

By Senator Bradley

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1                                   A bill to be entitled  
2           An act relating to the Department of Juvenile Justice;  
3           amending s. 985.01, F.S.; revising the purposes of ch.  
4           985, F.S., relating to juvenile justice; amending s.  
5           985.02, F.S.; revising the legislative intent and  
6           findings relating to the juvenile justice system;  
7           amending s. 985.03, F.S.; defining and redefining  
8           terms; amending s. 985.0301, F.S.; allowing a child  
9           who has been detained to be transferred to the  
10          detention center or facility in the circuit in which  
11          the child resides or will reside at the time of  
12          detention; deleting provisions relating to the  
13          retention of jurisdiction by the court of a child  
14          under certain circumstances; conforming provisions to  
15          changes made by the act; amending s. 985.037, F.S.;  
16          requiring the court to hold a hearing if a child is  
17          charged with direct contempt of court and to afford  
18          the child due process at such hearing; requiring the  
19          court to review the placement of a child in a secure  
20          detention facility upon motion by the defense or state  
21          attorney; conforming provisions to changes made by the  
22          act; repealing s. 985.105, F.S., relating to youth  
23          custody officers; amending s. 985.11, F.S.; providing  
24          that a child's fingerprints do not need to be  
25          submitted to the Department of Law Enforcement under  
26          certain circumstances; amending s. 985.14, F.S.;  
27          authorizing juvenile assessment center personnel to  
28          perform the intake process for children in custody of  
29          the Department of Juvenile Justice; providing

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30 requirements for the intake process; amending s.  
31 985.145, F.S.; transferring responsibilities relating  
32 to the intake process from the juvenile probation  
33 officer to the department; creating s. 985.17, F.S.;  
34 providing goals for the department's prevention  
35 services; requiring the department to engage with  
36 certain faith-based and community-based organizations;  
37 requiring the department to establish volunteer  
38 coordinators; requiring the department to promote a  
39 specified license plate; providing for the use of  
40 funds related to prevention services; amending s.  
41 985.24, F.S.; requiring that a determination or court  
42 order regarding the use of detention care include any  
43 findings that the child illegally possessed a firearm;  
44 authorizing the department to develop evening-  
45 reporting centers; providing requirements for such  
46 centers; conforming provisions to changes made by the  
47 act; amending s. 985.245, F.S.; conforming provisions  
48 to changes made by the act; amending s. 985.25, F.S.;  
49 transferring the responsibility for detention intake  
50 from the juvenile probation officer to the department;  
51 requiring that a child be placed in secure detention  
52 care until the child's detention hearing under certain  
53 circumstances; conforming provisions to changes made  
54 by the act; amending s. 985.255, F.S.; requiring that  
55 a child taken into custody and placed into secure or  
56 nonsecure detention care be given a hearing within a  
57 certain timeframe; authorizing the court to order  
58 continued detention under certain circumstances;

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59 requiring that, if the initial order placing the youth  
60 on detention care does not include a release date, a  
61 release date be requested of the court on the same  
62 date the youth is placed on detention care; requiring  
63 that, if a subsequent hearing is needed to provide  
64 additional information to the court for safety  
65 planning, the initial order reflect the date of the  
66 next detention review hearing, which must be within 3  
67 calendar days after the child's initial detention  
68 placement; conforming provisions to changes made by  
69 the act; amending s. 985.26, F.S.; conforming  
70 provisions to changes made by the act; amending s.  
71 985.265, F.S.; requiring that detention staff  
72 immediately notify law enforcement, school personnel,  
73 and the victim, when a juvenile charged with a  
74 specified crime is released from secure detention or  
75 transferred to nonsecure detention; conforming  
76 provisions to changes made by the act; amending s.  
77 985.27, F.S.; conforming provisions to changes made by  
78 the act; amending s. 985.275, F.S.; requiring an  
79 authorized agent of the department to notify law  
80 enforcement and attempt to locate a child who has  
81 escaped from a residential commitment facility;  
82 requiring that the victim be notified under certain  
83 circumstances; amending s. 985.433, F.S.; revising  
84 provisions relating to educational goals of a child in  
85 a predisposition report; requiring the department,  
86 rather than the juvenile probation officer, to  
87 recommend to the court the most appropriate treatment

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88 and placement plan; amending s. 985.435, F.S.;

89 authorizing a probation program to include an

90 alternative consequence component; providing

91 requirements for such component; requiring that the

92 department provide an evaluation of the youth's risk

93 to reoffend; conforming provisions to changes made by

94 the act; amending s. 985.439, F.S.; providing that the

95 section applies to children on probation or

96 postcommitment probation, regardless of adjudication;

97 authorizing the department to establish programs to

98 provide alternative consequences for certain probation

99 violations; providing requirements for such programs;

100 conforming provisions to changes made by the act;

101 amending s. 985.441, F.S.; providing that the court

102 may commit a child who is on probation for a

103 misdemeanor or a certain probation violation only at a

104 specified restrictiveness level; authorizing the court

105 to commit such child to a nonsecure residential

106 placement in certain circumstances; conforming

107 provisions to changes made by the act; amending s.

