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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/05/2014	.	
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The Committee on Judiciary (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 656 - 2326

and insert:

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



956860

12           ~~(a) Running away from parents or legal custodians;~~  
13           ~~(b) Persistently disobeying reasonable and lawful demands~~  
14 ~~of parents or legal custodians, and being beyond their control;~~  
15 ~~or~~  
16           ~~(c) Habitual truancy from school.~~  
17           ~~(24) "Foster care" means care provided a child in a foster~~  
18 ~~family or boarding home, group home, agency boarding home, child~~  
19 ~~care institution, or any combination thereof.~~  
20           ~~(25) "Habitually truant" means that:~~  
21           ~~(a) The child has 15 unexcused absences within 90 calendar~~  
22 ~~days with or without the knowledge or justifiable consent of the~~  
23 ~~child's parent or legal guardian, is subject to compulsory~~  
24 ~~school attendance under s. 1003.21(1) and (2) (a), and is not~~  
25 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~  
26 ~~specified by law or the rules of the State Board of Education.~~  
27           ~~(b) Escalating activities to determine the cause, and to~~  
28 ~~attempt the remediation, of the child's truant behavior under~~  
29 ~~ss. 1003.26 and 1003.27 have been completed.~~  
30  
31 ~~If a child who is subject to compulsory school attendance is~~  
32 ~~responsive to the interventions described in ss. 1003.26 and~~  
33 ~~1003.27 and has completed the necessary requirements to pass the~~  
34 ~~current grade as indicated in the district pupil progression~~  
35 ~~plan, the child shall not be determined to be habitually truant~~  
36 ~~and shall be passed. If a child within the compulsory school~~  
37 ~~attendance age has 15 unexcused absences within 90 calendar days~~  
38 ~~or fails to enroll in school, the state attorney may file a~~  
39 ~~child in need of services petition. Before filing a petition,~~  
40 ~~the child must be referred to the appropriate agency for~~



956860

41 ~~evaluation. After consulting with the evaluating agency, the~~  
42 ~~state attorney may elect to file a child-in-need-of-services~~  
43 ~~petition.~~

44 ~~(c) A school representative, designated according to school~~  
45 ~~board policy, and a juvenile probation officer of the department~~  
46 ~~have jointly investigated the truancy problem or, if that was~~  
47 ~~not feasible, have performed separate investigations to identify~~  
48 ~~conditions that could be contributing to the truant behavior;~~  
49 ~~and if, after a joint staffing of the case to determine the~~  
50 ~~necessity for services, such services were determined to be~~  
51 ~~needed, the persons who performed the investigations met jointly~~  
52 ~~with the family and child to discuss any referral to appropriate~~  
53 ~~community agencies for economic services, family or individual~~  
54 ~~counseling, or other services required to remedy the conditions~~  
55 ~~that are contributing to the truant behavior.~~

56 ~~(d) The failure or refusal of the parent or legal guardian~~  
57 ~~or the child to participate, or make a good faith effort to~~  
58 ~~participate, in the activities prescribed to remedy the truant~~  
59 ~~behavior, or the failure or refusal of the child to return to~~  
60 ~~school after participation in activities required by this~~  
61 ~~subsection, or the failure of the child to stop the truant~~  
62 ~~behavior after the school administration and the department have~~  
63 ~~worked with the child as described in s. 1003.27(3) shall be~~  
64 ~~handled as prescribed in s. 1003.27.~~

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

69 ~~(24)-(27) "Intake" means the initial acceptance and~~



956860

70 screening by the department or juvenile assessment center  
71 personnel of a complaint or a law enforcement report or probable  
72 cause affidavit of delinquency, ~~family in need of services, or~~  
73 ~~child in need of services~~ to determine the recommendation to be  
74 taken in the best interests of the child, the family, and the  
75 community. The emphasis of intake is on diversion and the least  
76 restrictive available services and. ~~Consequently, intake~~  
77 includes ~~such~~ alternatives such as:

78 (a) The disposition of the complaint, report, or probable  
79 cause affidavit without court or public agency action or  
80 judicial handling, if ~~when~~ appropriate.

81 (b) The referral of the child to another public or private  
82 agency, if ~~when~~ appropriate.

83 (c) The recommendation by the department ~~juvenile probation~~  
84 ~~officer~~ of judicial handling, if ~~when~~ appropriate and warranted.

85 (25) ~~(28)~~ "Judge" means the circuit judge exercising  
86 jurisdiction pursuant to this chapter.

87 (26) ~~(29)~~ "Juvenile justice continuum" includes, but is not  
88 limited to, ~~delinquency~~ prevention programs and services  
89 designed for the purpose of preventing or reducing delinquent  
90 acts, including criminal activity by criminal gangs, and  
91 juvenile arrests, as well as programs and services targeted at  
92 children who have committed delinquent acts, ~~and children~~ who  
93 have previously been committed to residential treatment programs  
94 for delinquents. The term includes children-in-need-of-services  
95 and families-in-need-of-services programs under chapter 984;  
96 conditional release; substance abuse and mental health programs;  
97 educational and career programs; recreational programs;  
98 community services programs; community service work programs;



956860

99 mother-infant programs; and alternative dispute resolution  
100 programs serving children at risk of delinquency and their  
101 families, whether offered or delivered by state or local  
102 governmental entities, public or private for-profit or not-for-  
103 profit organizations, or religious or charitable organizations.

104 ~~(27)~~ ~~(30)~~ "Juvenile probation officer" means the authorized  
105 agent of the department who performs ~~the~~ intake, case  
106 management, or supervision functions.

107 ~~(28)~~ ~~(31)~~ "Legal custody or guardian" means a legal status  
108 created by court order or letter of guardianship which vests in  
109 a custodian of the person or guardian, whether an agency or an  
110 individual, the right to have physical custody of the child and  
111 the right and duty to protect, train, and discipline the child  
112 and to provide him or her with food, shelter, education, and  
113 ordinary medical, dental, psychiatric, and psychological care.

114 ~~(29)~~ ~~(32)~~ "Licensed child-caring agency" means a person,  
115 society, association, or agency licensed by the Department of  
116 Children and Families ~~Family Services~~ to care for, receive, and  
117 board children.

118 ~~(30)~~ ~~(33)~~ "Licensed health care professional" means a  
119 physician licensed under chapter 458, an osteopathic physician  
120 licensed under chapter 459, a nurse licensed under part I of  
121 chapter 464, a physician assistant licensed under chapter 458 or  
122 chapter 459, or a dentist licensed under chapter 466.

123 ~~(31)~~ ~~(34)~~ "Likely to injure oneself" means that, as  
124 evidenced by violent or other actively self-destructive  
125 behavior, it is more likely than not that within a 24-hour  
126 period the child will attempt to commit suicide or inflict  
127 serious bodily harm on himself or herself.



956860

128           ~~(32)-(35)~~ "Likely to injure others" means that it is more  
129 likely than not that within a 24-hour period the child will  
130 inflict serious and unjustified bodily harm on another person.

131           ~~(33)-(36)~~ "Mediation" means a process whereby a neutral  
132 third person called a mediator acts to encourage and facilitate  
133 the resolution of a dispute between two or more parties. It is  
134 an informal and nonadversarial process with the objective of  
135 helping the disputing parties reach a mutually acceptable and  
136 voluntary agreement. In mediation, decisionmaking authority  
137 rests with the parties. The role of the mediator includes, but  
138 is not limited to, assisting the parties in identifying issues,  
139 fostering joint problem solving, and exploring settlement  
140 alternatives.

141           ~~(34)-(37)~~ "Mother-infant program" means a residential  
142 program designed to serve the needs of juvenile mothers or  
143 expectant juvenile mothers who are committed as delinquents,  
144 which is operated or contracted by the department. A mother-  
145 infant program facility must be licensed as a child care  
146 facility under s. 402.308 and must provide the services and  
147 support necessary to enable each juvenile mother committed to  
148 the facility to provide for the needs of her infant ~~infants~~ who,  
149 upon agreement of the mother, may accompany her in the program.

150           ~~(35)-(38)~~ "Necessary medical treatment" means care that  
151 ~~which~~ is necessary within a reasonable degree of medical  
152 certainty to prevent the deterioration of a child's condition or  
153 to alleviate immediate pain of a child.

154           ~~(36)-(39)~~ "Next of kin" means an adult relative of a child  
155 who is the child's brother, sister, grandparent, aunt, uncle, or  
156 first cousin.



956860

157           ~~(37)-(40)~~ "Ordinary medical care" means medical procedures  
158 that are administered or performed on a routine basis and  
159 includes, but is not limited to, ~~include, but are~~ inoculations,  
160 physical examinations, remedial treatment for minor illnesses  
161 and injuries, preventive services, medication management,  
162 chronic disease detection and treatment, and other medical  
163 procedures that are administered or performed on a routine basis  
164 and that do not involve hospitalization, surgery, the use of  
165 general anesthesia, or the provision of psychotropic  
166 medications.

167           ~~(38)-(41)~~ "Parent" means a woman who gives birth to a child  
168 and a man whose consent to the adoption of the child would be  
169 required under s. 63.062(1). If a child has been legally  
170 adopted, the term "parent" means the adoptive mother or father  
171 of the child. The term does not include an individual whose  
172 parental relationship to a ~~the~~ child has been legally  
173 terminated, or an alleged or prospective parent, unless the  
174 parental status falls within the terms of ~~either~~ s. 39.503(1) or  
175 s. 63.062(1).

176           ~~(39)-(42)~~ "Preliminary screening" means the gathering of  
177 preliminary information to be used in determining a child's need  
178 for further evaluation or assessment or for referral for other  
179 substance abuse services through means such as psychosocial  
180 interviews, urine and breathalyzer screenings, and reviews of  
181 available educational, delinquency, and dependency records of  
182 the child.

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



956860

186           ~~(43) "Preventive services" means social services and other~~  
187 ~~supportive and rehabilitative services provided to the parent of~~  
188 ~~the child, the legal guardian of the child, or the custodian of~~  
189 ~~the child and to the child for the purpose of averting the~~  
190 ~~removal of the child from the home or disruption of a family~~  
191 ~~which will or could result in the placement of a child in foster~~  
192 ~~care. Social services and other supportive and rehabilitative~~  
193 ~~services shall promote the child's need for a safe, continuous,~~  
194 ~~stable living environment and shall promote family autonomy and~~  
195 ~~shall strengthen family life as the first priority whenever~~  
196 ~~possible.~~

197           (41)~~(44)~~ "Probation" means the legal status of probation  
198 created by law and court order in cases involving a child who  
199 has been found to have committed a delinquent act. Probation is  
200 an individualized program in which the freedom of the child is  
201 limited and the child is restricted to noninstitutional quarters  
202 or restricted to the child's home in lieu of commitment to the  
203 custody of the department. Youth on probation may be assessed  
204 and classified for placement in day-treatment probation programs  
205 designed for youth who represent a minimum risk to themselves  
206 and public safety and who do not require placement and services  
207 in a residential setting.

