1434 detained. The report shall be submitted within 20 days after the
1435 date the child is taken into custody and include ~~,including~~ the
1436 original police report, complaint, or affidavit, or a copy
1437 thereof, and including a copy of the child's prior juvenile
1438 record, ~~within 20 days after the date the child is taken into~~
1439 ~~custody~~. In cases in which the child is in detention, the intake
1440 office report must be submitted within 24 hours after the child
1441 is placed into detention. The intake office report may include a
1442 recommendation that a petition or information be filed or that
1443 no petition or information be filed and may set forth reasons
1444 for the recommendation. The state attorney and the department
1445 may, on a district-by-district basis, enter into interagency
1446 agreements denoting the cases that will require a recommendation
1447 and those for which a recommendation is unnecessary.

1448 (2) Prior to requesting that a delinquency petition be



582052

576-02819-14

1449 filed or prior to filing a dependency petition, the department
1450 ~~juvenile probation officer~~ may request the parent or legal
1451 guardian of the child to attend a course of instruction in
1452 parenting skills, training in conflict resolution, and the
1453 practice of nonviolence; to accept counseling; or to receive
1454 other assistance from any agency in the community which notifies
1455 the clerk of the court of the availability of its services.
1456 Where appropriate, the department ~~juvenile probation officer~~
1457 shall request both parents or guardians to receive such parental
1458 assistance. The department ~~juvenile probation officer~~ may, in
1459 determining whether to request that a delinquency petition be
1460 filed, take into consideration the willingness of the parent or
1461 legal guardian to comply with such request. The parent or
1462 guardian must provide the department ~~juvenile probation officer~~
1463 with identifying information, including the parent's or
1464 guardian's name, address, date of birth, social security number,
1465 and driver ~~driver's~~ license number or identification card number
1466 in order to comply with s. 985.039.

1467 (3) When indicated by the comprehensive assessment, the
1468 department is authorized to contract within appropriated funds
1469 for services with a local nonprofit community mental health or
1470 substance abuse agency licensed or authorized under chapter 394
1471 or chapter 397 or other authorized nonprofit social service
1472 agency providing related services. The determination of mental
1473 health or substance abuse services shall be conducted in
1474 coordination with existing programs providing mental health or
1475 substance abuse services in conjunction with the intake office.

1476 (4) Client information resulting from the screening and
1477 evaluation shall be documented under rules of the department and



582052

576-02819-14

1478 shall serve to assist the department ~~juvenile probation officer~~
1479 in providing the most appropriate services and recommendations
1480 in the least intrusive manner. Such client information shall be
1481 used in the multidisciplinary assessment and classification of
1482 the child, but such information, and any information obtained
1483 directly or indirectly through the assessment process, is
1484 inadmissible in court prior to the disposition hearing, unless
1485 the child's written consent is obtained. At the disposition
1486 hearing, documented client information shall serve to assist the
1487 court in making the most appropriate custody, adjudicatory, and
1488 dispositional decision.

1489 (5) If the screening and assessment indicate that the
1490 interests of the child and the public will be best served, the
1491 department ~~juvenile probation officer~~, with the approval of the
1492 state attorney, may refer the child for care, diagnostic, and
1493 evaluation services; substance abuse treatment services; mental
1494 health services; intellectual disability services; a
1495 diversionary, arbitration, or mediation program; community
1496 service work; or other programs or treatment services
1497 voluntarily accepted by the child and the child's parents or
1498 legal guardian. If a child volunteers to participate in any work
1499 program under this chapter or volunteers to work in a specified
1500 state, county, municipal, or community service organization
1501 supervised work program or to work for the victim, the child is
1502 considered an employee of the state for the purposes of
1503 liability. In determining the child's average weekly wage,
1504 unless otherwise determined by a specific funding program, all
1505 remuneration received from the employer is considered a
1506 gratuity, and the child is not entitled to any benefits



582052

576-02819-14

1507 otherwise payable under s. 440.15 regardless of whether the
1508 child may be receiving wages and remuneration from other
1509 employment with another employer and regardless of the child's
1510 future wage-earning capacity.

1511 (6) The victim, if any, and the law enforcement agency that
1512 investigated the offense shall be notified immediately by the
1513 state attorney of the action taken under subsection (5).

1514 Section 13. Section 985.17, Florida Statutes, is created to
1515 read:

1516 985.17 Prevention services.-

1517 (1) The Legislature finds that prevention services decrease
1518 recidivism by addressing the needs of at-risk youth and their
1519 families, preventing further involvement of such youth in the
1520 juvenile justice system, protecting the safety of the public,
1521 and facilitating successful reentry of at-risk youth into the
1522 community. To assist with decreasing recidivism, the
1523 department's prevention services shall strengthen protective
1524 factors and reduce risk factors using tested and effective
1525 approaches.

1526 (2) A goal of the department's prevention services shall be
1527 to develop the capacity for local communities to serve their
1528 youth.

1529 (a) The department shall engage faith and community-based
1530 organizations to provide a full range of voluntary programs and
1531 services to prevent and reduce juvenile delinquency, including,
1532 but not limited to, chaplaincy services, crisis intervention
1533 counseling, mentoring, and tutoring.

1534 (b) The department shall establish volunteer coordinators
1535 in each circuit and encourage the recruitment of volunteers to



582052

576-02819-14

1536 serve as mentors for youth in department services.

1537 (c) The department shall promote the sale of the Invest in
1538 Children license plate to help fund programs and services to
1539 prevent juvenile delinquency. The department shall allocate
1540 money for programs and services within each county based on that
1541 county's proportionate share of the license plate annual use
1542 fees collected by the county.

1543 (3) The department's prevention services for youth at risk
1544 of becoming delinquent should:

1545 (a) Focus on preventing initial or further involvement of
1546 such youth in the juvenile justice system by including services
1547 such as literacy services, gender-specific programming,
1548 recreational services, and after-school services, and should
1549 include targeted services to troubled, truant, ungovernable,
1550 abused, trafficked, or runaway youth. To decrease the likelihood
1551 that a youth will commit a delinquent act, the department should
1552 use mentoring and may provide specialized services addressing
1553 the strengthening of families, job training, and substance
1554 abuse.

1555 (b) Address the multiple needs of such youth in order to
1556 decrease the prevalence of disproportionate minority
1557 representation in the juvenile justice system.

1558 (4) The department shall expend funds related to the
1559 prevention services in a manner consistent with the policies
1560 expressed in ss. 984.02 and 985.01 and in a manner that
1561 maximizes accountability to the public and ensures the
1562 documentation of outcomes.

1563 (a) As a condition of receipt of state funds, all entities
1564 that receive or use state moneys to fund prevention services



582052

576-02819-14

1565 through contracts with the department or grants from any entity
1566 dispersed by the department shall:

1567 1. Design the programs providing such services to further
1568 one or more of the following strategies:

1569 a. Encouraging youth to attend and succeed in school, which
1570 may include special assistance and tutoring to address
1571 deficiencies in academic performance and collecting outcome data
1572 to reveal the number of days youth attended school while
1573 participating in the program.

1574 b. Engaging youth in productive and wholesome activities
1575 during nonschool hours that build positive character, instill
1576 positive values, and enhance educational experiences.

1577 c. Encouraging youth to avoid the use of violence.

1578 d. Assisting youth in acquiring the skills needed to find
1579 meaningful employment, which may include assisting the youth in
1580 finding a suitable employer.

1581 2. Provide the department with demographic information,
1582 dates of services, and types of interventions received by each
1583 youth.

1584 (b) The department shall monitor output and outcome
1585 measures for each program strategy in paragraph (a) and annually
1586 report the outputs and outcomes in the Comprehensive
1587 Accountability Report as provided in s. 985.632.

1588 (c) The department shall monitor all state-funded programs
1589 that receive or use state moneys to fund the prevention services
1590 through contracts or grants with the department for compliance
1591 with all provisions in the contracts and grants.

1592 Section 14. Section 985.24, Florida Statutes, is amended to
1593 read:



582052

576-02819-14

- 1594 985.24 Use of detention; prohibitions.-
- 1595 (1) All determinations and court orders regarding the use
- 1596 of ~~secure, nonsecure, or home~~ detention care shall be based
- 1597 primarily upon findings that the child:
- 1598 (a) Presents a substantial risk of not appearing at a
- 1599 subsequent hearing;
- 1600 (b) Presents a substantial risk of inflicting bodily harm
- 1601 on others as evidenced by recent behavior, including the illegal
- 1602 possession of a firearm;
- 1603 (c) Presents a history of committing a property offense
- 1604 prior to adjudication, disposition, or placement;
- 1605 (d) Has committed contempt of court by:
- 1606 1. Intentionally disrupting the administration of the
- 1607 court;
- 1608 2. Intentionally disobeying a court order; or
- 1609 3. Engaging in a punishable act or speech in the court's
- 1610 presence which shows disrespect for the authority and dignity of
- 1611 the court; or
- 1612 (e) Requests protection from imminent bodily harm.
- 1613 (2) A child alleged to have committed a delinquent act or
- 1614 violation of law may not be placed into secure or, ~~nonsecure, or~~
- 1615 ~~home~~ detention care for any of the following reasons:
- 1616 (a) To allow a parent to avoid his or her legal
- 1617 responsibility.
- 1618 (b) To permit more convenient administrative access to the
- 1619 child.
- 1620 (c) To facilitate further interrogation or investigation.
- 1621 (d) Due to a lack of more appropriate facilities.
- 1622 (3) A child alleged to be dependent under chapter 39 may



582052

576-02819-14

1623 not, under any circumstances, be placed into secure detention
1624 care.

1625 (4) The department may, within its existing resources,
1626 develop nonsecure, nonresidential evening reporting centers as
1627 an alternative to placing a child in secure detention. Evening
1628 reporting centers may be collocated with a juvenile assessment
1629 center. If established, evening reporting centers shall serve
1630 children and families who are awaiting a child's court hearing
1631 and, at a minimum, operate during the afternoon and evening
1632 hours to provide a highly structured program of supervision.
1633 Evening reporting centers may also provide academic tutoring,
1634 counseling, family engagement programs, and other activities.

1635 (5)~~(4)~~ The department shall continue to identify
1636 alternatives to secure detention care and shall develop such
1637 alternatives and annually submit them to the Legislature for
1638 authorization and appropriation.

1639 Section 15. Paragraph (b) of subsection (2) and subsection
1640 (4) of section 985.245, Florida Statutes, are amended to read:
1641 985.245 Risk assessment instrument.-

1642 (2)

1643 (b) The risk assessment instrument shall take into
1644 consideration, but need not be limited to, prior history of
1645 failure to appear, prior offenses, offenses committed pending
1646 adjudication, any unlawful possession of a firearm, theft of a
1647 motor vehicle or possession of a stolen motor vehicle, and
1648 probation status at the time the child is taken into custody.
1649 The risk assessment instrument shall also take into
1650 consideration appropriate aggravating and mitigating
1651 circumstances, and shall be designed to target a narrower



582052

576-02819-14

1652 population of children than s. 985.255. The risk assessment
1653 instrument shall also include any information concerning the
1654 child's history of abuse and neglect. The risk assessment shall
1655 indicate whether detention care is warranted, and, if detention
1656 care is warranted, whether the child should be placed into
1657 secure or, nonsecure, ~~or home~~ detention care.