108 985.46, F.S.; providing that conditional release

109 includes transition-to-adulthood services; requiring

110 certain students to participate in an educational or

111 career education program; amending s. 985.461, F.S.;

112 authorizing the department to provide transition-to-

113 adulthood services under certain circumstances;

114 authorizing the department to use community reentry

115 teams composed of certain individuals and entities for

116 certain purposes; removing age restrictions for youth

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117 who receive transition-to-adulthood services;  
118 requiring the department to assist youth in developing  
119 a portfolio of certain accomplishments and to  
120 collaborate with school districts to facilitate  
121 certain educational services; amending ss. 985.481 and  
122 985.4815, F.S.; deleting obsolete provisions; amending  
123 s. 985.601, F.S.; requiring the department to contract  
124 for programs to provide trauma-informed care, family  
125 engagement resources, and gender-specific programming;  
126 authorizing the department to pay expenses in support  
127 of certain programs; repealing s. 985.605, F.S.,  
128 relating to prevention service programs, monitoring,  
129 and uniform performance measures; repealing s.  
130 985.606, F.S., relating to prevention services  
131 providers, performance data collection, and reporting;  
132 repealing s. 985.61, F.S., relating to early  
133 delinquency intervention programs; amending s.  
134 985.632, F.S.; revising legislative intent to include  
135 that the department establish a performance  
136 accountability system for certain providers that  
137 contract with the department; providing requirements  
138 for such contracts; requiring that the department's  
139 Bureau of Research and Planning submit a report to the  
140 Legislature; providing requirements for the report;  
141 defining terms; requiring that the department develop,  
142 in consultation with specified entities, a standard  
143 methodology for measuring, evaluating, and reporting;  
144 providing requirements for the methodology; deleting  
145 reporting requirements related to cost data; revising

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146 the requirements of the department's cost-  
147 effectiveness model; requiring the department to  
148 establish a quality improvement system rather than a  
149 quality assurance system; conforming provisions to  
150 changes made by the act; amending s. 985.644, F.S.;  
151 providing that specified individuals are not required  
152 to submit to certain screenings under certain  
153 circumstances; creating s. 985.6441, F.S.; defining  
154 the terms "hospital" and "health care provider";  
155 limiting the department's compensation of health care  
156 providers; amending s. 985.66, F.S.; revising the  
157 purpose of juvenile justice programs and courses;  
158 revising the duties of the department for staff  
159 development and training; providing that employees of  
160 certain contract providers may participate in the  
161 training program; amending s. 985.664, F.S.; requiring  
162 the juvenile justice circuit advisory board, rather  
163 than the secretary of the department, to appoint a new  
164 chair to that board; providing that the chair serves  
165 at the pleasure of the secretary; amending s. 985.672,  
166 F.S.; redefining the term "direct-support  
167 organization"; authorizing the department to allow the  
168 use of personnel services of the juvenile justice  
169 system by a direct-support organization; amending s.  
170 985.682, F.S.; deleting provisions relating to a  
171 statewide study; conforming provisions to changes made  
172 by the act; amending s. 985.69, F.S.; providing for  
173 repair and maintenance funding for juvenile justice  
174 purposes; repealing s. 985.694, F.S., relating to the

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175 Juvenile Care and Maintenance Trust Fund; amending s.  
176 985.701, F.S.; defining the term "juvenile offender";  
177 removing the requirement that the juvenile be detained  
178 by, supervised by, or committed to the custody of the  
179 department for the purposes of charging sexual  
180 misconduct by an employee of the department; creating  
181 s. 985.702, F.S.; defining terms; prohibiting an  
182 employee from willfully and maliciously neglecting a  
183 juvenile offender; providing criminal penalties;  
184 providing for dismissal from employment with the  
185 department; requiring an employee to report certain  
186 information; requiring the department's inspector  
187 general to conduct an appropriate administrative  
188 investigation; requiring that the inspector general  
189 notify the state attorney under certain circumstances;  
190 amending s. 943.0582, F.S.; requiring that the  
191 department expunge the nonjudicial arrest record of  
192 certain minors under certain circumstances; repealing  
193 s. 945.75, F.S., relating to tours of state  
194 correctional facilities for juveniles; amending s.  
195 121.0515, F.S.; conforming provisions to changes made  
196 by the act; amending ss. 985.045 and 985.721, F.S.;  
197 conforming cross-references; providing an effective  
198 date.

199  
200 Be It Enacted by the Legislature of the State of Florida:

201  
202 Section 1. Section 985.01, Florida Statutes, is amended to  
203 read:

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204 985.01 Purposes and intent.—

205 (1) The purposes of this chapter are:

206 (a) To increase public safety by reducing juvenile  
207 delinquency through effective prevention, intervention, and  
208 treatment services that strengthen and reform the lives of  
209 children.

210 (b)~~(a)~~ To provide judicial and other procedures to assure  
211 due process through which children, victims, and other  
212 interested parties are assured fair hearings by a respectful and  
213 respected court or other tribunal and the recognition,  
214 protection, and enforcement of their constitutional and other  
215 legal rights, while ensuring that public safety interests and  
216 the authority and dignity of the courts are adequately  
217 protected.

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

223 (d)~~(e)~~ To ensure the protection of society, by providing  
224 for a comprehensive standardized assessment of the child's needs  
225 so that the most appropriate control, discipline, punishment,  
226 and treatment can be administered consistent with the  
227 seriousness of the act committed, the community's long-term need  
228 for public safety, the prior record of the child, and the  
229 specific rehabilitation needs of the child, while also  
230 providing, whenever possible, restitution to the victim of the  
231 offense.