208           (42)~~(45)~~ "Relative" means a grandparent, great-grandparent,  
209 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,  
210 niece, or nephew, whether related by ~~the~~ whole or half blood, by  
211 affinity, or by adoption. The term does not include a  
212 stepparent.

213           (43)~~(46)~~ "Restrictiveness level" means the level of  
214 programming and security provided by programs that service the





956860

215 supervision, custody, care, and treatment needs of committed  
216 children. Sections 985.601(10) and 985.721 apply to children  
217 placed in programs at any residential commitment level. The  
218 restrictiveness levels of commitment are as follows:

219 (a) Minimum-risk nonresidential.—Programs or program models  
220 at this commitment level work with youth who remain in the  
221 community and participate at least 5 days per week in a day-  
222 treatment ~~day treatment~~ program. Youth assessed and classified  
223 for programs at this commitment level represent a minimum risk  
224 to themselves and public safety and do not require placement and  
225 services in residential settings. Youth in this level have full  
226 access to, and reside in, the community. Youth who have been  
227 found to have committed delinquent acts that involve firearms,  
228 that are sexual offenses, or that would be life felonies or  
229 first-degree ~~first degree~~ felonies if committed by an adult may  
230 not be committed to a program at this level.

231 ~~(b) Low-risk residential.—Programs or program models at~~  
232 ~~this commitment level are residential but may allow youth to~~  
233 ~~have unsupervised access to the community. Residential~~  
234 ~~facilities shall have no more than 165 beds each, including~~  
235 ~~campus-style programs, unless those campus-style programs~~  
236 ~~include more than one level of restrictiveness, provide~~  
237 ~~multilevel education and treatment programs using different~~  
238 ~~treatment protocols, and have facilities that coexist separately~~  
239 ~~in distinct locations on the same property. Youth assessed and~~  
240 ~~classified for placement in programs at this commitment level~~  
241 ~~represent a low risk to themselves and public safety but do~~  
242 ~~require placement and services in residential settings. Children~~  
243 ~~who have been found to have committed delinquent acts that~~



956860

244 ~~involve firearms, delinquent acts that are sexual offenses, or~~  
245 ~~delinquent acts that would be life felonies or first degree~~  
246 ~~felonies if committed by an adult shall not be committed to a~~  
247 ~~program at this level.~~

248       **(b)** ~~(c)~~ Nonsecure Moderate-risk residential.—Programs or  
249 program models at this commitment level are residential but may  
250 allow youth to have supervised access to the community.  
251 Facilities at this commitment level are either environmentally  
252 secure ~~or~~, staff secure, or are hardware secure ~~hardware-secure~~  
253 with walls, fencing, or locking doors. Residential facilities at  
254 this commitment level may shall have up to 90 ~~no more than 165~~  
255 beds each, including campus-style programs, unless those campus-  
256 style programs include more than one ~~level of restrictiveness,~~  
257 ~~provide multilevel education and treatment program programs~~  
258 using different treatment protocols, and have facilities that  
259 coexist separately in distinct locations on the same property.  
260 Facilities at this commitment level shall provide 24-hour awake  
261 supervision, custody, care, and treatment of residents. Youth  
262 assessed and classified for placement in programs at this  
263 commitment level represent a low or moderate risk to public  
264 safety and require close supervision. The staff at a facility at  
265 this commitment level may seclude a child who is a physical  
266 threat to himself, ~~or~~ herself, or others. Mechanical restraint  
267 may also be used when necessary.

268       **(c)** ~~(d)~~ High-risk residential.—Programs or program models at  
269 this commitment level are residential and do not allow youth to  
270 have access to the community, except that temporary release  
271 providing community access for up to 72 continuous hours may be  
272 approved by a court for a youth who has made successful progress



956860

273 in his or her program so that ~~in order for~~ the youth may respond  
274 to ~~attend~~ a family emergency or, during the final 60 days of his  
275 or her placement, ~~to~~ visit his or her home, enroll in school or  
276 a career and technical education ~~vocational~~ program, complete a  
277 job interview, or participate in a community service project.  
278 High-risk residential facilities are hardware secure ~~hardware-~~  
279 ~~secure~~ with perimeter fencing and locking doors. Residential  
280 facilities at this commitment level may ~~shall~~ have up to 90 ~~no~~  
281 ~~more than 165~~ beds each, including campus-style programs, unless  
282 those campus-style programs include more than one ~~level of~~  
283 ~~restrictiveness, provide multilevel education and treatment~~  
284 program programs using different treatment protocols, and have  
285 facilities that coexist separately in distinct locations on the  
286 same property. Facilities at this commitment level shall provide  
287 24-hour awake supervision, custody, care, and treatment of  
288 residents. Youth assessed and classified for this level of  
289 placement require close supervision in a structured residential  
290 setting. Placement in programs at this level is prompted by a  
291 concern for public safety which ~~that~~ outweighs placement in  
292 programs at lower commitment levels. The staff at a facility at  
293 this commitment level may seclude a child who is a physical  
294 threat to himself, ~~or~~ herself, or others. Mechanical restraint  
295 may also be used when necessary. The facility shall ~~may~~ provide  
296 for single cell occupancy, except that youth may be housed  
297 together during prerelease transition.

298 (d) (e) Maximum-risk residential.—Programs or program models  
299 at this commitment level include juvenile correctional  
300 facilities and juvenile prisons. The programs at this commitment  
301 level are long-term residential and do not allow youth to have



956860

302 access to the community. Facilities at this commitment level are  
303 maximum-custody and hardware secure, ~~hardware-secure~~ with  
304 perimeter security fencing and locking doors. Residential  
305 facilities at this commitment level may ~~shall~~ have up to 90 ~~no~~  
306 ~~more than 165~~ beds each, including campus-style programs, unless  
307 those campus-style programs include more than one ~~level of~~  
308 ~~restrictiveness, provide multilevel education and treatment~~  
309 program ~~programs~~ using different treatment protocols, and have  
310 facilities that coexist separately in distinct locations on the  
311 same property. Facilities at this commitment level shall provide  
312 24-hour awake supervision, custody, care, and treatment of  
313 residents. The staff at a facility at this commitment level may  
314 seclude a child who is a physical threat to himself, ~~or~~ herself,  
315 or others. Mechanical restraint may also be used when necessary.  
316 Facilities at this commitment level ~~The facility~~ shall provide  
317 for single cell occupancy, except that youth may be housed  
318 together during prerelease transition. Youth assessed and  
319 classified for this level of placement require close supervision  
320 in a maximum security residential setting. Placement in a  
321 program at this level is prompted by a demonstrated need to  
322 protect the public.

323 (44)~~(47)~~ "Respite" means a placement that is available for  
324 the care, custody, and placement of a youth charged with  
325 domestic violence as an alternative to secure detention or for  
326 placement of a youth when a shelter bed for a child in need of  
327 services or a family in need of services is unavailable.

328 (45)~~(48)~~ "Secure detention center or facility" means a  
329 physically restricting facility for the temporary care of  
330 children, pending adjudication, disposition, or placement.



956860

331        ~~(46)-(49)~~ "Shelter" means a place for the temporary care of  
332 a child who is alleged to be or who has been found to be  
333 delinquent.

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

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

345        ~~(47)-(52)~~ "Substance abuse" means using, without medical  
346 reason, any psychoactive or mood-altering drug, including  
347 alcohol, in such a manner as to induce impairment resulting in  
348 dysfunctional social behavior.

349        ~~(48)-(53)~~ "Taken into custody" means the status of a child  
350 immediately when temporary physical control over the child is  
351 attained by a person authorized by law, pending the child's  
352 release, detention, placement, or other disposition as  
353 authorized by law.

354        ~~(49)-(54)~~ "Temporary legal custody" means the relationship  
355 that a juvenile court creates between a child and an adult  
356 relative of the child, adult nonrelative approved by the court,  
357 or other person until a more permanent arrangement is ordered.  
358 Temporary legal custody confers upon the custodian the right to  
359 have temporary physical custody of the child and the right and



956860

360 duty to protect, train, and discipline the child and to provide  
361 the child with food, shelter, and education, and ordinary  
362 medical, dental, psychiatric, and psychological care, unless  
363 these rights and duties are otherwise enlarged or limited by the  
364 court order establishing the temporary legal custody  
365 relationship.

366 (50)~~(55)~~ "Temporary release" means the terms and conditions  
367 under which a child is temporarily released from a residential  
368 commitment facility or allowed home visits. If the temporary  
369 release is from a nonsecure ~~moderate-risk~~ residential facility,  
370 a high-risk residential facility, or a maximum-risk residential  
371 facility, the terms and conditions of the temporary release must  
372 be approved by the child, the court, and the facility. ~~The term~~  
373 ~~includes periods during which the child is supervised pursuant~~  
374 ~~to a conditional release program or a period during which the~~  
375 ~~child is supervised by a juvenile probation officer or other~~  
376 ~~nonresidential staff of the department or staff employed by an~~  
377 ~~entity under contract with the department.~~

378 (51)~~(56)~~ "Transition-to-adulthood services" means services  
379 that are provided for youth in the custody of the department or  
380 under the supervision of the department and that have the  
381 objective of instilling the knowledge, skills, and aptitudes  
382 essential to a socially integrated, self-supporting adult life.  
383 The services may include, but are not limited to:

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

386 (b) A plan for the youth to acquire the knowledge,  
387 information, and counseling necessary to make a successful  
388 transition to adulthood.



956860

389 (c) Services that have proven effective toward achieving  
390 the transition to adulthood.

391 (52) "Trauma-informed care" means the provision of services  
392 to children with a history of trauma in a manner that recognizes  
393 the symptoms and acknowledges the role the trauma has played in  
394 the child's life. Trauma may include, but is not limited to,  
395 community and school violence, physical or sexual abuse,  
396 neglect, medical difficulties, and domestic violence.

397 (53)-(57) "Violation of law" or "delinquent act" means a  
398 violation of any law of this state, the United States, or any  
399 other state which is a misdemeanor or a felony or a violation of  
400 a county or municipal ordinance which would be punishable by  
401 incarceration if the violation were committed by an adult.

402 (54)-(58) "Waiver hearing" means a hearing provided for  
403 under s. 985.556(4).

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

406 985.0301 Jurisdiction.—

407 (4) (a) Petitions alleging delinquency shall be filed in the  
408 county where the delinquent act or violation of law occurred.~~7~~  
409 ~~but~~ The circuit court for that county may transfer the case to  
410 the circuit court of the circuit in which the child resides or  
411 will reside at the time of detention or placement for  
412 dispositional purposes. A child who has been detained ~~may shall~~  
413 be transferred to the ~~appropriate~~ detention center or facility  
414 in the circuit in which the child resides or will reside at the  
415 time of detention or other placement directed by the receiving  
416 court.

417 (b) The jurisdiction to be exercised by the court when a



956860

418 child is taken into custody before the filing of a petition  
419 under subsection (2) shall be exercised by the circuit court for  
420 the county in which the child is taken into custody, and such  
421 court has ~~which court shall have~~ personal jurisdiction of the  
422 child and the child's parent or legal guardian. If the child has  
423 been detained, upon the filing of a petition in the appropriate  
424 circuit court, the court that is exercising initial personal  
425 jurisdiction ~~of the person~~ of the child shall, ~~if the child has~~  
426 ~~been detained,~~ immediately order the child to be transferred to  
427 the detention center or facility or other placement as ordered  
428 by the court having subject matter jurisdiction of the case.