1658 (4) For a child who is under the supervision of the
1659 department through probation, ~~home detention~~, nonsecure
1660 detention, conditional release, postcommitment probation, or
1661 commitment and who is charged with committing a new offense, the
1662 risk assessment instrument may be completed and scored based on
1663 the underlying charge for which the child was placed under the
1664 supervision of the department and the new offense.

1665 Section 16. Subsection (1) of section 985.25, Florida
1666 Statutes, is amended to read:

1667 985.25 Detention intake.—

1668 (1) The department juvenile probation officer shall receive
1669 custody of a child who has been taken into custody from the law
1670 enforcement agency or court and shall review the facts in the
1671 law enforcement report or probable cause affidavit and make such
1672 further inquiry as may be necessary to determine whether
1673 detention care is appropriate ~~required~~.

1674 (a) During the period of time from the taking of the child
1675 into custody to the date of the detention hearing, the initial
1676 decision as to the child's placement into secure ~~detention care~~,
1677 or nonsecure detention care, ~~or home detention care~~ shall be
1678 made by the department juvenile probation officer under ss.
1679 985.24 and 985.245(1).

1680 (b) The department juvenile probation officer shall base



582052

576-02819-14

1681 the decision whether ~~or not~~ to place the child into secure
1682 ~~detention care, home detention care,~~ or nonsecure detention care
1683 on an assessment of risk in accordance with the risk assessment
1684 instrument and procedures developed by the department under s.
1685 985.245. However, a child charged with possessing or discharging
1686 a firearm on school property in violation of s. 790.115 shall be
1687 placed in secure detention care. A child who has been taken into
1688 custody on three or more separate occasions within a 60-day
1689 period shall be placed in secure detention care until the
1690 child's detention hearing.

1691 (c) If the final score on the child's risk assessment
1692 instrument indicates juvenile probation officer determines that
1693 a child who is eligible for detention care is appropriate, but
1694 the department otherwise determines the child based upon the
1695 results of the risk assessment instrument should be released,
1696 the department juvenile probation officer shall contact the
1697 state attorney, who may authorize release.

1698 (d) If the final score on the risk assessment instrument
1699 indicates detention is not appropriate authorized, the child may
1700 be released by the department juvenile probation officer in
1701 accordance with ss. 985.115 and 985.13.

1702
1703 Under no circumstances shall the department juvenile probation
1704 officer or the state attorney or law enforcement officer
1705 authorize the detention of any child in a jail or other facility
1706 intended or used for the detention of adults, without an order
1707 of the court.

1708 Section 17. Subsections (1) and (2) and paragraphs (a) and
1709 (c) of subsection (3) of section 985.255, Florida Statutes, are



582052

576-02819-14

1710 amended to read:

1711 985.255 Detention criteria; detention hearing.—

1712 (1) Subject to s. 985.25(1), a child taken into custody and
1713 placed into secure or nonsecure ~~or home~~ detention care shall be
1714 given a hearing within 24 hours after being taken into custody.

1715 At the hearing, the court may order continued detention ~~or~~
1716 ~~detained in secure detention care prior to a detention hearing~~
1717 ~~may continue to be detained by the court~~ if:

1718 (a) The child is alleged to be an escapee from a
1719 residential commitment program; or an absconder from a
1720 nonresidential commitment program, a probation program, or
1721 conditional release supervision; or is alleged to have escaped
1722 while being lawfully transported to or from a residential
1723 commitment program.

1724 (b) The child is wanted in another jurisdiction for an
1725 offense which, if committed by an adult, would be a felony.

1726 (c) The child is charged with a delinquent act or violation
1727 of law and requests in writing through legal counsel to be
1728 detained for protection from an imminent physical threat to his
1729 or her personal safety.

1730 (d) The child is charged with committing an offense of
1731 domestic violence as defined in s. 741.28 and is detained as
1732 provided in subsection (2).

1733 (e) The child is charged with possession of or discharging
1734 a firearm on school property in violation of s. 790.115 or the
1735 illegal possession of a firearm.

1736 (f) The child is charged with a capital felony, a life
1737 felony, a felony of the first degree, a felony of the second
1738 degree that does not involve a violation of chapter 893, or a



582052

576-02819-14

1739 felony of the third degree that is also a crime of violence,
1740 including any such offense involving the use or possession of a
1741 firearm.

1742 (g) The child is charged with any second degree or third
1743 degree felony involving a violation of chapter 893 or any third
1744 degree felony that is not also a crime of violence, and the
1745 child:

1746 1. Has a record of failure to appear at court hearings
1747 after being properly notified in accordance with the Rules of
1748 Juvenile Procedure;

1749 2. Has a record of law violations prior to court hearings;

1750 3. Has already been detained or has been released and is
1751 awaiting final disposition of the case;

1752 4. Has a record of violent conduct resulting in physical
1753 injury to others; or

1754 5. Is found to have been in possession of a firearm.

1755 (h) The child is alleged to have violated the conditions of
1756 the child's probation or conditional release supervision.

1757 However, a child detained under this paragraph may be held only
1758 in a consequence unit as provided in s. 985.439. If a
1759 consequence unit is not available, the child shall be placed on
1760 nonsecure ~~home~~ detention with electronic monitoring.

1761 (i) The child is detained on a judicial order for failure
1762 to appear and has previously willfully failed to appear, after
1763 proper notice: 7

1764 1. For an adjudicatory hearing on the same case regardless
1765 of the results of the risk assessment instrument; or

1766 2. At two or more court hearings of any nature on the same
1767 case regardless of the results of the risk assessment



582052

576-02819-14

1768 instrument.

1769

1770 A child may be held in secure detention for up to 72 hours in
1771 advance of the next scheduled court hearing pursuant to this
1772 paragraph. The child's failure to keep the clerk of court and
1773 defense counsel informed of a current and valid mailing address
1774 where the child will receive notice to appear at court
1775 proceedings does not provide an adequate ground for excusal of
1776 the child's nonappearance at the hearings.

1777 ~~(j) The child is detained on a judicial order for failure~~
1778 ~~to appear and has previously willfully failed to appear, after~~
1779 ~~proper notice, at two or more court hearings of any nature on~~
1780 ~~the same case regardless of the results of the risk assessment~~
1781 ~~instrument. A child may be held in secure detention for up to 72~~
1782 ~~hours in advance of the next scheduled court hearing pursuant to~~
1783 ~~this paragraph. The child's failure to keep the clerk of court~~
1784 ~~and defense counsel informed of a current and valid mailing~~
1785 ~~address where the child will receive notice to appear at court~~
1786 ~~proceedings does not provide an adequate ground for excusal of~~
1787 ~~the child's nonappearance at the hearings.~~

1788 (2) A child who is charged with committing an offense that
1789 is classified as an act of domestic violence as defined in s.
1790 741.28 and whose risk assessment instrument indicates secure
1791 detention is not appropriate ~~who does not meet detention~~
1792 ~~criteria~~ may be held in secure detention if the court makes
1793 specific written findings that:

1794 (a) Respite care for the child is not available; or-

1795 (b) It is necessary to place the child in secure detention
1796 in order to protect the victim from injury.



582052

576-02819-14

1797
1798 The child may not be held in secure detention under this
1799 subsection for more than 48 hours unless ordered by the court.
1800 After 48 hours, the court shall hold a hearing if the state
1801 attorney or victim requests that secure detention be continued.
1802 The child may continue to be held in detention care if the court
1803 makes a specific, written finding that respite care is
1804 unavailable or it ~~detention care~~ is necessary to protect the
1805 victim from injury. However, the child may not be held in
1806 detention care beyond the time limits set forth in this section
1807 or s. 985.26.

1808 (3) (a) ~~A child who meets any of the criteria in subsection~~
1809 ~~(1) and who is ordered to be detained under that subsection~~
1810 ~~shall be given a hearing within 24 hours after being taken into~~
1811 ~~eustody.~~ The purpose of the detention hearing required under
1812 subsection (1) is to determine the existence of probable cause
1813 that the child has committed the delinquent act or violation of
1814 law that he or she is charged with and the need for continued
1815 detention. Unless a child is detained under paragraph (1) (d) or
1816 paragraph (1) (e), the court shall use the results of the risk
1817 assessment performed by the department ~~juvenile probation~~
1818 ~~officer~~ and, based on the criteria in subsection (1), shall
1819 determine the need for continued detention. ~~A child placed into~~
1820 ~~secure, nonsecure, or home detention care may continue to be so~~
1821 ~~detained by the court.~~

1822 (c) Except as provided in s. 790.22(8) or in s. 985.27,
1823 when a child is placed into secure or nonsecure detention care,
1824 or into a respite home or other placement pursuant to a court
1825 order following a hearing, the court order must include specific



582052

576-02819-14

1826 instructions that direct the release of the child from such
1827 placement no later than 5 p.m. on the last day of the detention
1828 period specified in s. 985.26 or s. 985.27, whichever is
1829 applicable, unless the requirements of such applicable provision
1830 have been met or an order of continuance has been granted under
1831 s. 985.26(4). If the court order does not include a release
1832 date, the release date shall be requested from the court on the
1833 same date that the child is placed in detention care. If a
1834 subsequent hearing is needed to provide additional information
1835 to the court for safety planning, the initial order placing the
1836 child in detention care shall reflect the next detention review
1837 hearing, which shall be held within 3 calendar days after the
1838 child's initial detention placement.

1839 Section 18. Subsections (1), (2), and (3) of section
1840 985.26, Florida Statutes, are amended to read:

1841 985.26 Length of detention.—

1842 (1) A child may not be placed into or held in secure or
1843 ~~nonsecure, or home~~ detention care for longer than 24 hours
1844 unless the court orders such detention care, and the order
1845 includes specific instructions that direct the release of the
1846 child from such detention care, in accordance with s. 985.255.
1847 The order shall be a final order, reviewable by appeal under s.
1848 985.534 and the Florida Rules of Appellate Procedure. Appeals of
1849 such orders shall take precedence over other appeals and other
1850 pending matters.

1851 (2) A child may not be held in secure or nonsecure, ~~or~~
1852 ~~home~~ detention care under a special detention order for more
1853 than 21 days unless an adjudicatory hearing for the case has
1854 been commenced in good faith by the court. However, upon good



582052

576-02819-14

1855 cause being shown that the nature of the charge requires
1856 additional time for the prosecution or defense of the case, the
1857 court may extend the length of detention for an additional 9
1858 days if the child is charged with an offense that would be, if
1859 committed by an adult, a capital felony, a life felony, a felony
1860 of the first degree, or a felony of the second degree involving
1861 violence against any individual.

1862 (3) Except as provided in subsection (2), a child may not
1863 be held in secure or, nonsecure, ~~or home~~ detention care for more
1864 than 15 days following the entry of an order of adjudication.

1865 Section 19. Section 985.265, Florida Statutes, is amended
1866 to read:

1867 985.265 Detention transfer and release; education; adult
1868 jails.-

1869 (1) If a child is detained under this part, the department
1870 may transfer the child from nonsecure ~~or home~~ detention care to
1871 secure detention care only if significantly changed
1872 circumstances warrant such transfer.