232 (e)~~(d)~~ To preserve and strengthen the child's family ties,



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233 whenever possible, by providing for removal of the child from  
234 the physical custody of a parent ~~parental custody~~ only when his  
235 or her welfare or the safety and protection of the public cannot  
236 be adequately safeguarded without such removal; and, when the  
237 child is removed from his or her own family, to secure custody,  
238 care, and discipline for the child as nearly as possible  
239 equivalent to that which should have been given by the parents,  
240 ~~and to assure, in all cases in which a child must be permanently~~  
241 ~~removed from parental custody, that the child be placed in an~~  
242 ~~approved family home, adoptive home, independent living program,~~  
243 ~~or other placement that provides the most stable and permanent~~  
244 ~~living arrangement for the child, as determined by the court.~~

245 (f)~~(e)~~1. To assure that the adjudication and disposition of  
246 a child alleged or found to have committed a violation of  
247 Florida law be exercised with appropriate discretion and in  
248 keeping with the seriousness of the offense and the need for  
249 treatment services, and that all findings made under this  
250 chapter be based upon facts presented at a hearing that meets  
251 the constitutional standards of fundamental fairness and due  
252 process.

253 2. To assure that the sentencing and placement of a child  
254 tried as an adult be appropriate and in keeping with the  
255 seriousness of the offense and the child's need for  
256 rehabilitative services, and that the proceedings and procedures  
257 applicable to such sentencing and placement be applied within  
258 the full framework of constitutional standards of fundamental  
259 fairness and due process.

260 (g)~~(f)~~ To provide children committed to the department with  
261 training in life skills, including career and technical

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262 education, if appropriate.

263 (h) To care for children in the least restrictive and most  
264 appropriate service environments.

265 (i) To allocate resources for the most effective programs,  
266 services, and treatments to ensure that children, their  
267 families, and their community support systems are connected with  
268 these programs, services, and treatments at the most impactful  
269 points along the juvenile justice continuum.

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

273 Section 2. Section 985.02, Florida Statutes, is amended to  
274 read:

275 985.02 Legislative intent for the juvenile justice system.—

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

279 (a) Protection from abuse, neglect, and exploitation.

280 (b) A permanent and stable home.

281 (c) A safe and nurturing environment that ~~which~~ will  
282 preserve a sense of personal dignity and integrity.

283 (d) Adequate nutrition, shelter, and clothing.

284 (e) Effective treatment to address physical, social, and  
285 emotional needs, regardless of geographical location.

286 (f) Equal opportunity and access to quality and effective  
287 education, which will meet the individual needs of each child,  
288 and to recreation and other community resources to develop  
289 individual abilities.

290 (g) Access to preventive services.

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

294 (h)(i) Gender-specific programming and gender-specific  
295 program models and services that comprehensively address the  
296 needs of a targeted gender group.

297 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that  
298 children in the care of the state's ~~dependency and delinquency~~  
299 system systems need appropriate health care services, that the  
300 impact of substance abuse on health indicates the need for  
301 health care services to include substance abuse services where  
302 appropriate, and that it is in the state's best interest that  
303 such children be provided the services they need to enable them  
304 to become and remain independent of state care. In order to  
305 provide these services, the state's ~~dependency and delinquency~~  
306 system systems must have the ability to identify and provide  
307 appropriate intervention and treatment for children with  
308 personal or family-related substance abuse problems. It is  
309 therefore the purpose of the Legislature to provide authority  
310 for the state to contract with community substance abuse  
311 treatment providers for the development and operation of  
312 specialized support and overlay services for the ~~dependency and~~  
313 ~~delinquency~~ system systems, which will be fully implemented and  
314 used ~~utilized~~ as resources permit.

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

319 (a) Develop and implement effective methods of preventing

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320 and reducing acts of delinquency, with a focus on maintaining  
321 and strengthening the family as a whole so that children may  
322 remain in their homes or communities.

323 (b) Develop and implement effective programs to prevent  
324 delinquency, to divert children from the traditional juvenile  
325 justice system, to intervene at an early stage of delinquency,  
326 and to provide critically needed alternatives to  
327 institutionalization and deep-end commitment.

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

330 (d) Increase the capacity of local governments and public  
331 and private agencies to conduct rehabilitative treatment  
332 programs and to provide research, evaluation, and training  
333 services in the field of juvenile delinquency prevention.

334

335 ~~The Legislature intends that detention care, in addition to~~  
336 ~~providing secure and safe custody, will promote the health and~~  
337 ~~well-being of the children committed thereto and provide an~~  
338 ~~environment that fosters their social, emotional, intellectual,~~  
339 ~~and physical development.~~

340 (4) DETENTION.—

341 (a) The Legislature finds that there is a need for a secure  
342 placement for certain children alleged to have committed a  
343 delinquent act. The Legislature finds that detention should be  
344 used only when less restrictive interim placement alternatives  
345 before ~~prior to~~ adjudication and disposition are not  
346 appropriate. The Legislature further finds that decisions to  
347 detain should be based in part on a prudent assessment of risk  
348 and be limited to situations where there is clear and convincing

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349 evidence that a child presents a risk of failing to appear or  
350 presents a substantial risk of inflicting bodily harm on others  
351 as evidenced by recent behavior; presents a history of  
352 committing a serious property offense prior to adjudication,  
353 disposition, or placement; has acted in direct or indirect  
354 contempt of court; or requests protection from imminent bodily  
355 harm.