429 (5) (a) Notwithstanding s. 743.07, ~~ss. 743.07, 985.43,  
430 ~~985.433, 985.435, 985.439, and 985.441,~~ and except as provided  
431 in paragraphs (b) and (c) ~~ss. 985.461 and 985.465 and paragraph~~  
432 ~~(f),~~ when the jurisdiction of a any child who is alleged to have  
433 committed a delinquent act or violation of law is obtained, the  
434 court retains ~~shall retain~~ jurisdiction to dispose the case,  
435 unless relinquished by its order, until the child reaches 19  
436 years of age, with the same power over the child which the court  
437 had before the child became an adult. ~~For the purposes of s.~~  
438 ~~985.461, the court may retain jurisdiction for an additional 365~~  
439 ~~days following the child's 19th birthday if the child is~~  
440 ~~participating in transition-to-adulthood services. The~~  
441 ~~additional services do not extend involuntary court-sanctioned~~  
442 ~~residential commitment and therefore require voluntary~~  
443 ~~participation by the affected youth.~~~~

444 (b) Unless relinquished by its own order, the court retains  
445 jurisdiction over a child on probation until the child reaches  
446 19 years of age ~~Notwithstanding ss. 743.07 and 985.455(3), the~~





956860

447 ~~term of any order placing a child in a probation program must be~~  
448 ~~until the child's 19th birthday unless he or she is released by~~  
449 ~~the court on the motion of an interested party or on his or her~~  
450 ~~own motion.~~

451 (c) Unless relinquished by its own order, the court retains  
452 jurisdiction over a child committed to the department until the  
453 child reaches 21 years of age, specifically for the purpose of  
454 allowing the child to complete the department's commitment  
455 program, including conditional release supervision.

456 (d) The court retains jurisdiction over a juvenile sex  
457 offender as defined in s. 985.475 who has been placed in a  
458 community-based treatment alternative program with supervision  
459 or in a program or facility for juvenile sex offenders pursuant  
460 to s. 985.48 until the juvenile sex offender reaches 21 years of  
461 age, specifically for the purpose of completing the program.

462 ~~(e) Notwithstanding ss. 743.07 and 985.455(3), the term of~~  
463 ~~the commitment must be until the child is discharged by the~~  
464 ~~department or until he or she reaches the age of 21 years.~~  
465 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~  
466 ~~985.455, and 985.513, and except as provided in this section, a~~  
467 ~~child may not be held under a commitment from a court under s.~~  
468 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~  
469 ~~21 years of age.~~

470 ~~(d) The court may retain jurisdiction over a child~~  
471 ~~committed to the department for placement in a juvenile prison~~  
472 ~~or in a high-risk or maximum-risk residential commitment program~~  
473 ~~to allow the child to participate in a juvenile conditional~~  
474 ~~release program pursuant to s. 985.46. The jurisdiction of the~~  
475 ~~court may not be retained after the child's 22nd birthday.~~



956860

476 ~~However, if the child is not successful in the conditional~~  
477 ~~release program, the department may use the transfer procedure~~  
478 ~~under s. 985.441(4).~~

479 ~~(e) The court may retain jurisdiction over a child~~  
480 ~~committed to the department for placement in an intensive~~  
481 ~~residential treatment program for 10-year-old to 13-year-old~~  
482 ~~offenders, in the residential commitment program in a juvenile~~  
483 ~~prison or in a residential sex offender program until the child~~  
484 ~~reaches the age of 21. If the court exercises this jurisdiction~~  
485 ~~retention, it shall do so solely for the purpose of the child~~  
486 ~~completing the intensive residential treatment program for 10-~~  
487 ~~year-old to 13-year-old offenders, in the residential commitment~~  
488 ~~program in a juvenile prison, or in a residential sex offender~~  
489 ~~program. Such jurisdiction retention does not apply for other~~  
490 ~~programs, other purposes, or new offenses.~~

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

495 ~~(g) The court may retain jurisdiction over a juvenile~~  
496 ~~sexual offender who has been placed in a program or facility for~~  
497 ~~juvenile sexual offenders until the juvenile sexual offender~~  
498 ~~reaches the age of 21, specifically for the purpose of~~  
499 ~~completing the program.~~

500 ~~(e)-(h)~~ The court may retain jurisdiction over a child and  
501 the child's parent or legal guardian whom the court has ordered  
502 to pay restitution until the restitution order is satisfied. To  
503 retain jurisdiction, the court shall enter a restitution order,  
504 which is separate from any disposition or order of commitment,



956860

505 on or before ~~prior to~~ the date that the court's jurisdiction  
506 would cease under this section. The contents of the restitution  
507 order are ~~shall be~~ limited to the child's name and address, the  
508 name and address of the parent or legal guardian, the name and  
509 address of the payee, the case number, the date and amount of  
510 restitution ordered, any amount of restitution paid, the amount  
511 of restitution due and owing, and a notation that costs,  
512 interest, penalties, and attorney fees may also be due and  
513 owing. The terms of the restitution order are subject to s.  
514 775.089(5).

515 (f) ~~(i)~~ This subsection does not prevent the exercise of  
516 jurisdiction by any court having jurisdiction of the child if  
517 the child, after becoming an adult, commits a violation of law.

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

520 985.037 Punishment for contempt of court; alternative  
521 sanctions.—

522 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may  
523 be placed in a secure detention facility for purposes of  
524 punishment for contempt of court if alternative sanctions are  
525 unavailable or inappropriate, or if the child has already been  
526 ordered to serve an alternative sanction but failed to comply  
527 with the sanction. A delinquent child who has been held in  
528 direct or indirect contempt may be placed in a secure detention  
529 facility for up to ~~not to exceed~~ 5 days for a first offense and  
530 up to ~~not to exceed~~ 15 days for a second or subsequent offense.

531 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
532 PROCESS.—

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



956860

534 including traffic court, the court may impose an authorized  
535 sanction immediately. The court must hold a hearing to determine  
536 if the child committed direct contempt. Due process must be  
537 afforded to the child during such hearing.

538 (b) If a child is charged with indirect contempt of court,  
539 the court must hold a hearing within 24 hours to determine  
540 whether the child committed indirect contempt of a valid court  
541 order. At the hearing, the following due process rights must be  
542 provided to the child:

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

545 2. Right to an explanation of the nature and the  
546 consequences of the proceedings.

547 3. Right to legal counsel and the right to have legal  
548 counsel appointed by the court if the juvenile is indigent,  
549 under s. 985.033.

550 4. Right to confront witnesses.

551 5. Right to present witnesses.

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

553 7. Right to appeal to an appropriate court.

554

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

560 (c) The court may not order that a child be placed in a  
561 secure detention facility as for punishment for contempt unless  
562 the court determines that an alternative sanction is



956860

563 inappropriate or unavailable or that the child was initially  
564 ordered to an alternative sanction and did not comply with the  
565 alternative sanction. The court is encouraged to order a child  
566 to perform community service, up to the maximum number of hours,  
567 ~~if where~~ appropriate before ordering that the child be placed in  
568 a secure detention facility as punishment for contempt of court.

569 (d) In addition to any other sanction imposed under this  
570 section, the court may direct the Department of Highway Safety  
571 and Motor Vehicles to withhold issuance of, or suspend, a  
572 child's driver ~~driver's~~ license or driving privilege. The court  
573 may order that a child's driver ~~driver's~~ license or driving  
574 privilege be withheld or suspended for up to 1 year for a first  
575 offense of contempt and up to 2 years for a second or subsequent  
576 offense. If the child's driver ~~driver's~~ license or driving  
577 privilege is suspended or revoked for any reason at the time the  
578 sanction for contempt is imposed, the court shall extend the  
579 period of suspension or revocation by the additional period  
580 ordered under this paragraph. If the child's driver ~~driver's~~  
581 license is being withheld at the time the sanction for contempt  
582 is imposed, the period of suspension or revocation ordered under  
583 this paragraph shall begin on the date on which the child is  
584 otherwise eligible to drive.

585 Section 6. Section 985.105, Florida Statutes, is repealed.

586 Section 7. Subsection (1) of section 985.11, Florida  
587 Statutes, is amended to read:

588 985.11 Fingerprinting and photographing.—

589 (1)(a) A child who is charged with or found to have  
590 committed an offense that would be a felony if committed by an  
591 adult shall be fingerprinted, and the fingerprints shall ~~must~~ be



956860

592 submitted to the Department of Law Enforcement as provided in s.  
593 943.051(3)(a).

594 (b) Unless the child is issued a civil citation or  
595 participating in a similar diversion program pursuant to s.  
596 985.12, a child who is charged with or found to have committed  
597 one of the following offenses shall be fingerprinted, and the  
598 fingerprints shall be submitted to the Department of Law  
599 Enforcement as provided in s. 943.051(3)(b):

- 600 1. Assault<sub>T</sub> as defined in s. 784.011.
- 601 2. Battery<sub>T</sub> as defined in s. 784.03.
- 602 3. Carrying a concealed weapon<sub>T</sub> as defined in s. 790.01(1).
- 603 4. Unlawful use of destructive devices or bombs<sub>T</sub> as defined  
604 in s. 790.1615(1).
- 605 5. Neglect of a child<sub>T</sub> as defined in s. 827.03(1)(e).
- 606 6. Assault on a law enforcement officer, a firefighter, or  
607 other specified officers<sub>T</sub> as defined in s. 784.07(2)(a).
- 608 7. Open carrying of a weapon<sub>T</sub> as defined in s. 790.053.
- 609 8. Exposure of sexual organs<sub>T</sub> as defined in s. 800.03.
- 610 9. Unlawful possession of a firearm<sub>T</sub> as defined in s.  
611 790.22(5).
- 612 10. Petit theft<sub>T</sub> as defined in s. 812.014.
- 613 11. Cruelty to animals<sub>T</sub> as defined in s. 828.12(1).
- 614 12. Arson<sub>T</sub> resulting in bodily harm to a firefighter<sub>T</sub> as  
615 defined in s. 806.031(1).
- 616 13. Unlawful possession or discharge of a weapon or firearm  
617 at a school-sponsored event or on school property as defined in  
618 s. 790.115.

619  
620 A law enforcement agency may fingerprint and photograph a child



956860

621 taken into custody upon probable cause that such child has  
622 committed any other violation of law, as the agency deems  
623 appropriate. Such fingerprint records and photographs shall be  
624 retained by the law enforcement agency in a separate file, and  
625 these records and all copies thereof must be marked "Juvenile  
626 Confidential." These records are not available for public  
627 disclosure and inspection under s. 119.07(1) except as provided  
628 in ss. 943.053 and 985.04(2), but are ~~shall be~~ available to  
629 other law enforcement agencies, criminal justice agencies, state  
630 attorneys, the courts, the child, the parents or legal  
631 custodians of the child, their attorneys, and any other person  
632 authorized by the court to have access to such records. In  
633 addition, such records may be submitted to the Department of Law  
634 Enforcement for inclusion in the state criminal history records  
635 and used by criminal justice agencies for criminal justice  
636 purposes. These records may, in the discretion of the court, be  
637 open to inspection by anyone upon a showing of cause. The  
638 fingerprint and photograph records shall be produced in the  
639 court whenever directed by the court. Any photograph taken  
640 pursuant to this section may be shown by a law enforcement  
641 officer to any victim or witness of a crime for the purpose of  
642 identifying the person who committed such crime.