1873 (2) If a child is on release status and not detained under
1874 this part, the child may be placed into secure or, nonsecure, ~~or~~
1875 ~~home~~ detention care only pursuant to a court hearing in which
1876 the original risk assessment instrument and the, ~~rescored based~~
1877 ~~on~~ newly discovered evidence or changed circumstances are
1878 introduced into evidence with a rescored risk assessment
1879 instrument with the results recommending detention, is
1880 ~~introduced into evidence.~~

1881 (3) (a) When a juvenile sexual offender is placed in
1882 detention, detention staff shall provide appropriate monitoring
1883 and supervision to ensure the safety of other children in the



582052

576-02819-14

1884 facility.

1885 (b) When a juvenile ~~sexual offender, under this subsection,~~
1886 is released from secure detention or transferred to ~~home~~
1887 ~~detention or~~ nonsecure detention, detention staff shall
1888 immediately notify the appropriate law enforcement agency, ~~and~~
1889 school personnel, and victim if the juvenile is charged with
1890 committing any of the following offenses or attempting to commit
1891 any of the following offenses:

- 1892 1. Murder, under s. 782.04;
- 1893 2. Sexual battery, under chapter 794;
- 1894 3. Stalking, under s. 784.048; or
- 1895 4. Domestic violence, as defined in s. 741.28.

1896 (4) (a) While a child who is currently enrolled in school is
1897 in nonsecure ~~or home~~ detention care, the child shall continue to
1898 attend school unless otherwise ordered by the court.

1899 (b) While a child is in secure detention care, the child
1900 shall receive education commensurate with his or her grade level
1901 and educational ability.

1902 (5) The court shall order the delivery of a child to a jail
1903 or other facility intended or used for the detention of adults:

1904 (a) When the child has been transferred or indicted for
1905 criminal prosecution as an adult under part X, except that the
1906 court may not order or allow a child alleged to have committed a
1907 misdemeanor who is being transferred for criminal prosecution
1908 pursuant to either s. 985.556 or s. 985.557 to be detained or
1909 held in a jail or other facility intended or used for the
1910 detention of adults; however, such child may be held temporarily
1911 in a detention facility; or

1912 (b) When a child taken into custody in this state is wanted



582052

576-02819-14

1913 by another jurisdiction for prosecution as an adult.

1914
1915 The child shall be housed separately from adult inmates to
1916 prohibit a child from having regular contact with incarcerated
1917 adults, including trustees. "Regular contact" means sight and
1918 sound contact. Separation of children from adults shall permit
1919 no more than haphazard or accidental contact. The receiving jail
1920 or other facility shall contain a separate section for children
1921 and shall have an adequate staff to supervise and monitor the
1922 child's activities at all times. Supervision and monitoring of
1923 children includes physical observation and documented checks by
1924 jail or receiving facility supervisory personnel at intervals
1925 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit
1926 placing two or more children in the same cell. Under no
1927 circumstances shall a child be placed in the same cell with an
1928 adult.

1929 Section 20. Section 985.27, Florida Statutes, is amended to
1930 read:

1931 985.27 Postdisposition ~~Postcommitment~~ detention while
1932 awaiting commitment placement.-

1933 (1) The court must place all children who are adjudicated
1934 and awaiting placement in a commitment program in detention
1935 care. Children who are in ~~home detention care or~~ nonsecure
1936 detention care may be placed on electronic monitoring.

1937 ~~(a) A child who is awaiting placement in a low-risk~~
1938 ~~residential program must be removed from detention within 5~~
1939 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1940 ~~child held in secure detention during the 5 days must meet~~
1941 ~~detention admission criteria under this part. A child who is~~



582052

576-02819-14

1942 ~~placed in home detention care, nonsecure detention care, or home~~
1943 ~~or nonsecure detention care with electronic monitoring, while~~
1944 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
1945 ~~held in secure detention care for 5 days, if the child violates~~
1946 ~~the conditions of the home detention care, the nonsecure~~
1947 ~~detention care, or the electronic monitoring agreement. For any~~
1948 ~~subsequent violation, the court may impose an additional 5 days~~
1949 ~~in secure detention care.~~

1950 ~~(a)(b)~~ A child who is awaiting placement in a nonsecure
1951 ~~moderate-risk~~ residential program must be removed from detention
1952 within 5 days, excluding Saturdays, Sundays, and legal holidays.
1953 Any child held in secure detention during the 5 days must meet
1954 detention admission criteria under this part. The department may
1955 seek an order from the court authorizing continued detention for
1956 a specific period of time necessary for the appropriate
1957 residential placement of the child. However, such continued
1958 detention in secure detention care may not exceed 15 days after
1959 entry of the commitment order, excluding Saturdays, Sundays, and
1960 legal holidays, and except as otherwise provided in this
1961 section. A child who is placed in ~~home detention care,~~ nonsecure
1962 ~~detention care,~~ or ~~home or~~ nonsecure detention care with
1963 electronic monitoring, while awaiting placement in a nonsecure
1964 residential ~~moderate-risk~~ program, may be held in secure
1965 detention care for 5 days, if the child violates the conditions
1966 of the ~~home detention care,~~ the nonsecure detention care, or the
1967 electronic monitoring agreement. For any subsequent violation,
1968 the court may impose an additional 5 days in secure detention
1969 care.

1970 ~~(b)(c)~~ If the child is committed to a high-risk residential



582052

576-02819-14

1971 program, the child must be held in secure detention care until
1972 placement or commitment is accomplished.

1973 (c)~~(d)~~ If the child is committed to a maximum-risk
1974 residential program, the child must be held in secure detention
1975 care until placement or commitment is accomplished.

1976 (2) Regardless of detention status, a child being
1977 transported by the department to a residential commitment
1978 facility of the department may be placed in secure detention
1979 overnight, not to exceed a 24-hour period, for the specific
1980 purpose of ensuring the safe delivery of the child to his or her
1981 residential commitment program, court, appointment, transfer, or
1982 release.

1983 Section 21. Subsection (1) of section 985.275, Florida
1984 Statutes, is amended to read:

1985 985.275 Detention of escapee or absconder on authority of
1986 the department.—

1987 (1) If an authorized agent of the department has reasonable
1988 grounds to believe that any delinquent child committed to the
1989 department has escaped from a residential commitment facility or
1990 from being lawfully transported thereto or therefrom, or has
1991 absconded from a nonresidential commitment facility, the agent
1992 shall notify law enforcement and, if the offense would require
1993 notification under chapter 960, notify the victim. The agent
1994 shall make every reasonable effort as permitted within existing
1995 resources provided to the department to locate the delinquent
1996 child and the child may be returned to the facility ~~take the~~
1997 ~~child into active custody and may deliver the child to the~~
1998 ~~facility~~ or, if it is closer, to a detention center for return
1999 to the facility. However, a child may not be held in detention



582052

576-02819-14

2000 longer than 24 hours, excluding Saturdays, Sundays, and legal
2001 holidays, unless a special order so directing is made by the
2002 judge after a detention hearing resulting in a finding that
2003 detention is required based on the criteria in s. 985.255. The
2004 order shall state the reasons for such finding. The reasons
2005 shall be reviewable by appeal or in habeas corpus proceedings in
2006 the district court of appeal.

2007 Section 22. Paragraph (b) of subsection (4), paragraph (h)
2008 of subsection (6), and paragraph (a) of subsection (7) of
2009 section 985.433, Florida Statutes, are amended to read:

2010 985.433 Disposition hearings in delinquency cases.—When a
2011 child has been found to have committed a delinquent act, the
2012 following procedures shall be applicable to the disposition of
2013 the case:

2014 (4) Before the court determines and announces the
2015 disposition to be imposed, it shall:

2016 (b) Discuss with the child his or her compliance with any
2017 predisposition ~~home-release~~ plan or other plan imposed since the
2018 date of the offense.

2019 (6) The first determination to be made by the court is a
2020 determination of the suitability or unsuitability for
2021 adjudication and commitment of the child to the department. This
2022 determination shall include consideration of the recommendations
2023 of the department, which may include a predisposition report.
2024 The predisposition report shall include, whether as part of the
2025 child's multidisciplinary assessment, classification, and
2026 placement process components or separately, evaluation of the
2027 following criteria:

2028 (h) The child's educational status, including, but not



582052

576-02819-14

2029 limited to, the child's strengths, abilities, and unmet and
2030 special educational needs. The report shall identify appropriate
2031 educational and career ~~vocational~~ goals for the child. Examples
2032 of appropriate goals include:

- 2033 1. Attainment of a high school diploma or its equivalent.
- 2034 2. Successful completion of literacy courses ~~course(s)~~.
- 2035 3. Successful completion of career and technical education
2036 courses ~~vocational course(s)~~.
- 2037 4. Successful attendance and completion of the child's
2038 current grade or recovery of credits of classes the child
2039 previously failed, if enrolled in school.
- 2040 5. Enrollment in an apprenticeship or a similar program.

2041
2042 It is the intent of the Legislature that the criteria set forth
2043 in this subsection are general guidelines to be followed at the
2044 discretion of the court and not mandatory requirements of
2045 procedure. It is not the intent of the Legislature to provide
2046 for the appeal of the disposition made under this section.

2047 (7) If the court determines that the child should be
2048 adjudicated as having committed a delinquent act and should be
2049 committed to the department, such determination shall be in
2050 writing or on the record of the hearing. The determination shall
2051 include a specific finding of the reasons for the decision to
2052 adjudicate and to commit the child to the department, including
2053 any determination that the child was a member of a criminal
2054 gang.

2055 (a) The department ~~juvenile probation officer~~ shall
2056 recommend to the court the most appropriate placement and
2057 treatment plan, specifically identifying the restrictiveness



582052

576-02819-14

2058 level most appropriate for the child if commitment is
2059 recommended. If the court has determined that the child was a
2060 member of a criminal gang, that determination shall be given
2061 great weight in identifying the most appropriate restrictiveness
2062 level for the child. The court shall consider the department's
2063 recommendation in making its commitment decision.

2064 Section 23. Subsections (4) through (6) of section 985.435,
2065 Florida Statutes, are renumbered as subsections (5) through (7),
2066 respectively, subsection (3) and present subsection (4) of that
2067 section are amended, and a new subsection (4) is added to that
2068 section, to read:

2069 985.435 Probation and postcommitment probation; community
2070 service.—

2071 (3) A probation program must also include a rehabilitative
2072 program component such as a requirement of participation in
2073 substance abuse treatment or in a school or career and technical
2074 education ~~other educational~~ program. The nonconsent of the child
2075 to treatment in a substance abuse treatment program in no way
2076 precludes the court from ordering such treatment. Upon the
2077 recommendation of the department at the time of disposition, or
2078 subsequent to disposition pursuant to the filing of a petition
2079 alleging a violation of the child's conditions of postcommitment
2080 probation, the court may order the child to submit to random
2081 testing for the purpose of detecting and monitoring the use of
2082 alcohol or controlled substances.

2083 (4) A probation program may also include an alternative
2084 consequence component to address instances in which a child is
2085 noncompliant with technical conditions of his or her probation,
2086 but has not committed any new violations of law. The alternative



582052

576-02819-14

2087 consequence component is designed to provide swift and
2088 appropriate consequences to any noncompliance with technical
2089 conditions of probation. If the probation program includes this
2090 component, specific consequences that apply to noncompliance
2091 with specific technical conditions of probation must be detailed
2092 in the disposition order.