356 (b) The Legislature intends that a juvenile found to have  
357 committed a delinquent act understands the consequences and the  
358 serious nature of such behavior. Therefore, the Legislature  
359 finds that secure detention is appropriate to provide punishment  
360 for juveniles who pose a threat to public safety that  
361 ~~discourages further delinquent behavior.~~ The Legislature also  
362 finds that certain juveniles have committed a sufficient number  
363 of criminal acts, including acts involving violence to persons,  
364 to represent sufficient danger to the community to warrant  
365 sentencing and placement within the adult system. It is the  
366 intent of the Legislature to establish clear criteria in order  
367 to identify these juveniles and remove them from the juvenile  
368 justice system.

369 (5) SITING OF FACILITIES.—

370 (a) The Legislature finds that timely siting and  
371 development of needed residential facilities for juvenile  
372 offenders is critical to the public safety of the citizens of  
373 this state and to the effective rehabilitation of juvenile  
374 offenders.

375 (b) It is the purpose of the Legislature to guarantee that  
376 such facilities are sited and developed within reasonable  
377 timeframes after they are legislatively authorized and

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378 appropriated.

379 (c) The Legislature further finds that such facilities must  
380 be located in areas of the state close to the home communities  
381 of the children they house in order to ensure the most effective  
382 rehabilitation efforts, ~~and the most intensive~~ postrelease  
383 supervision, and case management. The placement of facilities  
384 close to the home communities of the children they house is also  
385 intended to facilitate family involvement in the treatment  
386 process. Residential facilities may not ~~shall~~ have ~~no~~ more than  
387 90 ~~165~~ beds each, including campus-style programs, unless those  
388 campus-style programs include more than one ~~level of~~  
389 ~~restrictiveness, provide multilevel education and treatment~~  
390 program ~~programs~~ using different treatment protocols, ~~and have~~  
391 facilities that coexist separately in distinct locations on the  
392 same property.

393 (d) It is the intent of the Legislature that all other  
394 departments and agencies of the state ~~shall~~ cooperate fully with  
395 the Department of Juvenile Justice to accomplish the siting of  
396 facilities for juvenile offenders.

397  
398 The supervision, counseling, and rehabilitative treatment, ~~and~~  
399 ~~punitive~~ efforts of the juvenile justice system should avoid the  
400 inappropriate use of correctional programs and large  
401 institutions. ~~The Legislature finds that detention services~~  
402 ~~should exceed the primary goal of providing safe and secure~~  
403 ~~custody pending adjudication and disposition.~~

404 (6) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
405 Parents, custodians, and guardians are deemed by the state to be  
406 responsible for providing their children with sufficient

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407 support, guidance, and supervision to deter their participation  
408 in delinquent acts. The state further recognizes that the  
409 ability of parents, custodians, and guardians to fulfill those  
410 responsibilities can be greatly impaired by economic, social,  
411 behavioral, emotional, and related problems. It is therefore the  
412 policy of the Legislature that it is the state's responsibility  
413 to ensure that factors impeding the ability of caretakers to  
414 fulfill their responsibilities are identified through the  
415 delinquency intake process and that appropriate recommendations  
416 to address those problems are considered in any judicial or  
417 nonjudicial proceeding. Nonetheless, as it is also the intent of  
418 the Legislature to preserve and strengthen the child's family  
419 ties, it is the policy of the Legislature that the emotional,  
420 legal, and financial responsibilities of the caretaker with  
421 regard to the care, custody, and support of the child continue  
422 while the child is in the physical or legal custody of the  
423 department.

424 (7) GENDER-SPECIFIC PROGRAMMING.—

425 (a) The Legislature finds that the prevention, treatment,  
426 and rehabilitation needs of children ~~youth~~ served by the  
427 juvenile justice system are gender specific ~~gender-specific~~.

428 (b) Gender-specific programming refers to unique program  
429 models and services that comprehensively address the needs of a  
430 targeted gender group. Gender-specific services require the  
431 adherence to the principle of equity to ensure that the  
432 different interests of young women and men are recognized and  
433 varying needs are met, with equality as the desired outcome.  
434 Gender-specific programming focuses on the differences between  
435 young females' and young males' roles and responsibilities,

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436 positions in society, access to and use of resources, and social  
437 codes governing behavior. Gender-specific programs increase the  
438 effectiveness of programs by making interventions more  
439 appropriate to the specific needs of young women and men and  
440 ensuring that these programs do not unknowingly create,  
441 maintain, or reinforce gender roles or relations that may be  
442 damaging.

443 (8) TRAUMA-INFORMED CARE.—The Legislature finds that the  
444 department should use trauma-informed care as an approach to  
445 treating children with histories of trauma. Trauma-informed care  
446 assists service providers in recognizing the symptoms of trauma  
447 and acknowledges the role trauma has played in the child's life.  
448 Services for children should be based on an understanding of the  
449 vulnerabilities and triggers of trauma survivors which  
450 traditional service delivery approaches may exacerbate so that  
451 these services and programs can be more supportive and avoid re-  
452 traumatization. The department should use trauma-specific  
453 interventions that are designed to address the consequences of  
454 trauma in the child and to facilitate healing.