643 (c) The court is ~~shall be~~ responsible for the  
644 fingerprinting of a any child at the disposition hearing if the  
645 child has been adjudicated or had adjudication withheld for any  
646 felony in the case currently before the court.

647 Section 8. Subsection (2) of section 985.14, Florida  
648 Statutes, is amended to read:

649 985.14 Intake and case management system.—



956860

650           (2) The intake process shall be performed by the department  
651 or juvenile assessment center personnel through a case  
652 management system. The purpose of the intake process is to  
653 assess the child's needs and risks and to determine the most  
654 appropriate treatment plan and setting for the child's  
655 programmatic needs and risks. The intake process consists of an  
656 initial assessment and may be followed by a full mental health,  
657 substance abuse, or psychosexual evaluation. The intake process  
658 shall result in choosing the most appropriate services through a  
659 balancing of the interests and needs of the child with those of  
660 the family and the community public. The juvenile probation  
661 officer shall make ~~be responsible for making~~ informed decisions  
662 and recommendations to other agencies, the state attorney, and  
663 the courts so that the child and family may receive the least  
664 intrusive service alternative throughout the judicial process.  
665 The department shall establish uniform procedures through which  
666 ~~for~~ the juvenile probation officer may ~~to~~ provide a preliminary  
667 screening of the child and family for substance abuse and mental  
668 health services before ~~prior to~~ the filing of a petition or as  
669 soon as possible thereafter and before ~~prior to~~ a disposition  
670 hearing.

671           Section 9. Section 985.145, Florida Statutes, is amended to  
672 read:

673           985.145 Responsibilities of the department juvenile  
674 ~~probation officer~~ during intake; screenings and assessments.-

675           (1) The department juvenile probation officer shall serve  
676 as the primary case manager for the purpose of managing,  
677 coordinating, and monitoring the services provided to the child.  
678 Each program administrator within the Department of Children and





956860

679 Families ~~Family Services~~ shall cooperate with the primary case  
680 manager in carrying out the duties and responsibilities  
681 described in this section. In addition to duties specified in  
682 other sections and through departmental rules, the department  
683 ~~assigned juvenile probation officer~~ shall be responsible for the  
684 following:

685       (a) *Reviewing probable cause affidavit.*—The department  
686 ~~juvenile probation officer~~ shall make a preliminary  
687 determination as to whether the report, affidavit, or complaint  
688 is complete, consulting with the state attorney as ~~may be~~  
689 necessary. A report, affidavit, or complaint alleging that a  
690 child has committed a delinquent act or violation of law shall  
691 be made to the intake office operating in the county in which  
692 the child is found or in which the delinquent act or violation  
693 of law occurred. Any person or agency having knowledge of the  
694 facts may make such a written report, affidavit, or complaint  
695 and shall furnish to the intake office facts sufficient to  
696 establish the jurisdiction of the court and to support a finding  
697 by the court that the child has committed a delinquent act or  
698 violation of law.

699       (b) *Notification concerning apparent insufficiencies in*  
700 *probable cause affidavit.*—In any case where the department  
701 ~~juvenile probation officer~~ or the state attorney finds that the  
702 report, affidavit, or complaint is insufficient by the standards  
703 for a probable cause affidavit, the department ~~juvenile~~  
704 ~~probation officer~~ or state attorney shall return the report,  
705 affidavit, or complaint, without delay, to the person or agency  
706 originating the report, affidavit, or complaint or having  
707 knowledge of the facts or to the appropriate law enforcement



956860

708 agency having investigative jurisdiction of the offense, and  
709 shall request, and the person or agency shall promptly furnish,  
710 additional information in order to comply with the standards for  
711 a probable cause affidavit.

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

715 1. Appropriateness for release; referral to a diversionary  
716 program, including, but not limited to, a teen court program;  
717 referral for community arbitration; or referral to some other  
718 program or agency for the purpose of nonofficial or nonjudicial  
719 handling.

720 2. The presence of medical, psychiatric, psychological,  
721 substance abuse, educational, or career and technical education  
722 ~~vocational~~ problems, or other conditions that may have caused  
723 the child to come to the attention of law enforcement or the  
724 department. The child shall also be screened to determine  
725 whether the child poses a danger to himself or herself or others  
726 in the community. The results of this screening shall be made  
727 available to the court and to court officers. In cases where  
728 such conditions are identified and a nonjudicial handling of the  
729 case is chosen, the department ~~juvenile probation officer~~ shall  
730 attempt to refer the child to a program or agency, together with  
731 all available and relevant assessment information concerning the  
732 child's precipitating condition.

733 (d) *Completing risk assessment instrument.*—The department  
734 ~~juvenile probation officer~~ shall ensure that a risk assessment  
735 instrument establishing the child's eligibility for detention  
736 has been accurately completed and that the appropriate



956860

737 recommendation was made to the court.

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

741 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~  
742 ~~probation officer~~ shall coordinate the multidisciplinary  
743 assessment when required, which includes the classification and  
744 placement process that determines the child's priority needs,  
745 risk classification, and treatment plan. If ~~When~~ sufficient  
746 evidence exists to warrant a comprehensive assessment and the  
747 child fails to voluntarily participate in the assessment  
748 efforts, the department ~~juvenile probation officer~~ shall inform  
749 the court of the need for the assessment and the refusal of the  
750 child to participate in such assessment. This assessment,  
751 classification, and placement process shall develop into the  
752 predisposition report.

753 (g) *Comprehensive assessment.*—~~The juvenile probation~~  
754 ~~officer,~~ Pursuant to uniform procedures established by the  
755 department and upon determining that the report, affidavit, or  
756 complaint is complete, the department shall:

757 1. Perform the preliminary screening and make referrals for  
758 a comprehensive assessment regarding the child's need for  
759 substance abuse treatment services, mental health services,  
760 intellectual disability services, literacy services, or other  
761 educational or treatment services.

762 2. If indicated by the preliminary screening, provide for a  
763 comprehensive assessment of the child and family for substance  
764 abuse problems, using community-based licensed programs with  
765 clinical expertise and experience in the assessment of substance



956860

766 abuse problems.

767         3. If indicated by the preliminary screening, provide for a  
768 comprehensive assessment of the child and family for mental  
769 health problems, using community-based psychologists,  
770 psychiatrists, or other licensed mental health professionals who  
771 have clinical expertise and experience in the assessment of  
772 mental health problems.

773         (h) *Referrals for services.*—The department ~~juvenile~~  
774 ~~probation officer~~ shall make recommendations for services and  
775 facilitate the delivery of those services to the child,  
776 including any mental health services, educational services,  
777 family counseling services, family assistance services, and  
778 substance abuse services.

779         (i) *Recommendation concerning a petition.*—Upon determining  
780 that the report, affidavit, or complaint complies with the  
781 standards of a probable cause affidavit and that the interests  
782 of the child and the public will be best served, the department  
783 ~~juvenile probation officer~~ may recommend that a delinquency  
784 petition not be filed. If such a recommendation is made, the  
785 department ~~juvenile probation officer~~ shall advise in writing  
786 the person or agency making the report, affidavit, or complaint,  
787 the victim, if any, and the law enforcement agency having  
788 investigative jurisdiction over the offense of the  
789 recommendation; the reasons therefor; and that the person or  
790 agency may submit, within 10 days after the receipt of such  
791 notice, the report, affidavit, or complaint to the state  
792 attorney for special review. The state attorney, upon receiving  
793 a request for special review, shall consider the facts presented  
794 by the report, affidavit, or complaint, and by the department



956860

795 ~~juvenile probation officer who made the recommendation that no~~  
796 ~~petition be filed,~~ before making a final decision as to whether  
797 a petition or information should or should not be filed.

798 (j) *Completing intake report.*—Subject to the interagency  
799 agreement authorized under this paragraph, the department ~~the~~  
800 ~~juvenile probation officer for each case in which a child is~~  
801 ~~alleged to have committed a violation of law or delinquent act~~  
802 ~~and is not detained~~ shall submit a written report to the state  
803 attorney for each case in which a child is alleged to have  
804 committed a violation of law or delinquent act and is not  
805 detained. The report shall be submitted within 20 days after the  
806 date the child is taken into custody and must include, ~~including~~  
807 the original police report, complaint, or affidavit, or a copy  
808 thereof, and including a copy of the child's prior juvenile  
809 record, ~~within 20 days after the date the child is taken into~~  
810 ~~eustody~~. In cases in which the child is in detention, the intake  
811 office report must be submitted within 24 hours after the child  
812 is placed into detention. The intake office report may include a  
813 recommendation that a petition or information be filed or that  
814 no petition or information be filed and may set forth reasons  
815 for the recommendation. The state attorney and the department  
816 may, on a district-by-district basis, enter into interagency  
817 agreements denoting the cases that will require a recommendation  
818 and those for which a recommendation is unnecessary.

819 (2) Before ~~Prior to~~ requesting that a delinquency petition  
820 be filed or before ~~prior to~~ filing a dependency petition, the  
821 department ~~juvenile probation officer~~ may request the parent or  
822 legal guardian of the child to attend a course of instruction in  
823 parenting skills, training in conflict resolution, and the



956860

824 practice of nonviolence; to accept counseling; or to receive  
825 other assistance from any agency in the community which notifies  
826 the clerk of the court of the availability of its services. If  
827 ~~where~~ appropriate, the department ~~juvenile probation officer~~  
828 shall request both parents or guardians to receive such parental  
829 assistance. The department ~~juvenile probation officer~~ may, in  
830 determining whether to request that a delinquency petition be  
831 filed, take into consideration the willingness of the parent or  
832 legal guardian to comply with such request. The parent or  
833 guardian must provide the department ~~juvenile probation officer~~  
834 with identifying information, including the parent's or  
835 guardian's name, address, date of birth, social security number,  
836 and driver ~~driver's~~ license number or identification card number  
837 in order to comply with s. 985.039.

838 (3) If ~~When~~ indicated by the comprehensive assessment, the  
839 department is authorized to contract within appropriated funds  
840 for services with a local nonprofit community mental health or  
841 substance abuse agency licensed or authorized under chapter 394  
842 or chapter 397 or other authorized nonprofit social service  
843 agency providing related services. The determination of mental  
844 health or substance abuse services shall be conducted in  
845 coordination with existing programs providing mental health or  
846 substance abuse services in conjunction with the intake office.