2093 (5)-(4) An identification of the child's risk of reoffending
2094 ~~A classification scale for levels of supervision~~ shall be
2095 provided by the department, taking into account the child's
2096 needs and risks relative to probation supervision requirements
2097 to reasonably ensure the public safety. Probation programs for
2098 children shall be supervised by the department or by any other
2099 person or agency specifically authorized by the court. These
2100 programs must include, but are not limited to, structured or
2101 restricted activities as described in this section and s.
2102 985.439, and shall be designed to encourage the child toward
2103 acceptable and functional social behavior.

2104 Section 24. Subsections (1) and (4) of section 985.439,
2105 Florida Statutes, are amended to read:

2106 985.439 Violation of probation or postcommitment
2107 probation.—

2108 (1) (a) This section is applicable when the court has
2109 jurisdiction over a child on probation or postcommitment
2110 probation, regardless of adjudication ~~an adjudicated delinquent~~
2111 ~~child.~~

2112 (b) If the conditions of the probation program or the
2113 postcommitment probation program are violated, the department or
2114 the state attorney may bring the child before the court on a
2115 petition alleging a violation of the program. A ~~Any~~ child who



582052

576-02819-14

2116 violates the conditions of probation or postcommitment probation
2117 must be brought before the court if sanctions are sought.

2118 (4) Upon the child's admission, or if the court finds after
2119 a hearing that the child has violated the conditions of
2120 probation or postcommitment probation, the court shall enter an
2121 order revoking, modifying, or continuing probation or
2122 postcommitment probation. In each such case, the court shall
2123 enter a new disposition order and, in addition to the sanctions
2124 set forth in this section, may impose any sanction the court
2125 could have imposed at the original disposition hearing. If the
2126 child is found to have violated the conditions of probation or
2127 postcommitment probation, the court may:

2128 (a) Place the child in a consequence unit in that judicial
2129 circuit, if available, for up to 5 days for a first violation
2130 and up to 15 days for a second or subsequent violation.

2131 (b) Place the child in nonsecure ~~on-home~~ detention with
2132 electronic monitoring. However, this sanction may be used only
2133 if a residential consequence unit is not available.

2134 (c) If the violation of probation is technical in nature
2135 and not a new violation of law, place the child in an
2136 alternative consequence program designed to provide swift and
2137 appropriate consequences to any further violations of probation.

2138 1. Alternative consequence programs shall be established,
2139 within existing resources, at the local level in coordination
2140 with law enforcement agencies, the chief judge of the circuit,
2141 the state attorney, and the public defender.

2142 2. Alternative consequence programs may be operated by an
2143 entity such as a law enforcement agency, the department, a
2144 juvenile assessment center, a county or municipality, or another



582052

576-02819-14

2145 entity selected by the department.

2146 3. Upon placing a child in an alternative consequence
2147 program, the court must approve specific consequences for
2148 specific violations of the conditions of probation.

2149 (d)-(e) Modify or continue the child's probation program or
2150 postcommitment probation program.

2151 (e)-(d) Revoke probation or postcommitment probation and
2152 commit the child to the department.

2153 Section 25. Subsection (2) of section 985.441, Florida
2154 Statutes, is amended to read:

2155 985.441 Commitment.—

2156 (2) Notwithstanding subsection (1), the court having
2157 jurisdiction over an adjudicated delinquent child whose
2158 ~~underlying~~ offense is was a misdemeanor, or a child who is
2159 currently on probation for a misdemeanor, may not commit the
2160 child for any misdemeanor offense or any probation violation
2161 that is technical in nature and not a new violation of law at a
2162 restrictiveness level other than minimum-risk nonresidential
2163 ~~unless the probation violation is a new violation of law~~
2164 ~~constituting a felony~~. However, the court may commit such child
2165 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
2166 if:

2167 (a) The child has previously been adjudicated or had
2168 adjudication withheld for a felony offense;

2169 (b) The child has previously been adjudicated or had
2170 adjudication withheld for three or more misdemeanor offenses
2171 within the previous 18 months;

2172 (c) The child is before the court for disposition for a
2173 violation of s. 800.03, s. 806.031, or s. 828.12; or



582052

576-02819-14

2174 (d) The court finds by a preponderance of the evidence that
2175 the protection of the public requires such placement or that the
2176 particular needs of the child would be best served by such
2177 placement. Such finding must be in writing.

2178 Section 26. Paragraph (a) of subsection (1) and subsection
2179 (5) of section 985.46, Florida Statutes, are amended to read:

2180 985.46 Conditional release.—

2181 (1) The Legislature finds that:

2182 (a) Conditional release is the care, treatment, help, ~~and~~
2183 supervision, and provision of transition-to-adulthood services
2184 to ~~provided~~ juveniles released from residential commitment
2185 programs to promote rehabilitation and prevent recidivism.

2186 (5) Participation in the educational program by students of
2187 compulsory school attendance age pursuant to s. 1003.21(1) and
2188 (2)(a) is mandatory for juvenile justice youth on conditional
2189 release or postcommitment probation status. A student of
2190 noncompulsory school-attendance age who has not received a high
2191 school diploma or its equivalent must participate in an ~~the~~
2192 educational program or career and technical education course. A
2193 youth who has received a high school diploma or its equivalent
2194 and is not employed must participate in workforce development or
2195 other career or technical education or attend a community
2196 college or a university while in the program, subject to
2197 available funding.

2198 Section 27. Subsections (1) through (5) of section 985.461,
2199 Florida Statutes, are amended to read:

2200 985.461 Transition to adulthood.—

2201 (1) The Legislature finds that ~~older~~ youth are faced with
2202 the need to learn how to support themselves within legal means



582052

576-02819-14

2203 and overcome the stigma of being delinquent. In most cases,
2204 parents expedite this transition. It is the intent of the
2205 Legislature that the department provide ~~elder~~ youth in its
2206 custody or under its supervision with opportunities for
2207 participating in transition-to-adulthood services while in the
2208 department's commitment programs or in probation or conditional
2209 release programs in the community. These services should be
2210 reasonable and appropriate for the youths' respective ages or
2211 special needs and provide activities that build life skills and
2212 increase the ability to live independently and become self-
2213 sufficient.

2214 (2) Youth served by the department who are in the custody
2215 of the Department of Children and Families ~~Family Services~~ and
2216 who entered juvenile justice placement from a foster care
2217 placement, if otherwise eligible, may receive independent living
2218 transition services pursuant to s. 409.1451. Court-ordered
2219 commitment or probation with the department is not a barrier to
2220 eligibility for the array of services available to a youth who
2221 is in the dependency foster care system only.

2222 (3) For a dependent child in the foster care system,
2223 adjudication for delinquency does not, by itself, disqualify
2224 such child for eligibility in the Department of Children and
2225 Families' ~~Family Services'~~ independent living program.

2226 (4) As part of the child's treatment plan, the department
2227 may provide transition-to-adulthood services to children
2228 released from residential commitment. To support participation
2229 in transition-to-adulthood services and subject to
2230 appropriation, the department may:

2231 (a) Assess the child's skills and abilities to live



582052

576-02819-14

2232 independently and become self-sufficient. The specific services
2233 to be provided shall be determined using an assessment of his or
2234 her readiness for adult life.

2235 (b) Use community reentry teams to assist in the
2236 development of ~~Develop~~ a list of age-appropriate activities and
2237 responsibilities to be incorporated in the child's written case
2238 plan for any youth ~~17 years of age or older~~ who is under the
2239 custody or supervision of the department. Community reentry
2240 teams may include representatives from school districts, law
2241 enforcement, workforce development services, community-based
2242 service providers, and the youth's family. Such community
2243 reentry teams must be created within existing resources provided
2244 to the department. Activities may include, but are not limited
2245 to, life skills training, including training to develop banking
2246 and budgeting skills, interviewing and career planning skills,
2247 parenting skills, personal health management, and time
2248 management or organizational skills; educational support;
2249 employment training; and counseling.

2250 (c) Provide information related to social security
2251 insurance benefits and public assistance.

2252 (d) Request parental or guardian permission for the youth
2253 to participate in transition-to-adulthood services. Upon such
2254 consent, age-appropriate activities shall be incorporated into
2255 the youth's written case plan. This plan may include specific
2256 goals and objectives and shall be reviewed and updated at least
2257 quarterly. If the parent or guardian is cooperative, the plan
2258 may not interfere with the parent's or guardian's rights to
2259 nurture and train his or her child in ways that are otherwise in
2260 compliance with the law and court order.



582052

576-02819-14

2261 (e) Contract for transition-to-adulthood services that
2262 include residential services and assistance and allow the child
2263 to live independently of the daily care and supervision of an
2264 adult in a setting that is not licensed under s. 409.175. A
2265 child under the care or supervision of the department ~~who has~~
2266 ~~reached 17 years of age but is not yet 19 years of age~~ is
2267 eligible for such services if he or she does not pose a danger
2268 to the public and is able to demonstrate minimally sufficient
2269 skills and aptitude for living under decreased adult
2270 supervision, as determined by the department, using established
2271 procedures and assessments.

2272 (f) Assist the child in building a portfolio of educational
2273 and vocational accomplishments, necessary identification,
2274 resumes, and cover letters in an effort to enhance the child's
2275 employability.

2276 (g) Collaborate with school district contacts to facilitate
2277 appropriate educational services based on the child's identified
2278 needs.

2279 (5) For a child ~~who is 17 years of age or older~~, under the
2280 department's care or supervision, and without benefit of parents
2281 or legal guardians capable of assisting the child in the
2282 transition to adult life, the department may provide an
2283 assessment to determine the child's skills and abilities to live
2284 independently and become self-sufficient. Based on the
2285 assessment and within existing resources, services and training
2286 may be provided in order to develop the necessary skills and
2287 abilities ~~before the child's 18th birthday~~.

2288 Section 28. Paragraph (b) of subsection (3) of section
2289 985.481, Florida Statutes, is amended to read:



582052

576-02819-14

2290 985.481 Sexual offenders adjudicated delinquent;
2291 notification upon release.-

2292 (3)

2293 (b) ~~No later than November 1, 2007,~~ The department must
2294 make the information described in subparagraph (a)1. available
2295 electronically to the Department of Law Enforcement in its
2296 database and in a format that is compatible with the
2297 requirements of the Florida Crime Information Center.

2298 Section 29. Subsection (5) of section 985.4815, Florida
2299 Statutes, is amended to read:

2300 985.4815 Notification to Department of Law Enforcement of
2301 information on juvenile sexual offenders.-

2302 (5) In addition to notification and transmittal
2303 requirements imposed by any other provision of law, the
2304 department shall compile information on any sexual offender and
2305 provide the information to the Department of Law Enforcement. ~~No~~
2306 ~~later than November 1, 2007,~~ The department must make the
2307 information available electronically to the Department of Law
2308 Enforcement in its database in a format that is compatible with
2309 the requirements of the Florida Crime Information Center.

2310 Section 30. Subsection (1) of section 985.514, Florida
2311 Statutes, is amended to read:

2312 985.514 Responsibility for cost of care; fees.-

2313 (1) When any child is placed into secure or nonsecure ~~home~~
2314 detention care or into other placement for the purpose of being
2315 supervised by the department pursuant to a court order following
2316 a detention hearing, the court shall order the child's parents
2317 to pay fees to the department as provided in s. 985.039.