455 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds  
456 that families and community support systems are critical to the  
457 success of children and to ensure that they are nondelinquent.  
458 Therefore, if appropriate, children who can be held accountable  
459 safely through serving and treating them in their homes and  
460 communities should be diverted from more restrictive placements  
461 within the juvenile justice system. The Legislature also finds  
462 that there should be an emphasis on strengthening the family and  
463 immersing them in their community support system. The department  
464 should develop customized plans that acknowledge the importance



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465 of family and community support systems. The customized plans  
466 should recognize a child's individual needs, capitalize on his  
467 or her strengths, reduce risk to the child, and prepare the  
468 child for a successful transition to, and unification with, his  
469 or her family and community support system. The child's family  
470 shall be included in the department's process of assessing the  
471 needs, services and treatment, and community connections of the  
472 children who are involved with the juvenile justice system or in  
473 danger of becoming so involved.

474 Section 3. Section 985.03, Florida Statutes, is reordered  
475 and amended to read:

476 985.03 Definitions.—As used in this chapter, the term:

477 (1) "Abscond" means to hide, conceal, or absent oneself  
478 from the jurisdiction of the court or supervision of the  
479 department to avoid prosecution or supervision.

480 (2)~~(1)~~ "Addictions receiving facility" means a substance  
481 abuse service provider as defined in chapter 397.

482 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the court  
483 to determine whether or not the facts support the allegations  
484 stated in the petition, as is provided for under s. 985.35 in  
485 delinquency cases.

486 (4)~~(3)~~ "Adult" means any natural person other than a child.

487 (5)~~(4)~~ "Arbitration" means a process whereby a neutral  
488 third person or panel, called an arbitrator or an arbitration  
489 panel, considers the facts and arguments presented by the  
490 parties and renders a decision, which may be binding or  
491 nonbinding.

492 (6)~~(5)~~ "Authorized agent" or "designee" of the department  
493 means a person or agency assigned or designated by the

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494 ~~department or the Department of Children and Family Services, as~~  
495 ~~appropriate, to perform duties or exercise powers under this~~  
496 ~~chapter. The term and includes contract providers and their~~  
497 ~~employees for purposes of providing services to and managing~~  
498 ~~cases of children in need of services and families in need of~~  
499 ~~services.~~

500 ~~(7)(6)~~ "Child," or "juvenile," or "youth" means any  
501 unmarried person younger than under the age of 18 years of age  
502 ~~who has not been emancipated by order of the court and who has~~  
503 ~~been found or alleged to be dependent, in need of services, or~~  
504 ~~from a family in need of services; or any married or unmarried~~  
505 ~~person who is alleged to have committed charged with a violation~~  
506 ~~of law occurring before prior to the time that person reaches~~  
507 ~~reached the age of 18 years of age.~~

508 ~~(8)(7)~~ "Child in need of services" has the same meaning as  
509 provided in s. 984.03 ~~means a child for whom there is no pending~~  
510 ~~investigation into an allegation or suspicion of abuse, neglect,~~  
511 ~~or abandonment; no pending referral alleging the child is~~  
512 ~~delinquent; or no current supervision by the department or the~~  
513 ~~Department of Children and Family Services for an adjudication~~  
514 ~~of dependency or delinquency. The child must also, under this~~  
515 ~~chapter, be found by the court:~~

516 ~~(a) To have persistently run away from the child's parents~~  
517 ~~or legal custodians despite reasonable efforts of the child, the~~  
518 ~~parents or legal custodians, and appropriate agencies to remedy~~  
519 ~~the conditions contributing to the behavior. Reasonable efforts~~  
520 ~~shall include voluntary participation by the child's parents or~~  
521 ~~legal custodians and the child in family mediation, services,~~  
522 ~~and treatment offered by the department or the Department of~~

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523 ~~Children and Family Services;~~

524 ~~(b) To be habitually truant from school, while subject to~~  
525 ~~compulsory school attendance, despite reasonable efforts to~~  
526 ~~remedy the situation under ss. 1003.26 and 1003.27 and through~~  
527 ~~voluntary participation by the child's parents or legal~~  
528 ~~custodians and by the child in family mediation, services, and~~  
529 ~~treatment offered by the Department of Juvenile Justice or the~~  
530 ~~Department of Children and Family Services; or~~

531 ~~(c) To have persistently disobeyed the reasonable and~~  
532 ~~lawful demands of the child's parents or legal custodians, and~~  
533 ~~to be beyond their control despite efforts by the child's~~  
534 ~~parents or legal custodians and appropriate agencies to remedy~~  
535 ~~the conditions contributing to the behavior. Reasonable efforts~~  
536 ~~may include such things as good faith participation in family or~~  
537 ~~individual counseling.~~

538 ~~(9)(8)~~ "Child who has been found to have committed a  
539 delinquent act" means a child who, under this chapter, is found  
540 by a court to have committed a violation of law or to be in  
541 direct or indirect contempt of court. The term, ~~except that this~~  
542 ~~definition~~ does not include a child who commits an act  
543 constituting contempt of court arising out of a dependency  
544 proceeding or a proceeding concerning a child or family in need  
545 of services.

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

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

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552 (11) "Comprehensive assessment" or "assessment" means the  
553 gathering of information for the evaluation of a juvenile  
554 offender's or a child's physical, psychological, educational,  
555 career and technical educational ~~vocational~~, and social  
556 condition and family environment as they relate to the child's  
557 need for rehabilitative and treatment services, including  
558 substance abuse treatment ~~services~~, mental health ~~services~~,  
559 developmental ~~services~~, literacy ~~services~~, medical ~~services~~,  
560 family ~~services~~, and other specialized services, as appropriate.