847 (4) Client information resulting from the screening and  
848 evaluation shall be documented under rules of the department and  
849 shall serve to assist the department ~~juvenile probation officer~~  
850 in providing the most appropriate services and recommendations  
851 in the least intrusive manner. Such client information shall be  
852 used in the multidisciplinary assessment and classification of



853 the child, but such information, and any information obtained  
854 directly or indirectly through the assessment process, is  
855 inadmissible in court before ~~prior to~~ the disposition hearing,  
856 unless the child's written consent is obtained. At the  
857 disposition hearing, documented client information shall serve  
858 to assist the court in making the most appropriate custody,  
859 adjudicatory, and dispositional decision.

860 (5) If the screening and assessment indicate that the  
861 interests of the child and the public will be best served, the  
862 department ~~juvenile probation officer~~, with the approval of the  
863 state attorney, may refer the child for care, diagnostic, and  
864 evaluation services; substance abuse treatment services; mental  
865 health services; intellectual disability services; a  
866 diversionary, arbitration, or mediation program; community  
867 service work; or other programs or treatment services  
868 voluntarily accepted by the child and the child's parents or  
869 legal guardian. If a child volunteers to participate in any work  
870 program under this chapter or volunteers to work in a specified  
871 state, county, municipal, or community service organization  
872 supervised work program or to work for the victim, the child is  
873 considered an employee of the state for the purposes of  
874 liability. In determining the child's average weekly wage,  
875 unless otherwise determined by a specific funding program, all  
876 remuneration received from the employer is considered a  
877 gratuity, and the child is not entitled to any benefits  
878 otherwise payable under s. 440.15 regardless of whether the  
879 child may be receiving wages and remuneration from other  
880 employment with another employer and regardless of the child's  
881 future wage-earning capacity.



956860

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

885 Section 10. Section 985.17, Florida Statutes, is created to  
886 read:

887 985.17 Prevention services.—

888 (1) Prevention services decrease recidivism by addressing  
889 the needs of at-risk youth and their families, preventing  
890 further involvement in the juvenile justice system, protecting  
891 public safety, and facilitating successful reentry into the  
892 community. To assist in decreasing recidivism, the department's  
893 prevention services should strengthen protective factors, reduce  
894 risk factors, and use tested and effective approaches.

895 (2) A primary focus of the department's prevention services  
896 is to develop capacity for local communities to serve their  
897 youth.

898 (a) The department shall engage faith-based and community-  
899 based organizations to provide a full range of voluntary  
900 programs and services to prevent and reduce juvenile  
901 delinquency, including, but not limited to, chaplaincy services,  
902 crisis intervention counseling, mentoring, and tutoring.

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

906 (c) The department shall promote the Invest In Children  
907 license plate developed pursuant to s. 320.08058(11) to help  
908 fund programs and services to prevent juvenile delinquency. The  
909 department shall allocate moneys for programs and services  
910 within each county based on that county's proportionate share of





956860

911 the license plate annual use fee collected by the county  
912 pursuant to s. 320.08058(11).

913 (3) The department's prevention services for youth at risk  
914 of becoming delinquent should focus on preventing initial or  
915 further involvement in the juvenile justice system by including  
916 services such as literacy services, gender-specific programming,  
917 and recreational and after-school services and should include  
918 targeted services to troubled, truant, ungovernable, abused,  
919 trafficked, or runaway youth. To decrease the likelihood that a  
920 youth will commit a delinquent act, the department may provide  
921 specialized services addressing the strengthening of families,  
922 job training, and substance abuse.

923 (4) In an effort to decrease the prevalence of  
924 disproportionate minority representation in the juvenile justice  
925 system, the department's prevention services should address the  
926 multiple needs of minority youth at risk of becoming delinquent.

927 (5) The department shall expend funds related to prevention  
928 services in a manner consistent with the policies expressed in  
929 ss. 984.02 and 985.01. The department shall expend such funds in  
930 a manner that maximizes accountability to the public and ensures  
931 the documentation of outcomes.

932 (a) As a condition of the receipt of state funds, entities  
933 that receive or use state moneys to fund prevention services  
934 through contracts with the department or grants from any entity  
935 dispersed by the department shall:

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

938 a. Encouraging youth to attend and succeed in school, which  
939 may include special assistance and tutoring to address



956860

940 deficiencies in academic performance and collecting outcome data  
941 to reveal the number of days youth attended school while  
942 participating in the program.

943 b. Engaging youth in productive and wholesome activities  
944 during nonschool hours which build positive character, instill  
945 positive values, and enhance educational experiences.

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

947 d. Assisting youth in acquiring the skills needed to find  
948 meaningful employment, which may include assistance in finding a  
949 suitable employer for the youth.

950 2. Provide the department with demographic information,  
951 dates of services, and the type of interventions received by  
952 each youth.

953 (b) The department shall monitor output and outcome  
954 measures for each program strategy in paragraph (a) and include  
955 them in the annual Comprehensive Accountability Report published  
956 pursuant to s. 985.632.

957 (c) The department shall monitor all programs that receive  
958 or use state moneys to fund juvenile delinquency prevention  
959 services through contracts or grants with the department for  
960 compliance with all provisions in the contracts or grants.

961 Section 11. Section 985.24, Florida Statutes, is amended to  
962 read:

963 985.24 Use of detention; prohibitions.—

964 (1) All determinations and court orders regarding the use  
965 of ~~secure, nonsecure, or home~~ detention care must shall be based  
966 primarily upon findings that the child:

967 (a) Presents a substantial risk of not appearing at a  
968 subsequent hearing;



956860

969 (b) Presents a substantial risk of inflicting bodily harm  
970 on others as evidenced by recent behavior, including the illegal  
971 possession of a firearm;

972 (c) Presents a history of committing a property offense  
973 before ~~prior to~~ adjudication, disposition, or placement;

974 (d) Has committed contempt of court by:

975 1. Intentionally disrupting the administration of the  
976 court;

977 2. Intentionally disobeying a court order; or

978 3. Engaging in a punishable act or speech in the court's  
979 presence which shows disrespect for the authority and dignity of  
980 the court; or

981 (e) Requests protection from imminent bodily harm.

982 (2) A child alleged to have committed a delinquent act or  
983 violation of law may not be placed into secure or, nonsecure, ~~or~~  
984 ~~home~~ detention care for any of the following reasons:

985 (a) To allow a parent to avoid his or her legal  
986 responsibility.

987 (b) To permit more convenient administrative access to the  
988 child.

989 (c) To facilitate further interrogation or investigation.

990 (d) Due to a lack of more appropriate facilities.

991 (3) A child alleged to be dependent under chapter 39 may  
992 not, under any circumstances, be placed into secure detention  
993 care.

994 (4) The department may develop nonsecure, nonresidential  
995 evening-reporting centers as an alternative to placing a child  
996 in secure detention to serve children and families while  
997 awaiting court hearings. Evening-reporting centers may be



956860

998 collocated with the juvenile assessment center. At a minimum,  
999 evening-reporting centers shall be operated during the afternoon  
1000 and evening hours and provide a highly structured program of  
1001 supervision. Evening-reporting centers may also provide academic  
1002 tutoring, counseling, family engagement programs, and other  
1003 activities.

1004 (5)-(4) The department shall continue to identify  
1005 alternatives to secure detention care and shall develop such  
1006 alternatives and annually submit them to the Legislature for  
1007 authorization and appropriation.

1008 Section 12. Paragraph (b) of subsection (2) and subsection  
1009 (4) of section 985.245, Florida Statutes, are amended to read:  
1010 985.245 Risk assessment instrument.-

1011 (2)

1012 (b) The risk assessment instrument, at a minimum, shall  
1013 consider ~~take into consideration, but need not be limited to,~~  
1014 prior history of failure to appear, prior offenses, offenses  
1015 committed pending adjudication, any unlawful possession of a  
1016 firearm, theft of a motor vehicle or possession of a stolen  
1017 motor vehicle, and probation status at the time the child is  
1018 taken into custody. The risk assessment instrument shall also  
1019 consider ~~take into consideration~~ appropriate aggravating and  
1020 mitigating circumstances, ~~and~~ shall be designed to target a  
1021 narrower population of children than s. 985.255, and. ~~The risk~~  
1022 ~~assessment instrument~~ shall ~~also~~ include any information  
1023 concerning the child's history of abuse and neglect. The risk  
1024 assessment shall indicate whether detention care is warranted,~~7~~  
1025 and, if detention care is warranted, whether the child should be  
1026 placed into secure or,~~7~~ nonsecure,~~7~~ ~~or home~~ detention care.



956860

1027           (4) If ~~For~~ a child who is under the supervision of the  
1028 department through probation, ~~home detention,~~ nonsecure  
1029 detention, conditional release, postcommitment probation, or  
1030 commitment ~~and who~~ is charged with committing a new offense, the  
1031 risk assessment instrument may be completed and scored based on  
1032 the underlying charge for which the child was placed under the  
1033 supervision of the department and the new offense.

1034           Section 13. Subsection (1) of section 985.25, Florida  
1035 Statutes, is amended to read:

1036           985.25 Detention intake.—

1037           (1) The department ~~juvenile probation officer~~ shall receive  
1038 custody of a child who has been taken into custody from the law  
1039 enforcement agency or court and shall review the facts in the  
1040 law enforcement report or probable cause affidavit and make such  
1041 further inquiry as may be necessary to determine whether  
1042 detention care is appropriate ~~required~~.

1043           (a) During the period of time from the taking of the child  
1044 into custody to the date of the detention hearing, the initial  
1045 decision as to the child's placement into secure detention care  
1046 or, ~~nonsecure detention care, or home detention care~~ shall be  
1047 made by the department ~~juvenile probation officer~~ under ss.  
1048 985.24 and 985.245(1).

1049           (b) The department ~~juvenile probation officer~~ shall base  
1050 its ~~the~~ decision as to whether ~~or not~~ to place the child into  
1051 secure ~~detention care, home detention care,~~ or nonsecure  
1052 detention care on an assessment of risk in accordance with the  
1053 risk assessment instrument and procedures developed by the  
1054 department under s. 985.245. However, a child charged with  
1055 possessing or discharging a firearm on school property in



956860

1056 violation of s. 790.115 shall be placed in secure detention  
1057 care. A child who has been taken into custody on three or more  
1058 separate occasions within a 60-day period shall be placed in  
1059 secure detention care until the child's detention hearing.

1060 (c) If the child's final score on the risk assessment  
1061 instrument indicates that ~~juvenile probation officer determines~~  
1062 that a child who is eligible for detention care is appropriate,  
1063 but the department otherwise determines he or she ~~based upon the~~  
1064 results of the risk assessment instrument should be released,  
1065 the department ~~juvenile probation officer~~ shall contact the  
1066 state attorney, who may authorize release.

1067 (d) If the child's final score on the risk assessment  
1068 instrument indicates that detention is not appropriate  
1069 authorized, the child may be released by the department ~~juvenile~~  
1070 probation officer in accordance with ss. 985.115 and 985.13.

1071  
1072 ~~Under no circumstances shall~~ The department, ~~juvenile probation~~  
1073 officer ~~or~~ the state attorney, or a law enforcement officer may  
1074 not authorize the detention of any child in a jail or other  
1075 facility intended or used for the detention of adults, ~~without~~  
1076 an order of the court.