2318 Section 31. Paragraph (a) of subsection (3) and paragraph



582052

576-02819-14

2319 (a) of subsection (9) of section 985.601, Florida Statutes, are
2320 amended to read:

2321 985.601 Administering the juvenile justice continuum.—

2322 (3)(a) The department shall develop or contract for
2323 diversified and innovative programs to provide rehabilitative
2324 treatment, including early intervention and prevention,
2325 diversion, comprehensive intake, case management, diagnostic and
2326 classification assessments, trauma-informed care, individual and
2327 family counseling, family engagement resources and programs,
2328 gender-specific programming, shelter care, diversified detention
2329 care emphasizing alternatives to secure detention, diversified
2330 probation, halfway houses, foster homes, community-based
2331 substance abuse treatment services, community-based mental
2332 health treatment services, community-based residential and
2333 nonresidential programs, mother-infant programs, and
2334 environmental programs. The department may pay expenses in
2335 support of innovative programs and activities that address
2336 identified needs and the well-being of children in the
2337 department's care or under its supervision, subject to the
2338 requirements of chapters 215, 216, and 287. Each program shall
2339 place particular emphasis on reintegration and conditional
2340 release for all children in the program.

2341 (9)(a) The department shall operate a statewide, regionally
2342 administered system of detention services for children, in
2343 accordance with a comprehensive plan for the regional
2344 administration of all detention services in the state. The plan
2345 must provide for the maintenance of adequate availability of
2346 detention services for all counties. The plan must cover all the
2347 department's operating circuits, with each operating circuit



582052

576-02819-14

2348 having access to a secure facility and nonsecure ~~and home~~
2349 detention programs, and the plan may be altered or modified by
2350 the Department of Juvenile Justice as necessary.

2351 Section 32. Sections 985.605, 985.606, and 985.61, Florida
2352 Statutes, are repealed.

2353 Section 33. Section 985.632, Florida Statutes, is amended
2354 to read:

2355 985.632 Quality improvement assurance and cost-
2356 effectiveness; Comprehensive Accountability Report.—

2357 (1) INTENT.—It is the intent of the Legislature that the
2358 department establish a performance accountability system for
2359 each provider who contracts with the department for the delivery
2360 of services to children. The contract shall include both output
2361 measures, such as the number of children served, and outcome
2362 measures, including program completion and postcompletion
2363 recidivism. Each contractor shall report performance results to
2364 the department annually. The department's Bureau of Research and
2365 Planning shall summarize performance results from all contracts
2366 and report the information to the Legislature annually in the
2367 Comprehensive Accountability Report. The report shall:

2368 (a) Ensure that information be provided to decisionmakers
2369 in a timely manner so that resources are allocated to programs
2370 that of the department which achieve desired performance levels.

2371 (b) Provide information about the cost of such programs and
2372 their differential effectiveness so that the quality of such
2373 programs can be compared and improvements made continually.

2374 (c) Provide information to aid in developing related policy
2375 issues and concerns.

2376 (d) Provide information to the public about the



582052

576-02819-14

2377 effectiveness of such programs in meeting established goals and
2378 objectives.

2379 (e) Provide a basis for a system of accountability so that
2380 each child client is afforded the best programs to meet his or
2381 her needs.

2382 (f) Improve service delivery to children through the use of
2383 technical assistance clients.

2384 (g) Modify or eliminate activities or programs that are not
2385 effective.

2386 (h) Collect and analyze available statistical data for the
2387 purpose of ongoing evaluation of all programs.

2388 (2) DEFINITIONS.—As used in this section, the term:

2389 ~~(a) "Client" means any person who is being provided~~
2390 ~~treatment or services by the department or by a provider under~~
2391 ~~contract with the department.~~

2392 (a) "Program" means any facility or service for youth that
2393 is operated by the department or by a provider under contract
2394 with the department.

2395 (b) "Program component" means an aggregation of generally
2396 related objectives which, because of their special character,
2397 related workload, and interrelated output, can logically be
2398 considered an entity for purposes of organization, management,
2399 accounting, reporting, and budgeting.

2400 ~~(c) "Program effectiveness" means the ability of the~~
2401 ~~program to achieve desired client outcomes, goals, and~~
2402 ~~objectives.~~

2403 (c) "Program group" means a collection of programs with
2404 sufficient similarity of functions, services, and youth to
2405 permit appropriate comparison amongst programs within the group.



582052

576-02819-14

2406 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.-The department, in
2407 consultation with contract service providers, shall develop and
2408 use a standard methodology for annually measuring, evaluating,
2409 and reporting program outputs and youth outcomes for each
2410 program and program group. The standard methodology must:

2411 (a) Include common terminology and operational definitions
2412 for measuring the performance of system and program
2413 administration, program outputs, and program outcomes.

2414 (b) Specify program outputs for each program and for each
2415 program group within the juvenile justice continuum.

2416 (c) Specify desired child outcomes and methods by which to
2417 measure child outcomes for each program and program group
2418 ~~annually collect and report cost data for every program operated~~
2419 ~~or contracted by the department. The cost data shall conform to~~
2420 ~~a format approved by the department and the Legislature. Uniform~~
2421 ~~cost data shall be reported and collected for state-operated and~~
2422 ~~contracted programs so that comparisons can be made among~~
2423 ~~programs. The department shall ensure that there is accurate~~
2424 ~~cost accounting for state-operated services including market-~~
2425 ~~equivalent rent and other shared cost. The cost of the~~
2426 ~~educational program provided to a residential facility shall be~~
2427 ~~reported and included in the cost of a program. The department~~
2428 ~~shall submit an annual cost report to the President of the~~
2429 ~~Senate, the Speaker of the House of Representatives, the~~
2430 ~~Minority Leader of each house of the Legislature, the~~
2431 ~~appropriate substantive and fiscal committees of each house of~~
2432 ~~the Legislature, and the Governor, no later than December 1 of~~
2433 ~~each year. Cost benefit analysis for educational programs will~~
2434 ~~be developed and implemented in collaboration with and in~~



582052

576-02819-14

2435 ~~cooperation with the Department of Education, local providers,~~
2436 ~~and local school districts. Cost data for the report shall~~
2437 ~~include data collected by the Department of Education for the~~
2438 ~~purposes of preparing the annual report required by s.~~
2439 ~~1003.52(19).~~

2440 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in
2441 consultation with the Office of Economic and Demographic
2442 Research and contract service providers, shall develop a cost-
2443 effectiveness model and apply the model to each commitment
2444 program. ~~Program recidivism rates shall be a component of the~~
2445 ~~model.~~

2446 (a) The cost-effectiveness model shall compare program
2447 costs to expected and actual child recidivism rates ~~client~~
2448 ~~outcomes and program outputs.~~ It is the intent of the
2449 Legislature that continual development efforts take place to
2450 improve the validity and reliability of the cost-effectiveness
2451 model.

2452 (b) The department shall rank commitment programs based on
2453 the cost-effectiveness model, performance measures, and
2454 adherence to quality improvement standards and shall ~~submit a~~
2455 ~~report~~ this data in the annual Comprehensive Accountability
2456 Report ~~to the appropriate substantive and fiscal committees of~~
2457 ~~each house of the Legislature by December 31 of each year.~~

2458 (c) Based on reports of the department on child client
2459 ~~outcomes and program outputs~~ and on the department's most recent
2460 cost-effectiveness rankings, the department may terminate a
2461 program operated by the department or a provider if the program
2462 has failed to achieve a minimum standard threshold of program
2463 effectiveness. This paragraph does not preclude the department



582052

576-02819-14

2464 from terminating a contract as provided under this section or as
2465 otherwise provided by law or contract, and does not limit the
2466 department's authority to enter into or terminate a contract.

2467 (d) In collaboration with the Office of Economic and
2468 Demographic Research, and contract service providers, the
2469 department shall develop a work plan to refine the cost-
2470 effectiveness model so that the model is consistent with the
2471 performance-based program budgeting measures approved by the
2472 Legislature to the extent the department deems appropriate. The
2473 department shall notify the Office of Program Policy Analysis
2474 and Government Accountability of any meetings to refine the
2475 model.

2476 (e) Contingent upon specific appropriation, the department,
2477 in consultation with the Office of Economic and Demographic
2478 Research, and contract service providers, shall:

2479 1. Construct a profile of each commitment program that uses
2480 the results of the quality improvement data portion of the
2481 Comprehensive Accountability ~~assurance~~ Report required by this
2482 section, the cost-effectiveness data portion of the
2483 Comprehensive Accountability Report required in this subsection,
2484 and other reports available to the department.

2485 2. Target, for a more comprehensive evaluation, any
2486 commitment program that has achieved consistently high, low, or
2487 disparate ratings in the reports required under subparagraph 1.
2488 and target, for technical assistance, any commitment program
2489 that has achieved low or disparate ratings in the reports
2490 required under subparagraph 1.

2491 3. Identify the essential factors that contribute to the
2492 high, low, or disparate program ratings.



582052

576-02819-14

2493 4. Use the results of these evaluations in developing or
2494 refining juvenile justice programs or program models, child
2495 ~~elient~~ outcomes and program outputs, provider contracts, quality
2496 improvement assurance standards, and the cost-effectiveness
2497 model.

2498 (5) QUALITY IMPROVEMENT.—The department shall:

2499 (a) Establish a comprehensive quality improvement assurance
2500 system for each program operated by the department or operated
2501 by a provider under contract with the department. Each contract
2502 entered into by the department must provide for quality
2503 improvement assurance.

2504 (b) Provide operational definitions of and criteria for
2505 quality improvement assurance for each specific program
2506 component.

2507 (c) Establish quality improvement assurance goals and
2508 objectives for each specific program component.

2509 (d) Establish the information and specific data elements
2510 required for the quality improvement assurance program.

2511 (e) Develop a quality improvement assurance manual of
2512 specific, standardized terminology and procedures to be followed
2513 by each program.

2514 (f) Evaluate each program operated by the department or a
2515 provider under a contract with the department annually and
2516 establish minimum standards thresholds for each program
2517 component. If a provider fails to meet the established minimum
2518 standards thresholds, such failure shall cause the department to
2519 cancel the provider's contract unless the provider achieves
2520 compliance with minimum standards thresholds within 6 months or
2521 unless there are documented extenuating circumstances. In



582052

576-02819-14

2522 addition, the department may not contract with the same provider
2523 for the canceled service for a period of 12 months. If a
2524 department-operated program fails to meet the established
2525 minimum standards ~~thresholds~~, the department must take necessary
2526 and sufficient steps to ensure and document program changes to
2527 achieve compliance with the established minimum standards
2528 ~~thresholds~~. If the department-operated program fails to achieve
2529 compliance with the established minimum standards ~~thresholds~~
2530 within 6 months and if there are no documented extenuating
2531 circumstances, the department must notify the Executive Office
2532 of the Governor and the Legislature of the corrective action
2533 taken. Appropriate corrective action may include, but is not
2534 limited to:

- 2535 1. Contracting out for the services provided in the
2536 program;
- 2537 2. Initiating appropriate disciplinary action against all
2538 employees whose conduct or performance is deemed to have
2539 materially contributed to the program's failure to meet
2540 established minimum standards ~~thresholds~~;
- 2541 3. Redesigning the program; or
- 2542 4. Realigning the program.