561 (12) "Conditional release" means the care, treatment, help,  
562 transition-to-adulthood services, and supervision provided to a  
563 juvenile released from a residential commitment program which is  
564 intended to promote rehabilitation and prevent recidivism. The  
565 purpose of conditional release is to protect the public, reduce  
566 recidivism, increase responsible productive behavior, and  
567 provide for a successful transition of the youth from the  
568 department to his or her ~~the~~ family. Conditional release  
569 includes, but is not limited to, nonresidential community-based  
570 programs.

571 (13) "Court," ~~unless otherwise expressly stated,~~ means the  
572 circuit court assigned to exercise jurisdiction under this  
573 chapter, unless otherwise expressly stated.

574 (14) "Day treatment" means a nonresidential, community-  
575 based program designed to provide therapeutic intervention to  
576 youth served by the department or who are placed on probation or  
577 conditional release or are committed to the minimum-risk  
578 nonresidential level. A day-treatment ~~day-treatment~~ program may  
579 provide educational and career and technical educational  
580 ~~vocational~~ services and shall provide case management services;

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581 individual, group, and family counseling; training designed to  
582 address delinquency risk factors; and monitoring of a youth's  
583 compliance with, and facilitation of a youth's completion of,  
584 sanctions if ordered by the court. Program types may include,  
585 but are not limited to, career programs, marine programs,  
586 juvenile justice alternative schools, training and  
587 rehabilitation programs, and gender-specific programs.

588 (15) (a) "Delinquency program" means any intake, probation,  
589 or similar program; regional detention center or facility; or  
590 community-based program, whether owned and operated by or  
591 contracted by the department, or institution-owned ~~institution~~  
592 ~~owned~~ and operated by or contracted by the department, which  
593 provides intake, supervision, or custody and care of children  
594 who are alleged to be or who have been found to be delinquent  
595 under this chapter.

596 (b) "Delinquency program staff" means supervisory and  
597 direct care staff of a delinquency program as well as support  
598 staff who have direct contact with children in a delinquency  
599 program.

600 ~~(c) "Delinquency prevention programs" means programs~~  
601 ~~designed for the purpose of reducing the occurrence of~~  
602 ~~delinquency, including criminal gang activity, and juvenile~~  
603 ~~arrests. The term excludes arbitration, diversionary or~~  
604 ~~mediation programs, and community service work or other~~  
605 ~~treatment available subsequent to a child committing a~~  
606 ~~delinquent act.~~

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

608 (17) "Designated facility" or "designated treatment  
609 facility" means any facility designated by the department to

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610 provide treatment to juvenile offenders.

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

615 (a) "Secure detention" means temporary custody of the child  
616 while the child is under the physical restriction of a secure  
617 detention center or facility pending adjudication, disposition,  
618 or placement.

619 (b) "Nonsecure detention" ~~means temporary custody of the~~  
620 ~~child while the child is in a residential home in the community~~  
621 ~~in a physically nonrestrictive environment under the supervision~~  
622 ~~of the Department of Juvenile Justice pending adjudication,~~  
623 ~~disposition, or placement.~~

624 (c) ~~"Home detention"~~ means temporary nonsecure detention  
625 custody of the child while the child is released to the custody  
626 of the parent, guardian, or custodian in a physically  
627 nonrestrictive environment under the supervision of ~~the~~  
628 department staff pending adjudication, disposition, or  
629 placement. Forms of nonsecure detention include, but are not  
630 limited to, home detention, electronic monitoring, day-reporting  
631 centers, evening-reporting centers, and nonsecure shelters.  
632 Nonsecure detention may include other requirements imposed by  
633 the court.

634 (19) "Detention center or facility" means a facility used  
635 pending court adjudication or disposition or execution of court  
636 order for the temporary care of a child alleged or found to have  
637 committed a violation of law. A detention center or facility  
638 provides ~~may provide~~ secure ~~or nonsecure~~ custody. A facility

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639 used for the commitment of adjudicated delinquents is ~~shall~~ not  
640 ~~be~~ considered a detention center or facility.

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

644 (21) "Disposition hearing" means a hearing in which the  
645 court determines the most appropriate dispositional services in  
646 the least restrictive available setting provided for under part  
647 VII, in delinquency cases.

648 (22) "Family" means a collective of persons, consisting of  
649 a child and a parent, guardian, adult custodian, or adult  
650 relative, in which:

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

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

655 (23) "Family in need of services" has the same meaning as  
656 provided in s. 943.03 ~~means a family that has a child for whom~~  
657 ~~there is no pending investigation into an allegation of abuse,~~  
658 ~~neglect, or abandonment or no current supervision by the~~  
659 ~~department or the Department of Children and Family Services for~~  
660 ~~an adjudication of dependency or delinquency. The child must~~  
661 ~~also have been referred to a law enforcement agency or the~~  
662 ~~department for:~~

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

664 ~~(b) Persistently disobeying reasonable and lawful demands~~  
665 ~~of parents or legal custodians, and being beyond their control;~~  
666 ~~or~~