1077 Section 14. Section 985.255, Florida Statutes, is amended  
1078 to read:

1079 985.255 Detention criteria; detention hearing.—

1080 (1) Subject to s. 985.25(1), a child taken into custody and  
1081 placed into nonsecure or secure ~~home~~ detention care shall be  
1082 given a hearing within 24 hours after being taken into custody.  
1083 At the hearing, the court may order continued detention ~~or~~  
1084 detained in secure detention care prior to a detention hearing



956860

1085 ~~may continue to be detained by the court if:~~

1086 (a) The child is alleged to be an escapee from a  
1087 residential commitment program~~r~~ or an absconder from a  
1088 nonresidential commitment program, a probation program, or  
1089 conditional release supervision~~r~~ or is alleged to have escaped  
1090 while being lawfully transported to or from a residential  
1091 commitment program.

1092 (b) The child is wanted in another jurisdiction for an  
1093 offense that ~~which~~, if committed by an adult, would be a felony.

1094 (c) The child is charged with a delinquent act or violation  
1095 of law and requests in writing through legal counsel to be  
1096 detained for protection from an imminent physical threat to his  
1097 or her personal safety.

1098 (d) The child is charged with committing an offense of  
1099 domestic violence as defined in s. 741.28 and is detained as  
1100 provided in subsection (2).

1101 (e) The child is charged with possession or discharging a  
1102 firearm on school property in violation of s. 790.115 or the  
1103 illegal possession of a firearm.

1104 (f) The child is charged with a capital felony, a life  
1105 felony, a felony of the first degree, a felony of the second  
1106 degree which ~~that~~ does not involve a violation of chapter 893,  
1107 or a felony of the third degree which ~~that~~ is also a crime of  
1108 violence, including any such offense involving the use or  
1109 possession of a firearm.

1110 (g) The child is charged with a felony of the ~~any~~ second  
1111 degree or a felony of the third degree ~~felony~~ involving a  
1112 violation of chapter 893 or a felony of the ~~any~~ third degree  
1113 which ~~felony that~~ is not also a crime of violence, and the



956860

1114 child:

1115 1. Has a record of failure to appear at court hearings  
1116 after being properly notified in accordance with the Rules of  
1117 Juvenile Procedure;

1118 2. Has a record of law violations before ~~prior to~~ court  
1119 hearings;

1120 3. Has already been detained or has been released and is  
1121 awaiting final disposition of the case;

1122 4. Has a record of violent conduct resulting in physical  
1123 injury to others; or

1124 5. Is found to have been in possession of a firearm.

1125 (h) The child is alleged to have violated the conditions of  
1126 the child's probation or conditional release supervision.

1127 However, a child detained under this paragraph may be held only  
1128 in a consequence unit as provided in s. 985.439. If a  
1129 consequence unit is not available, the child shall be placed on  
1130 nonsecure ~~home~~ detention with electronic monitoring.

1131 (i) The child is detained on a judicial order for failure  
1132 to appear and has previously willfully failed to appear, after  
1133 proper notice:7

1134 1. For an adjudicatory hearing on the same case regardless  
1135 of the results of the risk assessment instrument; or

1136 2. At two or more court hearings of any nature on the same  
1137 case, regardless of the results of the risk assessment  
1138 instrument.

1139

1140 A child may be held in secure detention for up to 72 hours in  
1141 advance of the next scheduled court hearing pursuant to this  
1142 paragraph. The child's failure to keep the clerk of court and





956860

1143 defense counsel informed of a current and valid mailing address  
1144 where the child will receive notice to appear at court  
1145 proceedings does not provide an adequate ground for excusal of  
1146 the child's nonappearance at the hearings.

1147 ~~(j) The child is detained on a judicial order for failure~~  
1148 ~~to appear and has previously willfully failed to appear, after~~  
1149 ~~proper notice, at two or more court hearings of any nature on~~  
1150 ~~the same case regardless of the results of the risk assessment~~  
1151 ~~instrument. A child may be held in secure detention for up to 72~~  
1152 ~~hours in advance of the next scheduled court hearing pursuant to~~  
1153 ~~this paragraph. The child's failure to keep the clerk of court~~  
1154 ~~and defense counsel informed of a current and valid mailing~~  
1155 ~~address where the child will receive notice to appear at court~~  
1156 ~~proceedings does not provide an adequate ground for excusal of~~  
1157 ~~the child's nonappearance at the hearings.~~

1158 (2) A child who is charged with committing an offense  
1159 classified as ~~of~~ domestic violence as defined in s. 741.28 and  
1160 whose risk assessment indicates secure detention is not  
1161 appropriate ~~who does not meet detention criteria~~ may be held in  
1162 secure detention if the court makes specific written findings  
1163 that:

- 1164 (a) Respite care for the child is not available; or ~~or~~  
1165 (b) It is necessary to place the child in secure detention  
1166 in order to protect the victim from injury.

1167  
1168 The child may not be held in secure detention under this  
1169 subsection for more than 48 hours unless ordered by the court.  
1170 After 48 hours, the court shall hold a hearing if the state  
1171 attorney or victim requests that secure detention be continued.



956860

1172 The child may continue to be held in detention care if the court  
1173 makes a specific, written finding that respite care is  
1174 unavailable or it ~~detention care~~ is necessary to protect the  
1175 victim from injury. However, the child may not be held in  
1176 detention care beyond the time limits provided ~~set forth~~ in this  
1177 section or s. 985.26.

1178 (3) (a) ~~A child who meets any of the criteria in subsection~~  
1179 ~~(1) and who is ordered to be detained under that subsection~~  
1180 ~~shall be given a hearing within 24 hours after being taken into~~  
1181 ~~e custody.~~ The purpose of the detention hearing required under  
1182 subsection (1) is to determine the existence of probable cause  
1183 that the child has committed the delinquent act or violation of  
1184 law that he or she is charged with and the need for continued  
1185 detention. Unless a child is detained under paragraph (1) (d) or  
1186 paragraph (1) (e), the court shall use the results of the risk  
1187 assessment performed by the department ~~juvenile probation~~  
1188 ~~officer~~ and, based on the criteria in subsection (1), shall  
1189 determine the need for continued detention. ~~A child placed into~~  
1190 ~~secure, nonsecure, or home detention care may continue to be so~~  
1191 ~~detained by the court.~~

1192 (b) If the court orders a placement more restrictive than  
1193 indicated by the results of the risk assessment instrument, the  
1194 court shall state, in writing, clear and convincing reasons for  
1195 such placement.

1196 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,  
1197 when a child is placed into secure or nonsecure detention care,  
1198 or into a respite home or other placement pursuant to a court  
1199 order following a hearing, the court order must include specific  
1200 instructions that direct the release of the child from such



956860

1201 placement by no later than 5 p.m. on the last day of the  
1202 detention period specified in s. 985.26 or s. 985.27, whichever  
1203 is applicable, unless the requirements of such applicable  
1204 provision have been met or an order of continuance has been  
1205 granted under s. 985.26(4). If the court order does not include  
1206 a date of release, the release date must be requested of the  
1207 court on the same date the youth was placed on detention care.  
1208 If a subsequent hearing is needed to provide additional  
1209 information to the court for safety planning, the initial order  
1210 placing the youth on detention care must reflect the next  
1211 detention review hearing, which should be held within 3 calendar  
1212 days after the child's initial detention placement.

1213 Section 15. Subsections (1) through (3) of section 985.26,  
1214 Florida Statutes, are amended to read:

1215 985.26 Length of detention.—

1216 (1) A child may not be placed into or held in secure or  
1217 ~~nonsecure, or home~~ detention care for more ~~longer~~ than 24 hours  
1218 unless the court orders such detention care~~7~~ and the order  
1219 includes specific instructions that direct the release of the  
1220 child from such detention care~~7~~ in accordance with s. 985.255.  
1221 The order shall be a final order, reviewable by appeal under s.  
1222 985.534 and the Florida Rules of Appellate Procedure. Appeals of  
1223 such orders ~~shall~~ take precedence over other appeals and other  
1224 pending matters.

1225 (2) A child may not be held in secure or~~7~~ nonsecure~~7~~~~or~~  
1226 ~~home~~ detention care under a special detention order for more  
1227 than 21 days unless an adjudicatory hearing for the case has  
1228 been commenced in good faith by the court. However, upon good  
1229 cause being shown that the nature of the charge requires



956860

1230 additional time for the prosecution or defense of the case, the  
1231 court may extend the length of detention for an additional 9  
1232 days if the child is charged with an offense that would be, if  
1233 committed by an adult, a capital felony, a life felony, a felony  
1234 of the first degree, or a felony of the second degree involving  
1235 violence against any individual.

1236 (3) Except as provided in subsection (2), a child may not  
1237 be held in secure or, nonsecure, ~~or home~~ detention care for more  
1238 than 15 days following the entry of an order of adjudication.

1239 Section 16. Section 985.265, Florida Statutes, is amended  
1240 to read:

1241 985.265 Detention transfer and release; education; adult  
1242 jails.-

1243 (1) If a child is detained under this part, the department  
1244 may transfer the child from nonsecure ~~or home~~ detention care to  
1245 secure detention care only if significantly changed  
1246 circumstances warrant such transfer.

1247 (2) If a child is on release status and not detained under  
1248 this part, the child may be placed into secure or, nonsecure, ~~or~~  
1249 ~~home~~ detention care only pursuant to a court hearing in which  
1250 the original risk assessment instrument and the, rescored based  
1251 ~~on~~ newly discovered evidence or changed circumstances are  
1252 introduced into evidence with a rescored risk assessment  
1253 instrument with the results recommending detention, is  
1254 ~~introduced into evidence.~~

1255 (3) (a) If ~~When~~ a juvenile sexual offender is placed in  
1256 detention, detention staff shall provide appropriate monitoring  
1257 and supervision to ensure the safety of other children in the  
1258 facility.



956860

1259 (b) If ~~When~~ a juvenile charged with murder under s. 782.04,  
1260 sexual battery under chapter 794, stalking under s. 784.048, or  
1261 domestic violence as defined in s. 741.28, or an attempt to  
1262 commit any of these offenses ~~sexual offender, under this~~  
1263 ~~subsection,~~ is released from secure detention or transferred to  
1264 ~~home detention or~~ nonsecure detention, detention staff shall  
1265 immediately notify the appropriate law enforcement agency, ~~and~~  
1266 school personnel, and the victim.

1267 (4) (a) While a child who is currently enrolled in school is  
1268 in nonsecure ~~or home~~ detention care, the child shall continue to  
1269 attend school unless otherwise ordered by the court.

1270 (b) While a child is in secure detention care, the child  
1271 shall receive education commensurate with his or her grade level  
1272 and educational ability.

1273 (5) The court shall order the delivery of a child to a jail  
1274 or other facility intended or used for the detention of adults:

1275 (a) If ~~When~~ the child has been transferred or indicted for  
1276 criminal prosecution as an adult under part X., ~~except that~~ The  
1277 court may not order or allow a child alleged to have committed a  
1278 misdemeanor who is being transferred for criminal prosecution  
1279 pursuant to either s. 985.556 or s. 985.557 to be detained or  
1280 held in a jail or other facility intended or used for the  
1281 detention of adults; however, such child may be held temporarily  
1282 in a detention facility; or

1283 (b) If ~~When~~ a child taken into custody in this state is  
1284 wanted by another jurisdiction for prosecution as an adult.