2543 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The
2544 department shall submit the Comprehensive Accountability Report
2545 ~~an annual report~~ to the President of the Senate, the Speaker of
2546 the House of Representatives, the Minority Leader of each house
2547 of the Legislature, the appropriate substantive and fiscal
2548 committees of each house of the Legislature, and the Governor,
2549 no later than February 1 of each year. The Comprehensive
2550 Accountability Report ~~annual report~~ must contain, at a minimum,



582052

576-02819-14

2551 for each specific program component: a comprehensive description
2552 of the population served by the program; a specific description
2553 of the services provided by the program; cost; a comparison of
2554 expenditures to federal and state funding; immediate and long-
2555 range concerns; and recommendations to maintain, expand,
2556 improve, modify, or eliminate each program component so that
2557 changes in services lead to enhancement in program quality. The
2558 department shall ensure the reliability and validity of the
2559 information contained in the report.

2560 (7)+(6) ONGOING EVALUATIONS; REPORTS.—The department shall
2561 collect and analyze available statistical data for the purpose
2562 of ongoing evaluation of all programs. The department shall
2563 provide the Legislature with necessary information and reports
2564 to enable the Legislature to make informed decisions regarding
2565 the effectiveness of, and any needed changes in, services,
2566 programs, policies, and laws.

2567 Section 34. Paragraph (a) of subsection (1) and paragraph
2568 (b) of subsection (3) of section 985.644, Florida Statutes, are
2569 amended to read:

2570 985.644 Departmental contracting powers; personnel
2571 standards and investigation screening.—

2572 (1) The department may contract with the Federal
2573 Government, other state departments and agencies, county and
2574 municipal governments and agencies, public and private agencies,
2575 and private individuals and corporations in carrying out the
2576 purposes of, and the responsibilities established in, this
2577 chapter.

2578 (a) Each contract entered into by the department for
2579 services delivered on an appointment or intermittent basis by a



582052

576-02819-14

2580 provider that does not have regular custodial responsibility for
2581 children and each contract with a school for ~~before or after~~care
2582 services must ensure that all owners, operators, and personnel
2583 who have direct contact with children are subject to level 2
2584 background screening pursuant to chapter 435.

2585 (3)

2586 (b) ~~Except for~~ Law enforcement, correctional, and
2587 correctional probation officers, certified pursuant to s.
2588 943.13, are not required to submit to level 2 screenings as long
2589 as they are currently employed by a law enforcement agency or
2590 correctional facility. ~~to whom s. 943.13(5) applies,~~ The
2591 department shall electronically submit to the Department of Law
2592 Enforcement:

2593 1. Fingerprint information obtained during the employment
2594 screening required by subparagraph (a)1.

2595 2. Fingerprint information for all persons employed by the
2596 department, or by a provider under contract with the department,
2597 in delinquency facilities, services, or programs if such
2598 fingerprint information has not previously been ~~electronically~~
2599 submitted pursuant to this section ~~to the Department of Law~~
2600 ~~Enforcement under this paragraph.~~

2601 Section 35. Section 985.6441, Florida Statutes, is created
2602 to read:

2603 985.6441 Health care services.—

2604 (1) As used in this section, the term:

2605 (a) "Health care provider" has the same meaning as provided
2606 in s. 766.105.

2607 (b) "Hospital" means a hospital licensed under chapter 395.

2608 (2) When compensating health care providers, the department



582052

576-02819-14

2609 must comply with the following reimbursement limitations:

2610 (a) Payments to a hospital or a health care provider may
2611 not exceed 110 percent of the Medicare allowable rate for any
2612 health care services provided if there is no contract between
2613 the department and the hospital or the health care provider
2614 providing services at a hospital.

2615 (b)1. The department may continue to make payments for
2616 health care services at the contracted rates for contracts
2617 executed before July 1, 2014, through the current term of the
2618 contract if a contract has been executed between the department
2619 and a hospital or a health care provider providing services at a
2620 hospital.

2621 2. Payments may not exceed 110 percent of the Medicare
2622 allowable rate after the current term of the contract expires or
2623 after the contract is renewed during the 2013-2014 fiscal year.

2624 (c) Payments may not exceed 110 percent of the Medicare
2625 allowable rate under a contract executed on or after July 1,
2626 2014, between the department and a hospital or a health care
2627 provider providing services at a hospital.

2628 (d) Notwithstanding paragraphs (a)-(c), the department may
2629 pay up to 125 percent of the Medicare allowable rate for health
2630 care services at a hospital that reports, or has reported, a
2631 negative operating margin for the previous fiscal year to the
2632 Agency for Health Care Administration through hospital-audited
2633 financial data.

2634 Section 36. Subsections (1), (2), and (3) of section
2635 985.66, Florida Statutes, are amended to read:

2636 985.66 Juvenile justice training ~~academies~~; staff
2637 development and training; Juvenile Justice Training Trust Fund.-



582052

576-02819-14

2638 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
2639 provide a systematic approach to staff development and training
2640 for judges, state attorneys, public defenders, law enforcement
2641 officers, school district personnel, and juvenile justice
2642 program staff that will meet the needs of such persons in their
2643 discharge of duties while at the same time meeting the
2644 requirements for the American Correction Association
2645 accreditation by the Commission on Accreditation for
2646 Corrections, it is the purpose of the Legislature to require the
2647 department to establish, maintain, and oversee the operation of
2648 juvenile justice training, programs, and courses ~~academies~~ in
2649 the state. The purpose of the Legislature in establishing staff
2650 development and training programs is to provide employees of the
2651 department, any private or public entity, or contract providers
2652 who provide services or care for children under the
2653 responsibility of the department with the knowledge and skills
2654 needed to appropriately interact with children and provide such
2655 care and services ~~foster better staff morale and reduce~~
2656 ~~mistreatment and aggressive and abusive behavior in delinquency~~
2657 ~~programs~~; to positively impact the recidivism of children in the
2658 juvenile justice system; and to afford greater protection of the
2659 public through an improved level of services delivered by a
2660 professionally trained juvenile justice ~~program~~ staff to
2661 children who are alleged to be or who have been found to be
2662 delinquent.

2663 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2664 (a) Designate the number and location of the training
2665 programs and courses; assess, design, ~~academies,~~ develop,
2666 implement, evaluate, maintain, and update the curriculum to be



582052

576-02819-14

2667 used in the training of juvenile justice ~~program~~ staff;
2668 establish timeframes for participation in and completion of
2669 training by juvenile justice ~~program~~ staff; develop, implement,
2670 score, analyze, maintain, and update job-related examinations;
2671 develop, implement, analyze, and update the types and
2672 frequencies for ~~of~~ evaluations of the training programs,
2673 courses, and instructors academies; and manage ~~approve, modify,~~
2674 ~~or disapprove~~ the budget and contracts for all the training
2675 deliverables academies, and the contractor to be selected to
2676 ~~organize and operate the training academies and to provide the~~
2677 ~~training curriculum.~~

2678 (b) Establish uniform minimum job-related preservice and
2679 inservice training courses and examinations for juvenile justice
2680 program staff.

2681 (c) Consult and cooperate with the state or any political
2682 subdivision; any private entity or contractor; and with private
2683 and public universities, colleges, community colleges, and other
2684 educational institutions concerning the development of juvenile
2685 justice training and programs or courses of instruction,
2686 including, but not limited to, education and training in the
2687 areas of juvenile justice.

2688 (d) Enter into contracts and agreements with other
2689 agencies, organizations, associations, corporations,
2690 individuals, or federal agencies as necessary in the execution
2691 of the powers of the department or the performance of its
2692 duties.

2693 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
2694 establish a certifiable program for juvenile justice training
2695 pursuant to this section, and all department program staff and



582052

576-02819-14

2696 providers who deliver direct care services pursuant to contract
2697 with the department shall be required to participate in and
2698 successfully complete the department-approved program of
2699 training pertinent to their areas of responsibility. Judges,
2700 state attorneys, and public defenders, law enforcement officers,
2701 ~~and~~ school district personnel, and employees of contract
2702 providers who provide services or care for children under the
2703 responsibility of the department may participate in such
2704 training program. For the juvenile justice program staff, the
2705 department shall, based on a job-task analysis:

2706 (a) Design, implement, maintain, evaluate, and revise a
2707 basic training program, including a competency-based
2708 examination, for the purpose of providing minimum employment
2709 training qualifications for all juvenile justice personnel. All
2710 program staff of the department and providers who deliver
2711 direct-care services who are hired after October 1, 1999, must
2712 meet the following minimum requirements:

2713 1. Be at least 19 years of age.

2714 2. Be a high school graduate or its equivalent as
2715 determined by the department.

2716 3. Not have been convicted of any felony or a misdemeanor
2717 involving perjury or a false statement, or have received a
2718 dishonorable discharge from any of the Armed Forces of the
2719 United States. Any person who, after September 30, 1999, pleads
2720 guilty or nolo contendere to or is found guilty of any felony or
2721 a misdemeanor involving perjury or false statement is not
2722 eligible for employment, notwithstanding suspension of sentence
2723 or withholding of adjudication. Notwithstanding this
2724 subparagraph, any person who pled nolo contendere to a



582052

576-02819-14

2725 misdemeanor involving a false statement before October 1, 1999,
2726 and who has had such record of that plea sealed or expunged is
2727 not ineligible for employment for that reason.

2728 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding
2729 fingerprinting and background investigations and other screening
2730 requirements for personnel.

2731 5. Execute and submit to the department an affidavit-of-
2732 application form, adopted by the department, attesting to his or
2733 her compliance with subparagraphs 1.-4. The affidavit must be
2734 executed under oath and constitutes an official statement under
2735 s. 837.06. The affidavit must include conspicuous language that
2736 the intentional false execution of the affidavit constitutes a
2737 misdemeanor of the second degree. The employing agency shall
2738 retain the affidavit.

2739 (b) Design, implement, maintain, evaluate, and revise an
2740 advanced training program, including a competency-based
2741 examination for each training course, which is intended to
2742 enhance knowledge, skills, and abilities related to job
2743 performance.

2744 (c) Design, implement, maintain, evaluate, and revise a
2745 career development training program, including a competency-
2746 based examination for each training course. Career development
2747 courses are intended to prepare personnel for promotion.

2748 (d) The department is encouraged to design, implement,
2749 maintain, evaluate, and revise juvenile justice training
2750 courses, or to enter into contracts for such training courses,
2751 that are intended to provide for the safety and well-being of
2752 both citizens and juvenile offenders.