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

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

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

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

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

681  
682 ~~If a child who is subject to compulsory school attendance is~~  
683 ~~responsive to the interventions described in ss. 1003.26 and~~  
684 ~~1003.27 and has completed the necessary requirements to pass the~~  
685 ~~current grade as indicated in the district pupil progression~~  
686 ~~plan, the child shall not be determined to be habitually truant~~  
687 ~~and shall be passed. If a child within the compulsory school~~  
688 ~~attendance age has 15 unexcused absences within 90 calendar days~~  
689 ~~or fails to enroll in school, the state attorney may file a~~  
690 ~~child in need of services petition. Before filing a petition,~~  
691 ~~the child must be referred to the appropriate agency for~~  
692 ~~evaluation. After consulting with the evaluating agency, the~~  
693 ~~state attorney may elect to file a child in need of services~~  
694 ~~petition.~~

695       ~~(c) A school representative, designated according to school~~  
696 ~~board policy, and a juvenile probation officer of the department~~



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697 ~~have jointly investigated the truancy problem or, if that was~~  
698 ~~not feasible, have performed separate investigations to identify~~  
699 ~~conditions that could be contributing to the truant behavior;~~  
700 ~~and if, after a joint staffing of the case to determine the~~  
701 ~~necessity for services, such services were determined to be~~  
702 ~~needed, the persons who performed the investigations met jointly~~  
703 ~~with the family and child to discuss any referral to appropriate~~  
704 ~~community agencies for economic services, family or individual~~  
705 ~~counseling, or other services required to remedy the conditions~~  
706 ~~that are contributing to the truant behavior.~~

707 ~~(d) The failure or refusal of the parent or legal guardian~~  
708 ~~or the child to participate, or make a good faith effort to~~  
709 ~~participate, in the activities prescribed to remedy the truant~~  
710 ~~behavior, or the failure or refusal of the child to return to~~  
711 ~~school after participation in activities required by this~~  
712 ~~subsection, or the failure of the child to stop the truant~~  
713 ~~behavior after the school administration and the department have~~  
714 ~~worked with the child as described in s. 1003.27(3) shall be~~  
715 ~~handled as prescribed in s. 1003.27.~~

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

720 ~~(24)-(27)~~ "Intake" means the initial acceptance and  
721 screening by the department or juvenile assessment center  
722 personnel of a complaint or a law enforcement report or probable  
723 cause affidavit of delinquency, ~~family in need of services, or~~  
724 ~~child in need of services~~ to determine the recommendation to be  
725 taken in the best interests of the child, the family, and the

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726 community. The emphasis of intake is on diversion and the least  
727 restrictive available services and. ~~Consequently, intake~~  
728 includes ~~such~~ alternatives such as:

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

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

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

736 ~~(25)-(28)~~ "Judge" means the circuit judge exercising  
737 jurisdiction pursuant to this chapter.

738 ~~(26)-(29)~~ "Juvenile justice continuum" includes, but is not  
739 limited to, ~~delinquency~~ prevention programs and services  
740 designed for the purpose of preventing or reducing delinquent  
741 acts, including criminal activity by criminal gangs, and  
742 juvenile arrests, as well as programs and services targeted at  
743 children who have committed delinquent acts, ~~and children~~ who  
744 have previously been committed to residential treatment programs  
745 for delinquents. The term includes children-in-need-of-services  
746 and families-in-need-of-services programs under chapter 984;  
747 conditional release; substance abuse and mental health programs;  
748 educational and career programs; recreational programs;  
749 community services programs; community service work programs;  
750 mother-infant programs; and alternative dispute resolution  
751 programs serving children at risk of delinquency and their  
752 families, whether offered or delivered by state or local  
753 governmental entities, public or private for-profit or not-for-  
754 profit organizations, or religious or charitable organizations.

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755        (27)~~(30)~~ "Juvenile probation officer" means the authorized  
756 agent of the department who performs ~~the~~ intake, case  
757 management, or supervision functions.

758        (28)~~(31)~~ "Legal custody or guardian" means a legal status  
759 created by court order or letter of guardianship which vests in  
760 a custodian of the person or guardian, whether an agency or an  
761 individual, the right to have physical custody of the child and  
762 the right and duty to protect, train, and discipline the child  
763 and to provide him or her with food, shelter, education, and  
764 ordinary medical, dental, psychiatric, and psychological care.

765        (29)~~(32)~~ "Licensed child-caring agency" means a person,  
766 society, association, or agency licensed by the Department of  
767 Children and Families ~~Family Services~~ to care for, receive, and  
768 board children.

769        (30)~~(33)~~ "Licensed health care professional" means a  
770 physician licensed under chapter 458, an osteopathic physician  
771 licensed under chapter 459, a nurse licensed under part I of  
772 chapter 464, a physician assistant licensed under chapter 458 or  
773 chapter 459, or a dentist licensed under chapter 466.

774        (31)~~(34)~~ "Likely to injure oneself" means that, as  
775 evidenced by violent or other actively self-destructive  
776 behavior, it is more likely than not that within a 24-hour  
777 period the child will attempt to commit suicide or inflict  
778 serious bodily harm on himself or herself.

779        (32)~~(35)~~ "Likely to injure others" means that it is more  
780 likely than not that within a 24-hour period the child will  
781 inflict serious and unjustified bodily harm on another person.

782        (33)~~(36)~~ "Mediation" means a process whereby a neutral  
783 third person called a mediator acts to encourage and facilitate

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784 the resolution of a dispute between two or more parties. It is  
785 an informal and nonadversarial process with the objective of  
786 helping the disputing parties reach a mutually acceptable and  
787 voluntary agreement. In mediation, decisionmaking authority  
788 rests with the parties. The role of the mediator includes, but  
789 is not limited to, assisting the parties in identifying issues,  
790 fostering joint problem solving, and exploring settlement  
791 alternatives.