1285  
1286 A ~~The~~ child shall be housed separately from adult inmates to  
1287 prohibit the ~~a~~ child from having regular contact with



956860

1288 incarcerated adults, including trustees. As used in this  
1289 subsection, the term "regular contact" means sight and sound  
1290 contact. Separation of children from adults may not allow ~~shall~~  
1291 ~~permit no~~ more than haphazard or accidental contact. The  
1292 receiving jail or other facility shall provide ~~contain~~ a  
1293 separate section for children and shall have ~~an adequate~~ staff  
1294 adequate to supervise and monitor the child's activities at all  
1295 times. Supervision and monitoring of children includes physical  
1296 observation and documented checks by jail or receiving facility  
1297 supervisory personnel at intervals not to exceed 10 ~~15~~ minutes.  
1298 This subsection does not prohibit placing two or more children  
1299 in the same cell. ~~Under no circumstances shall~~ A child may not  
1300 be placed in a ~~the same~~ cell with an adult.

1301 Section 17. Section 985.27, Florida Statutes, is amended to  
1302 read:

1303 985.27 Postadjudication ~~Postcommitment~~ detention while  
1304 awaiting commitment placement.-

1305 (1) The court must place all children who are adjudicated  
1306 and awaiting placement in a commitment program in detention  
1307 care. Children who are in ~~home detention care or~~ nonsecure  
1308 detention care may be placed on electronic monitoring.

1309 (a) ~~A child who is awaiting placement in a low risk~~  
1310 ~~residential program must be removed from detention within 5~~  
1311 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
1312 ~~child held in secure detention during the 5 days must meet~~  
1313 ~~detention admission criteria under this part. A child who is~~  
1314 ~~placed in home detention care, nonsecure detention care, or home~~  
1315 ~~or nonsecure detention care with electronic monitoring, while~~  
1316 ~~awaiting placement in a minimum-risk or low-risk program, may be~~



956860

1317 ~~held in secure detention care for 5 days, if the child violates~~  
1318 ~~the conditions of the home detention care, the nonsecure~~  
1319 ~~detention care, or the electronic monitoring agreement. For any~~  
1320 ~~subsequent violation, the court may impose an additional 5 days~~  
1321 ~~in secure detention care.~~

1322       ~~(b)~~ A child who is awaiting placement in a nonsecure  
1323 ~~moderate-risk~~ residential program must be removed from detention  
1324 within 5 days, excluding Saturdays, Sundays, and legal holidays.  
1325 A ~~Any~~ child held in secure detention during the 5 days must meet  
1326 detention admission criteria under this part. The department may  
1327 seek an order from the court authorizing continued detention for  
1328 a specific period of time necessary for the appropriate  
1329 residential placement of the child. However, such continued  
1330 detention in secure detention care may not exceed 15 days after  
1331 entry of the commitment order, excluding Saturdays, Sundays, and  
1332 legal holidays, and except as otherwise provided in this  
1333 section. A child who is placed in ~~home detention care,~~ nonsecure  
1334 detention care~~,~~ or ~~home or~~ nonsecure detention care with  
1335 electronic monitoring~~,~~ while awaiting placement in a nonsecure  
1336 residential ~~moderate-risk~~ program~~,~~ may be held in secure  
1337 detention care for 5 days~~,~~ if the child violates the conditions  
1338 of ~~the home detention care,~~ the nonsecure detention care~~,~~ or the  
1339 electronic monitoring agreement. For any subsequent violation,  
1340 the court may impose an additional 5 days in secure detention  
1341 care.

1342       ~~(b)(e)~~ If the child is committed to a high-risk residential  
1343 program, the child must be held in secure detention care until  
1344 placement or commitment is accomplished.

1345       ~~(c)(d)~~ If the child is committed to a maximum-risk



956860

1346 residential program, the child must be held in secure detention  
1347 care until placement or commitment is accomplished.

1348 (2) Regardless of detention status, a child being  
1349 transported by the department to a residential commitment  
1350 facility of the department may be placed in secure detention for  
1351 up to 24 hours overnight, not to exceed a 24-hour period, for  
1352 the specific purpose of ensuring the safe delivery of the child  
1353 to his or her residential commitment program, court,  
1354 appointment, transfer, or release.

1355 Section 18. Subsection (1) of section 985.275, Florida  
1356 Statutes, is amended to read:

1357 985.275 Detention of escapee or absconder on authority of  
1358 the department.—

1359 (1) If an authorized agent of the department has reasonable  
1360 grounds to believe that a any delinquent child committed to the  
1361 department has escaped from a residential commitment facility or  
1362 in the course of lawful transportation to or from such facility  
1363 ~~from being lawfully transported thereto or therefrom,~~ or has  
1364 absconded from a nonresidential commitment facility, the agent  
1365 shall notify law enforcement and, if the offense qualifies under  
1366 chapter 960, notify the victim, and make every reasonable effort  
1367 to locate the delinquent child. The child may be returned ~~take~~  
1368 ~~the child into active custody and may deliver the child to the~~  
1369 facility or, if it is closer, to a detention center for return  
1370 to the facility. However, a child may not be held in detention  
1371 more longer than 24 hours, excluding Saturdays, Sundays, and  
1372 legal holidays, unless a special order so directing is made by  
1373 the judge after a detention hearing resulting in a finding that  
1374 detention is required based on the criteria in s. 985.255. The





956860

1375 order must ~~shall~~ state the reasons for such finding. The reasons  
1376 are ~~shall be~~ reviewable by appeal or in habeas corpus  
1377 proceedings in the district court of appeal.

1378 Section 19. Paragraph (b) of subsection (4), paragraph (h)  
1379 of subsection (6), and paragraph (a) of subsection (7) of  
1380 section 985.433, Florida Statutes, are amended to read:

1381 985.433 Disposition hearings in delinquency cases.—When a  
1382 child has been found to have committed a delinquent act, the  
1383 following procedures shall be applicable to the disposition of  
1384 the case:

1385 (4) Before the court determines and announces the  
1386 disposition to be imposed, it shall:

1387 (b) Discuss with the child his or her compliance with any  
1388 predisposition ~~home release~~ plan or other plan imposed since the  
1389 date of the offense.

1390 (6) The first determination to be made by the court is a  
1391 determination of the suitability or nonsuitability for  
1392 adjudication and commitment of the child to the department. This  
1393 determination shall include consideration of the recommendations  
1394 of the department, which may include a predisposition report.  
1395 The predisposition report shall include, whether as part of the  
1396 child's multidisciplinary assessment, classification, and  
1397 placement process components or separately, evaluation of the  
1398 following criteria:

1399 (h) The child's educational status, including, but not  
1400 limited to, the child's strengths, abilities, and unmet and  
1401 special educational needs. The report must ~~shall~~ identify  
1402 appropriate educational and career ~~vocational~~ goals for the  
1403 child. Examples of appropriate goals include:



956860

- 1404           1. Attainment of a high school diploma or its equivalent.  
1405           2. Successful completion of literacy course(s).  
1406           3. Successful completion of career and technical  
1407 educational ~~vocational~~ course(s).  
1408           4. Successful attendance and completion of the child's  
1409 current grade, or recovery of credits of classes the child  
1410 previously failed, if enrolled in school.  
1411           5. Enrollment in an apprenticeship or a similar program.  
1412

1413 It is the intent of the Legislature that the criteria set forth  
1414 in this subsection are general guidelines to be followed at the  
1415 discretion of the court and not mandatory requirements of  
1416 procedure. It is not the intent of the Legislature to provide  
1417 for the appeal of the disposition made under this section.

1418           (7) If the court determines that the child should be  
1419 adjudicated as having committed a delinquent act and should be  
1420 committed to the department, such determination shall be in  
1421 writing or on the record of the hearing. The determination shall  
1422 include a specific finding of the reasons for the decision to  
1423 adjudicate and to commit the child to the department, including  
1424 any determination that the child was a member of a criminal  
1425 gang.

1426           (a) The department ~~juvenile probation officer~~ shall  
1427 recommend to the court the most appropriate placement and  
1428 treatment plan, specifically identifying the restrictiveness  
1429 level most appropriate for the child if commitment is  
1430 recommended. If the court has determined that the child was a  
1431 member of a criminal gang, that determination shall be given  
1432 great weight in identifying the most appropriate restrictiveness



956860

1433 level for the child. The court shall consider the department's  
1434 recommendation in making its commitment decision.

1435 Section 20. Present subsections (4) through (6) of section  
1436 985.435, Florida Statutes, are redesignated as subsections (5)  
1437 through (7), respectively, a new subsection (4) is added to that  
1438 section, and subsection (3) and present subsection (4) of that  
1439 section are amended, to read:

1440 985.435 Probation and postcommitment probation; community  
1441 service.—

1442 (3) A probation program must also include a rehabilitative  
1443 program component such as a requirement of participation in  
1444 substance abuse treatment or in a school or career and technical  
1445 ~~other~~ educational program. The nonconsent of the child to  
1446 treatment in a substance abuse treatment program does not  
1447 preclude ~~in no way precludes~~ the court from ordering such  
1448 treatment. Upon the recommendation of the department at the time  
1449 of disposition, or subsequent to disposition pursuant to the  
1450 filing of a petition alleging a violation of the child's  
1451 conditions of postcommitment probation, the court may order the  
1452 child to submit to random testing for the purpose of detecting  
1453 and monitoring the use of alcohol or controlled substances.

1454 (4) A probation program may also include an alternative  
1455 consequence component to address instances in which a child is  
1456 noncompliant with technical conditions of his or her probation,  
1457 but has not committed any new violations of law. The alternative  
1458 consequence component shall be designed to provide swift and  
1459 appropriate consequences to any noncompliance with technical  
1460 conditions of probation. If the probation program includes this  
1461 component, specific consequences that apply to noncompliance



956860

1462 with specific technical conditions of probation must be detailed  
1463 in the disposition order.

1464 (5)-(4) An evaluation of the youth's risk to reoffend ~~A~~  
1465 ~~classification scale for levels of supervision~~ shall be provided  
1466 by the department, taking into account the child's needs and  
1467 risks relative to probation supervision requirements to  
1468 reasonably ensure the public safety. Probation programs for  
1469 children shall be supervised by the department or by any other  
1470 person or agency specifically authorized by the court. These  
1471 programs must include, but are not limited to, structured or  
1472 restricted activities as described in this section and s.  
1473 985.439, and shall be designed to encourage the child toward  
1474 acceptable and functional social behavior.