2753 Section 37. Subsection (5) of section 985.664, Florida



582052

576-02819-14

2754 Statutes, is amended to read:

2755 985.664 Juvenile justice circuit advisory boards.—

2756 ~~(5) (a) To form the initial juvenile justice circuit~~
2757 ~~advisory board, the Secretary of Juvenile Justice, in~~
2758 ~~consultation with the juvenile justice county councils in~~
2759 ~~existence on October 1, 2013, shall appoint the chair of the~~
2760 ~~board, who must meet the board membership requirements in~~
2761 ~~subsection (4). Within 45 days after being appointed, the chair~~
2762 ~~shall appoint the remaining members to the juvenile justice~~
2763 ~~circuit advisory board and submit the appointments to the~~
2764 ~~department for approval.~~

2765 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2766 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2767 the juvenile justice circuit advisory board, shall appoint a new
2768 chair, who must meet the board membership requirements in
2769 subsection (4). The chair shall appoint members to vacant seats
2770 within 45 days after the vacancy and submit the appointments to
2771 the department for approval. The chair shall serve at the
2772 pleasure of the Secretary of Juvenile Justice.

2773 Section 38. Subsections (1) and (4) of section 985.672,
2774 Florida Statutes, are amended to read:

2775 985.672 Direct-support organization; definition; use of
2776 property; board of directors; audit.—

2777 (1) DEFINITION.—As used in this section, the term “direct-
2778 support organization” means an organization whose sole purpose
2779 is to support the juvenile justice system and which is:

2780 (a) A corporation not-for-profit incorporated under chapter
2781 617 and which is approved by the Department of State;

2782 (b) Organized and operated to conduct programs and



582052

576-02819-14

2783 activities; to raise funds; to request and receive grants,
2784 gifts, and bequests of moneys; to acquire, receive, hold,
2785 invest, and administer, in its own name, securities, funds,
2786 objects of value, or other property, real or personal; and to
2787 make expenditures to or for the direct or indirect benefit of
2788 the Department of Juvenile Justice or the juvenile justice
2789 system operated by a county commission or a circuit board;

2790 (c) Determined by the Department of Juvenile Justice to be
2791 consistent with the goals of the juvenile justice system, in the
2792 best interest of the state, and in accordance with the adopted
2793 goals and mission of the Department of Juvenile Justice.

2794
2795 Expenditures of the organization shall be ~~expressly~~ used for the
2796 prevention to prevent and amelioration of ameliorate juvenile
2797 delinquency. The expenditures of the direct-support organization
2798 may not be used for the purpose of lobbying as defined in s.
2799 11.045.

2800 (4) USE OF PROPERTY.—The department may permit, without
2801 charge, appropriate use of fixed property, ~~and~~ facilities, and
2802 personnel services of the juvenile justice system by the direct-
2803 support organization, subject to ~~the provisions of~~ this section.
2804 For the purposes of this subsection, the term "personnel
2805 services" includes full-time or part-time personnel, as well as
2806 payroll processing services.

2807 (a) The department may prescribe any condition with which
2808 the direct-support organization must comply in order to use
2809 fixed property or facilities of the juvenile justice system.

2810 (b) The department may not permit the use of any fixed
2811 property or facilities of the juvenile justice system by the



582052

576-02819-14

2812 direct-support organization if it does not provide equal
2813 membership and employment opportunities to all persons
2814 regardless of race, color, religion, sex, age, or national
2815 origin.

2816 (c) The department shall adopt rules prescribing the
2817 procedures by which the direct-support organization is governed
2818 and any conditions with which a direct-support organization must
2819 comply to use property or facilities of the department.

2820 Section 39. Subsections (1) through (4) and subsection (9)
2821 of section 985.682, Florida Statutes, are amended to read:

2822 985.682 Siting of facilities; study; criteria.-

2823 ~~(1) The department is directed to conduct or contract for a~~
2824 ~~statewide comprehensive study to determine current and future~~
2825 ~~needs for all types of facilities for children committed to the~~
2826 ~~eustody, care, or supervision of the department under this~~
2827 ~~chapter.~~

2828 ~~(2) The study shall assess, rank, and designate appropriate~~
2829 ~~sites, and shall be reflective of the different purposes and~~
2830 ~~uses for all facilities, based upon the following criteria:~~

2831 ~~(a) Current and future estimates of children originating~~
2832 ~~from each county;~~

2833 ~~(b) Current and future estimates of types of delinquent~~
2834 ~~acts committed in each county;~~

2835 ~~(c) Geographic location of existing facilities;~~

2836 ~~(d) Availability of personnel within the local labor~~
2837 ~~market;~~

2838 ~~(e) Current capacity of facilities in the area;~~

2839 ~~(f) Total usable and developable acreage of various sites~~
2840 ~~based upon the use and purpose of the facility;~~



582052

576-02819-14

- 2841 ~~(g) Accessibility of each site to existing utility,~~
2842 ~~transportation, law enforcement, health care, fire protection,~~
2843 ~~refuse collection, water, and sewage disposal services;~~
2844 ~~(h) Susceptibility of each site to flooding hazards or~~
2845 ~~other adverse natural environmental consequences;~~
2846 ~~(i) Site location in relation to desirable and undesirable~~
2847 ~~proximity to other public facilities, including schools;~~
2848 ~~(j) Patterns of residential growth and projected population~~
2849 ~~growth; and~~
2850 ~~(k) Such other criteria as the department, in conjunction~~
2851 ~~with local governments, deems appropriate.~~
2852 ~~(3) The department shall recommend certification of the~~
2853 ~~study by the Governor and Cabinet within 2 months after its~~
2854 ~~receipt.~~
2855 ~~(4) Upon certification of the study by the Governor and~~
2856 ~~Cabinet, the department shall notify those counties designated~~
2857 ~~as being in need of a facility.~~
2858 (5)~~(9)~~ The Governor and Cabinet shall consider the
2859 following when determining whether to grant the appeal from the
2860 decision of the local government on the requested modification:
2861 (a) The record of the proceedings before the local
2862 government.
2863 (b) Reports and studies by any other agency relating to
2864 matters within the jurisdiction of such agency which may be
2865 potentially affected by the proposed site.
2866 (c) Existing ~~The statewide study, as established in~~
2867 ~~subsection (1); other existing studies,~~ reports and information
2868 maintained by the department as the Governor and Cabinet may
2869 request addressing the feasibility and availability of



582052

576-02819-14

2870 alternative sites in the general area, and the need for a
2871 facility in the area based on the average number of petitions,
2872 commitments, and transfers into the criminal court from the
2873 county to state facilities for the most recent 3 calendar years.

2874 Section 40. Section 985.69, Florida Statutes, is amended to
2875 read:

2876 985.69 Repair and maintenance ~~One-time startup~~ funding for
2877 juvenile justice purposes.—Funds from juvenile justice
2878 appropriations may be used ~~utilized~~ as ~~one-time startup~~ funding
2879 for juvenile justice purposes that include, but are not limited
2880 to, remodeling or renovation of existing facilities,
2881 ~~construction costs, leasing costs,~~ purchase of equipment and
2882 furniture, site development, and other necessary and reasonable
2883 costs associated with the repair and maintenance ~~startup~~ of
2884 facilities or programs.

2885 Section 41. Section 985.694, Florida Statutes, is repealed.

2886 Section 42. Paragraph (a) of subsection (1) of section
2887 985.701, Florida Statutes, is amended to read:

2888 985.701 Sexual misconduct prohibited; reporting required;
2889 penalties.—

2890 (1)(a)1. As used in this section ~~subsection~~, the term:

2891 a. "Sexual misconduct" means fondling the genital area,
2892 groin, inner thighs, buttocks, or breasts of a person; the oral,
2893 anal, or vaginal penetration by or union with the sexual organ
2894 of another; or the anal or vaginal penetration of another by any
2895 other object. The term does not include an act done for a bona
2896 fide medical purpose or an internal search conducted in the
2897 lawful performance of duty by an employee of the department or
2898 an employee of a provider under contract with the department.



582052

576-02819-14

2899 b. "Employee" includes paid staff members, volunteers, and
2900 interns who work in a department program or a program operated
2901 by a provider under a contract.

2902 c. "Juvenile offender" means any person of any age who is
2903 detained or supervised by, or committed to the custody of, the
2904 department.

2905 2. An employee who engages in sexual misconduct with a
2906 juvenile offender ~~detained or supervised by, or committed to the~~
2907 ~~custody of, the department~~ commits a felony of the second
2908 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2909 775.084. An employee may be found guilty of violating this
2910 subsection without having committed the crime of sexual battery.

2911 3. The consent of the juvenile offender to any act of
2912 sexual misconduct is not a defense to prosecution under this
2913 subsection.

2914 4. This subsection does not apply to an employee of the
2915 department, or an employee of a provider under contract with the
2916 department, who:

2917 a. Is legally married to a juvenile offender who is
2918 detained or supervised by, or committed to the custody of, the
2919 department.

2920 b. Has no reason to believe that the person with whom the
2921 employee engaged in sexual misconduct is a juvenile offender
2922 ~~detained or supervised by, or committed to the custody of, the~~
2923 ~~department.~~

2924 Section 43. Effective October, 1, 2014, Section 985.702,
2925 Florida Statutes, is created to read:

2926 985.702 Willful and malicious neglect of a juvenile
2927 offender prohibited; reporting required; penalties.-



582052

576-02819-14

2928 (1) As used in this section, the term:
2929 (a) "Employee" means a paid staff member, volunteer, or
2930 intern who works in a department program or a program operated
2931 by a provider under a contract with the department.
2932 (b) "Juvenile offender" means any person of any age who is
2933 detained by or committed to the custody of the department.
2934 (c) "Neglect" means:
2935 1. An employee's failure or omission to provide a juvenile
2936 offender with the proper level of care, supervision, and
2937 services necessary to maintain the juvenile offender's physical
2938 and mental health, including, but not limited to, adequate food,
2939 nutrition, clothing, shelter, supervision, medicine, and medical
2940 services; or
2941 2. An employee's failure to make a reasonable effort to
2942 protect a juvenile offender from abuse, neglect, or exploitation
2943 by another person.
2944 (2) (a) An employee who willfully and maliciously neglects a
2945 juvenile offender without causing great bodily harm, permanent
2946 disability, or permanent disfigurement commits a felony of the
2947 third degree, punishable as provided in s. 775.082, s. 775.083,
2948 or s. 775.084.
2949 (b) An employee who willfully and maliciously neglects a
2950 juvenile offender and in so doing causes great bodily harm,
2951 permanent disability, or permanent disfigurement commits a
2952 felony of the second degree, punishable as provided in s.
2953 775.082, s. 775.083, or s. 775.084.
2954 (c) Notwithstanding prosecution, any violation of paragraph
2955 (a) or paragraph (b), as determined by the Public Employees
2956 Relations Commission, constitutes sufficient cause under s.



582052

576-02819-14

2957 110.227 for dismissal from employment with the department, and
2958 such person may not again be employed in any capacity in the
2959 juvenile justice system.

2960 (3) An employee who witnesses the infliction of neglect
2961 upon a juvenile offender shall immediately report the incident
2962 to the department's incident hotline and prepare, date, and sign
2963 an independent report that specifically describes the nature of
2964 the incident, the location and time of the incident, and the
2965 persons involved in the incident. The employee shall deliver the
2966 report to the employee's supervisor or program director, who
2967 must provide copies to the department's inspector general and
2968 the circuit juvenile justice manager. The inspector general
2969 shall immediately conduct an appropriate administrative
2970 investigation, and, if there is probable cause to believe that a
2971 violation of subsection (2) has occurred, the inspector general
2972 shall notify the state attorney in the circuit in which the
2973 incident occurred.