1475 Section 21. Paragraph (a) of subsection (1) and subsection  
1476 (4) of section 985.439, Florida Statutes, are amended to read:

1477 985.439 Violation of probation or postcommitment  
1478 probation.—

1479 (1) (a) This section is applicable when the court has  
1480 jurisdiction over a child on probation or postcommitment  
1481 probation, regardless of adjudication ~~an adjudicated delinquent~~  
1482 ~~child.~~

1483 (4) Upon the child's admission, or if the court finds after  
1484 a hearing that the child has violated the conditions of  
1485 probation or postcommitment probation, the court shall enter an  
1486 order revoking, modifying, or continuing probation or  
1487 postcommitment probation. In each such case, the court shall  
1488 enter a new disposition order and, in addition to the sanctions  
1489 set forth in this section, may impose any sanction the court  
1490 could have imposed at the original disposition hearing. If the



956860

1491 child is found to have violated the conditions of probation or  
1492 postcommitment probation, the court may:

1493 (a) Place the child in a consequence unit in that judicial  
1494 circuit, if available, for up to 5 days for a first violation  
1495 and up to 15 days for a second or subsequent violation.

1496 (b) Place the child on nonsecure ~~home~~ detention with  
1497 electronic monitoring. However, this sanction may be used only  
1498 if a residential consequence unit is not available.

1499 (c) Modify or continue the child's probation program or  
1500 postcommitment probation program.

1501 (d) Revoke probation or postcommitment probation and commit  
1502 the child to the department.

1503 (e) If the violation of probation is technical in nature  
1504 and not a new violation of law, place the child in an  
1505 alternative consequence program designed to provide swift and  
1506 appropriate consequences for any further violations of  
1507 probation.

1508 1. Alternative consequence programs shall be established at  
1509 the local level in coordination with law enforcement agencies,  
1510 the chief judge of the circuit, the state attorney, and the  
1511 public defender.

1512 2. Alternative consequence programs may be operated by an  
1513 entity such as a law enforcement agency, the department, a  
1514 juvenile assessment center, a county or municipality, or another  
1515 entity selected by the department.

1516 3. Upon placing a child in an alternative consequence  
1517 program, the court must approve specific consequences for  
1518 specific violations of the conditions of probation.

1519 Section 22. Subsection (2) of section 985.441, Florida



956860

1520 Statutes, is amended to read:

1521 985.441 Commitment.—

1522 (2) Notwithstanding subsection (1), the court having  
1523 jurisdiction over an adjudicated delinquent child whose  
1524 ~~underlying~~ offense is was a misdemeanor, or a child who is  
1525 currently on probation for a misdemeanor, may not commit the  
1526 child for any misdemeanor offense or any probation violation  
1527 that is technical in nature and not a new violation of law at a  
1528 restrictiveness level other than minimum-risk nonresidential  
1529 unless the probation violation is a new violation of law  
1530 constituting a felony. However, the court may commit such child  
1531 to a nonsecure ~~low-risk or moderate-risk~~ residential placement  
1532 if:

1533 (a) The child has previously been adjudicated or had  
1534 adjudication withheld for a felony offense;

1535 (b) The child has previously been adjudicated or had  
1536 adjudication withheld for three or more misdemeanor offenses  
1537 within the preceding 18 months;

1538 (c) The child is before the court for disposition for a  
1539 violation of s. 800.03, s. 806.031, or s. 828.12; or

1540 (d) The court finds by a preponderance of the evidence that  
1541 the protection of the public requires such placement or that the  
1542 particular needs of the child would be best served by such  
1543 placement. Such finding must be in writing.

1544 Section 23. Paragraph (a) of subsection (1) and subsection  
1545 (5) of section 985.46, Florida Statutes, are amended to read:

1546 985.46 Conditional release.—

1547 (1) The Legislature finds that:

1548 (a) Conditional release is the care, treatment, help,



956860

1549 provision of transition-to-adulthood services, and supervision  
1550 provided to juveniles released from residential commitment  
1551 programs to promote rehabilitation and prevent recidivism.

1552 (5) Participation in the educational program by students of  
1553 compulsory school attendance age pursuant to s. 1003.21(1) and  
1554 (2) (a) is mandatory for juvenile justice youth on conditional  
1555 release or postcommitment probation status. A student of  
1556 noncompulsory school-attendance age who has not received a high  
1557 school diploma or its equivalent must participate in an ~~the~~  
1558 educational or career and technical educational program. A youth  
1559 who has received a high school diploma or its equivalent and is  
1560 not employed must participate in workforce development or other  
1561 career or technical education or attend a community college or a  
1562 university while in the program, subject to available funding.

1563 Section 24. Subsections (1) through (5) of section 985.461,  
1564 Florida Statutes, are amended to read:

1565 985.461 Transition to adulthood.—

1566 (1) The Legislature finds that ~~elder~~ youth are faced with  
1567 the need to learn how to support themselves within legal means  
1568 and overcome the stigma of being delinquent. In most cases,  
1569 parents expedite this transition. It is the intent of the  
1570 Legislature that the department provide ~~elder~~ youth in its  
1571 custody or under its supervision with opportunities for  
1572 participating in transition-to-adulthood services while in the  
1573 department's commitment programs or in probation or conditional  
1574 release programs in the community. These services should be  
1575 reasonable and appropriate for the youths' respective ages or  
1576 special needs and provide activities that build life skills and  
1577 increase the ability to live independently and become self-



956860

1578 sufficient.

1579 (2) Youth served by the department who are in the custody  
1580 of the Department of Children and Families ~~Family Services~~ and  
1581 who entered juvenile justice placement from a foster care  
1582 placement, if otherwise eligible, may receive independent living  
1583 transition services pursuant to s. 409.1451. Court-ordered  
1584 commitment or probation with the department is not a barrier to  
1585 eligibility for the array of services available to a youth who  
1586 is in the dependency foster care system only.

1587 (3) For a dependent child in the foster care system,  
1588 adjudication for delinquency does not, by itself, disqualify  
1589 such child for eligibility in the Department of Children and  
1590 Families' ~~Family Services'~~ independent living program.

1591 (4) As part of the child's treatment plan, the department  
1592 may provide transition-to-adulthood services to children  
1593 released from residential commitment. To support participation  
1594 in transition-to-adulthood services and subject to  
1595 appropriation, the department may:

1596 (a) Assess the child's skills and abilities to live  
1597 independently and become self-sufficient. The specific services  
1598 ~~to be~~ provided shall be determined using an assessment of his or  
1599 her readiness for adult life.

1600 (b) Use community reentry teams to assist in the  
1601 development of ~~Develop~~ a list of age-appropriate activities and  
1602 responsibilities to be incorporated in the child's written case  
1603 plan for any youth ~~17 years of age or older~~ who is under the  
1604 custody or supervision of the department. Community reentry  
1605 teams may include representation from school districts, law  
1606 enforcement, workforce development services, community-based





956860

1607 service providers, and the youth's family. Activities may  
1608 include, but are not limited to, life skills training, including  
1609 training to develop banking and budgeting skills, interviewing  
1610 and career planning skills, parenting skills, personal health  
1611 management, and time management or organizational skills;  
1612 educational support; employment training; and counseling.

1613 (c) Provide information related to social security  
1614 insurance benefits and public assistance.

1615 (d) Request parental or guardian permission for the youth  
1616 to participate in transition-to-adulthood services. Upon such  
1617 consent, age-appropriate activities shall be incorporated into  
1618 the youth's written case plan. This plan may include specific  
1619 goals and objectives and shall be reviewed and updated at least  
1620 quarterly. If the parent or guardian is cooperative, the plan  
1621 may not interfere with the parent's or guardian's rights to  
1622 nurture and train his or her child in ways that are otherwise in  
1623 compliance with the law and court order.

1624 (e) Contract for transition-to-adulthood services that  
1625 include residential services and assistance and allow the child  
1626 to live independently of the daily care and supervision of an  
1627 adult in a setting that is not licensed under s. 409.175. A  
1628 child under the care or supervision of the department ~~who has~~  
1629 ~~reached 17 years of age but is not yet 19 years of age~~ is  
1630 eligible for such services if he or she does not pose a danger  
1631 to the public and is able to demonstrate minimally sufficient  
1632 skills and aptitude for living under decreased adult  
1633 supervision, as determined by the department, using established  
1634 procedures and assessments.

1635 (f) Assist the youth in building a portfolio of educational



956860

1636 and vocational accomplishments, necessary identification,  
1637 resumes, and cover letters in an effort to enhance the youth's  
1638 employability.

1639 (g) Collaborate with school district contacts to facilitate  
1640 appropriate educational services based on the youth's identified  
1641 needs.

1642 (5) For a child ~~who is 17 years of age or older,~~ under the  
1643 department's care or supervision, and without benefit of parents  
1644 or legal guardians capable of assisting the child in the  
1645 transition to adult life, the department may provide an  
1646 assessment to determine the child's skills and abilities to live  
1647 independently and become self-sufficient. Based on the  
1648 assessment and within existing resources, services and training  
1649 may be provided in order to develop the necessary skills and  
1650 abilities ~~before the child's 18th birthday.~~

1651 Section 25. Paragraph (b) of subsection (3) of section  
1652 985.481, Florida Statutes, is amended to read:

1653 985.481 Sexual offenders adjudicated delinquent;  
1654 notification upon release.-

1655 (3)

1656 (b) ~~No later than November 1, 2007,~~ The department shall  
1657 ~~must~~ make the information described in subparagraph (a)1.  
1658 available electronically to the Department of Law Enforcement in  
1659 its database and in a format that is compatible with the  
1660 requirements of the Florida Crime Information Center.

1661 Section 26. Subsection (5) of section 985.4815, Florida  
1662 Statutes, is amended to read:

1663 985.4815 Notification to Department of Law Enforcement of  
1664 information on juvenile sexual offenders.-



956860

1665 (5) In addition to notification and transmittal  
1666 requirements imposed by any other ~~provision of law~~, the  
1667 department shall compile information on any sexual offender and  
1668 provide the information to the Department of Law Enforcement. ~~No~~  
1669 ~~later than November 1, 2007~~, The department shall ~~must~~ make the  
1670 information available electronically to the Department of Law  
1671 Enforcement in its database in a format that is compatible with  
1672 the requirements of the Florida Crime Information Center.

1673 Section 27. Subsection (2), paragraph (a) of subsection  
1674 (3), and paragraph (a) of subsection (9) of section 985.601,  
1675 Florida Statutes, are amended to read:

1676 985.601 Administering the juvenile justice continuum.—

1677 (2) The department shall develop and implement an  
1678 appropriate continuum of care that provides individualized,  
1679 multidisciplinary assessments, objective evaluations of relative  
1680 risks, and the matching of needs with placements for all  
1681 children under its care, and that uses a system of case  
1682 management to facilitate each child being appropriately  
1683 assessed, provided with services, and placed in a program that  
1684 meets the child's needs. The Legislature recognizes that the  
1685 purpose of the juvenile justice system is to increase public  
1686 safety by reducing juvenile delinquency and recognizes the  
1687 importance of ensuring that children who are assessed as low and  
1688 moderate risk to reoffend are considered for placement in a  
1689 nonresidential program.

1690  
1691 ===== T I T L E A M E N D M E N T =====

1692 And the title is amended as follows:

1693 Delete line 123



956860

1694 and insert:  
1695       s. 985.601, F.S.; providing legislative intent;  
1696       requiring the department to contract