2974 (4) (a) A person who is required to prepare a report under
2975 this section who knowingly or willfully fails to do so, or who
2976 knowingly or willfully prevents another person from doing so,
2977 commits a misdemeanor of the first degree, punishable as
2978 provided in s. 775.082 or s. 775.083.

2979 (b) A person who knowingly or willfully submits inaccurate,
2980 incomplete, or untruthful information with respect to a report
2981 required under this section commits a misdemeanor of the first
2982 degree, punishable as provided in s. 775.082 or s. 775.083.

2983 (c) A person who knowingly or willfully coerces or
2984 threatens any other person with the intent to alter testimony or
2985 a written report regarding an incident of neglect upon a



582052

576-02819-14

2986 juvenile offender commits a felony of the third degree,
2987 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2988 Section 44. Subsection (2) of section 985.721, Florida
2989 Statutes, is amended to read:

2990 985.721 Escapes from secure detention or residential
2991 commitment facility.—An escape from:

2992 (2) Any residential commitment facility described in s.
2993 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,
2994 punishment, or rehabilitation of children found to have
2995 committed delinquent acts or violations of law; or

2996
2997 constitutes escape within the intent and meaning of s. 944.40
2998 and is a felony of the third degree, punishable as provided in
2999 s. 775.082, s. 775.083, or s. 775.084.

3000 Section 45. Paragraphs (c) and (f) of subsection (3) of
3001 section 943.0582, Florida Statutes, are amended to read:

3002 943.0582 Prearrest, postarrest, or teen court diversion
3003 program expunction.—

3004 (3) The department shall expunge the nonjudicial arrest
3005 record of a minor who has successfully completed a prearrest or
3006 postarrest diversion program if that minor:

3007 (c) Submits to the department, with the application, an
3008 official written statement from the state attorney for the
3009 county in which the arrest occurred certifying that he or she
3010 has successfully completed that county's prearrest or postarrest
3011 diversion program, that his or her participation in the program
3012 was based on an arrest for a nonviolent misdemeanor, and that he
3013 or she has not otherwise been charged by the state attorney with
3014 or found to have committed any criminal offense or comparable



582052

576-02819-14

3015 ordinance violation.

3016 (f) Has never, prior to filing the application for
3017 expunction, been charged by the state attorney with or been
3018 found to have committed any criminal offense or comparable
3019 ordinance violation.

3020 Section 46. Section 945.75, Florida Statutes, is repealed.

3021 Section 47. Paragraphs (h) through (k) of subsection (3) of
3022 section 121.0515, Florida Statutes, are redesignated as
3023 paragraphs (g) through (j), respectively, and paragraphs (e)
3024 through (i) of subsection (2), present paragraphs (g) and (k) of
3025 subsection (3), paragraph (b) of subsection (5), paragraph (d)
3026 of subsection (8), and paragraph (c) of subsection (10) of that
3027 section are amended to read:

3028 121.0515 Special Risk Class.—

3029 (2) MEMBERSHIP.—

3030 ~~(e) Effective July 1, 2001, "special risk member" includes~~
3031 ~~any member who is employed as a youth custody officer by the~~
3032 ~~Department of Juvenile Justice and meets the special criteria~~
3033 ~~set forth in paragraph (3)(g).~~

3034 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,
3035 the member must be employed by a law enforcement agency or
3036 medical examiner's office in a forensic discipline and meet the
3037 special criteria set forth in paragraph (3)(g) ~~(3)(h)~~.

3038 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
3039 by the Department of Law Enforcement in the crime laboratory or
3040 by the Division of State Fire Marshal in the forensic laboratory
3041 and meet the special criteria set forth in paragraph (3)(h)
3042 ~~(3)(i)~~.

3043 (g)~~(h)~~ Effective July 1, 2008, the member must be employed



582052

576-02819-14

3044 by a local government law enforcement agency or medical
3045 examiner's office and meet the special criteria set forth in
3046 paragraph (3) (i) ~~(3) (j)~~.

3047 (h) ~~(i)~~ Effective August 1, 2008, "special risk member"
3048 includes any member who meets the special criteria for continued
3049 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3050 (3) CRITERIA.—A member, to be designated as a special risk
3051 member, must meet the following criteria:

3052 ~~(g) Effective July 1, 2001, the member must be employed as~~
3053 ~~a youth custody officer and be certified, or required to be~~
3054 ~~certified, in compliance with s. 943.1395. In addition, the~~
3055 ~~member's primary duties and responsibilities must be the~~
3056 ~~supervised custody, surveillance, control, investigation,~~
3057 ~~apprehension, arrest, and counseling of assigned juveniles~~
3058 ~~within the community;~~

3059 (j) ~~(k)~~ The member must have already qualified for and be
3060 actively participating in special risk membership under
3061 paragraph (a), paragraph (b), or paragraph (c), must have
3062 suffered a qualifying injury as defined in this paragraph, must
3063 not be receiving disability retirement benefits as provided in
3064 s. 121.091(4), and must satisfy the requirements of this
3065 paragraph.

3066 1. The ability to qualify for the class of membership
3067 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
3068 medical physicians, one of whom is a primary treating physician
3069 of the member, certify the existence of the physical injury and
3070 medical condition that constitute a qualifying injury as defined
3071 in this paragraph and that the member has reached maximum
3072 medical improvement after August 1, 2008. The certifications



582052

576-02819-14

3073 from the licensed medical physicians must include, at a minimum,
3074 that the injury to the special risk member has resulted in a
3075 physical loss, or loss of use, of at least two of the following:
3076 left arm, right arm, left leg, or right leg; and:

3077 a. That this physical loss or loss of use is total and
3078 permanent, except if the loss of use is due to a physical injury
3079 to the member's brain, in which event the loss of use is
3080 permanent with at least 75 percent loss of motor function with
3081 respect to each arm or leg affected.

3082 b. That this physical loss or loss of use renders the
3083 member physically unable to perform the essential job functions
3084 of his or her special risk position.

3085 c. That, notwithstanding this physical loss or loss of use,
3086 the individual can perform the essential job functions required
3087 by the member's new position, as provided in subparagraph 3.

3088 d. That use of artificial limbs is not possible or does not
3089 alter the member's ability to perform the essential job
3090 functions of the member's position.

3091 e. That the physical loss or loss of use is a direct result
3092 of a physical injury and not a result of any mental,
3093 psychological, or emotional injury.

3094 2. For the purposes of this paragraph, "qualifying injury"
3095 means an injury sustained in the line of duty, as certified by
3096 the member's employing agency, by a special risk member that
3097 does not result in total and permanent disability as defined in
3098 s. 121.091(4)(b). An injury is a qualifying injury if the injury
3099 is a physical injury to the member's physical body resulting in
3100 a physical loss, or loss of use, of at least two of the
3101 following: left arm, right arm, left leg, or right leg.



582052

576-02819-14

3102 Notwithstanding any other provision of this section, an injury
3103 that would otherwise qualify as a qualifying injury is not
3104 considered a qualifying injury if and when the member ceases
3105 employment with the employer for whom he or she was providing
3106 special risk services on the date the injury occurred.

3107 3. The new position, as described in sub-subparagraph 1.c.,
3108 that is required for qualification as a special risk member
3109 under this paragraph is not required to be a position with
3110 essential job functions that entitle an individual to special
3111 risk membership. Whether a new position as described in sub-
3112 subparagraph 1.c. exists and is available to the special risk
3113 member is a decision to be made solely by the employer in
3114 accordance with its hiring practices and applicable law.

3115 4. This paragraph does not grant or create additional
3116 rights for any individual to continued employment or to be hired
3117 or rehired by his or her employer that are not already provided
3118 within the Florida Statutes, the State Constitution, the
3119 Americans with Disabilities Act, if applicable, or any other
3120 applicable state or federal law.

3121 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3122 (b) Any member who is a special risk member on July 1,
3123 2008, and who became eligible to participate under paragraph
3124 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
3125 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
3126 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
3127 designation removed and thereafter shall be a Regular Class
3128 member and earn only Regular Class membership credit. The
3129 department may review the special risk designation of members to
3130 determine whether or not those members continue to meet the



582052

576-02819-14

3131 criteria for Special Risk Class membership.

3132 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3133 (d) Notwithstanding any other provision of this subsection,
3134 this subsection does not apply to any special risk member who
3135 qualifies for continued membership pursuant to paragraph (3) (j)
3136 ~~(3) (k)~~.

3137 (10) CREDIT FOR UPGRADED SERVICE.—

3138 (c) Any member of the Special Risk Class who has earned
3139 creditable service through June 30, 2008, in another membership
3140 class of the Florida Retirement System in a position with the
3141 Department of Law Enforcement or the Division of State Fire
3142 Marshal and became covered by the Special Risk Class as
3143 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
3144 law enforcement agency or medical examiner's office and became
3145 covered by the Special Risk Class as described in paragraph
3146 (3) (i) ~~(3) (j)~~, which service is within the purview of the
3147 Special Risk Class, and is employed in such position on or after
3148 July 1, 2008, may purchase additional retirement credit to
3149 upgrade such service to Special Risk Class service, to the
3150 extent of the percentages of the member's average final
3151 compensation provided in s. 121.091(1)(a)2. The cost for such
3152 credit must be an amount representing the actuarial accrued
3153 liability for the difference in accrual value during the
3154 affected period of service. The cost shall be calculated using
3155 the discount rate and other relevant actuarial assumptions that
3156 were used to value the Florida Retirement System Pension Plan
3157 liabilities in the most recent actuarial valuation. The division
3158 shall ensure that the transfer sum is prepared using a formula
3159 and methodology certified by an enrolled actuary. The cost must



582052

576-02819-14

3160 be paid immediately upon notification by the division. The local
3161 government employer may purchase the upgraded service credit on
3162 behalf of the member if the member has been employed by that
3163 employer for at least 3 years.

3164 Section 48. Paragraph (a) of subsection (4) of section
3165 316.635, Florida Statutes, is amended to read:

3166 316.635 Courts having jurisdiction over traffic violations;
3167 powers relating to custody and detention of minors.—

3168 (4) A minor who willfully fails to appear before any court
3169 or judicial officer as required by written notice to appear is
3170 guilty of contempt of court. Upon a finding by a court, after
3171 notice and a hearing, that a minor is in contempt of court for
3172 willful failure to appear pursuant to a valid notice to appear,
3173 the court may:

3174 (a) For a first offense, order the minor to serve up to 5
3175 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3176 ~~chapter 985~~ or, if space in a staff-secure shelter is
3177 unavailable, in a secure juvenile detention center.

3178 Section 49. Paragraph (a) of subsection (2) of section
3179 318.143, Florida Statutes, is amended to read:

3180 318.143 Sanctions for infractions by minors.—

3181 (2) Failure to comply with one or more of the sanctions
3182 imposed by the court constitutes contempt of court. Upon a
3183 finding by the court, after notice and a hearing, that a minor
3184 is in contempt of court for failure to comply with court-ordered
3185 sanctions, the court may:

3186 (a) For a first offense, order the minor to serve up to 5
3187 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3188 ~~chapter 985~~ or, if space in a staff-secure shelter is



582052

576-02819-14

3189 unavailable, in a secure juvenile detention center.

3190 Section 50. Except as otherwise expressly provided in this

3191 act, this act shall take effect July 1, 2014.