792 (34)~~(37)~~ "Mother-infant program" means a residential  
793 program designed to serve the needs of juvenile mothers or  
794 expectant juvenile mothers who are committed as delinquents,  
795 which is operated or contracted by the department. A mother-  
796 infant program facility must be licensed as a child care  
797 facility under s. 402.308 and must provide the services and  
798 support necessary to enable each juvenile mother committed to  
799 the facility to provide for the needs of her infant ~~infants~~ who,  
800 upon agreement of the mother, may accompany her in the program.

801 (35)~~(38)~~ "Necessary medical treatment" means care that  
802 ~~which~~ is necessary within a reasonable degree of medical  
803 certainty to prevent the deterioration of a child's condition or  
804 to alleviate immediate pain of a child.

805 (36)~~(39)~~ "Next of kin" means an adult relative of a child  
806 who is the child's brother, sister, grandparent, aunt, uncle, or  
807 first cousin.

808 (37)~~(40)~~ "Ordinary medical care" means medical procedures  
809 that are administered or performed on a routine basis and  
810 includes, but is ~~include, but are~~ not limited to, inoculations,  
811 physical examinations, remedial treatment for minor illnesses  
812 and injuries, preventive services, medication management,

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813 chronic disease detection and treatment, and other medical  
814 procedures that are administered or performed on a routine basis  
815 and that do not involve hospitalization, surgery, the use of  
816 general anesthesia, or the provision of psychotropic  
817 medications.

818 ~~(38)-(41)~~ "Parent" means a woman who gives birth to a child  
819 and a man whose consent to the adoption of the child would be  
820 required under s. 63.062(1). If a child has been legally  
821 adopted, the term "parent" means the adoptive mother or father  
822 of the child. The term does not include an individual whose  
823 parental relationship to a ~~the~~ child has been legally  
824 terminated~~,~~ or an alleged or prospective parent~~,~~ unless the  
825 parental status falls within the terms of ~~either~~ s. 39.503(1) or  
826 s. 63.062(1).

827 ~~(39)-(42)~~ "Preliminary screening" means the gathering of  
828 preliminary information to be used in determining a child's need  
829 for further evaluation or assessment or for referral for other  
830 substance abuse services through means such as psychosocial  
831 interviews,~~,~~ urine and breathalyzer screenings,~~,~~ and reviews of  
832 available educational, delinquency, and dependency records of  
833 the child.

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

837 ~~(43) "Preventive services" means social services and other~~  
838 ~~supportive and rehabilitative services provided to the parent of~~  
839 ~~the child, the legal guardian of the child, or the custodian of~~  
840 ~~the child and to the child for the purpose of averting the~~  
841 ~~removal of the child from the home or disruption of a family~~

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842 ~~which will or could result in the placement of a child in foster~~  
843 ~~care. Social services and other supportive and rehabilitative~~  
844 ~~services shall promote the child's need for a safe, continuous,~~  
845 ~~stable living environment and shall promote family autonomy and~~  
846 ~~shall strengthen family life as the first priority whenever~~  
847 ~~possible.~~

848       (41)~~(44)~~ "Probation" means the legal status of probation  
849 created by law and court order in cases involving a child who  
850 has been found to have committed a delinquent act. Probation is  
851 an individualized program in which the freedom of the child is  
852 limited and the child is restricted to noninstitutional quarters  
853 or restricted to the child's home in lieu of commitment to the  
854 custody of the department. Youth on probation may be assessed  
855 and classified for placement in day-treatment probation programs  
856 designed for youth who represent a minimum risk to themselves  
857 and public safety and who do not require placement and services  
858 in a residential setting.

859       (42)~~(45)~~ "Relative" means a grandparent, great-grandparent,  
860 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,  
861 niece, or nephew, whether related by ~~the~~ whole or half blood, by  
862 affinity, or by adoption. The term does not include a  
863 stepparent.

864       (43)~~(46)~~ "Restrictiveness level" means the level of  
865 programming and security provided by programs that service the  
866 supervision, custody, care, and treatment needs of committed  
867 children. Sections 985.601(10) and 985.721 apply to children  
868 placed in programs at any residential commitment level. The  
869 restrictiveness levels of commitment are as follows:

870       (a) *Minimum-risk nonresidential.*—Programs or program models

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871 at this commitment level work with youth who remain in the  
872 community and participate at least 5 days per week in a day-  
873 treatment day ~~treatment~~ program. Youth assessed and classified  
874 for programs at this commitment level represent a minimum risk  
875 to themselves and public safety and do not require placement and  
876 services in residential settings. Youth in this level have full  
877 access to, and reside in, the community. Youth who have been  
878 found to have committed delinquent acts that involve firearms,  
879 that are sexual offenses, or that would be life felonies or  
880 first-degree ~~first-degree~~ felonies if committed by an adult may  
881 not be committed to a program at this level.

882 ~~(b) *Low risk residential.* Programs or program models at~~  
883 ~~this commitment level are residential but may allow youth to~~  
884 ~~have unsupervised access to the community. Residential~~  
885 ~~facilities shall have no more than 165 beds each, including~~  
886 ~~campus-style programs, unless those campus-style programs~~  
887 ~~include more than one level of restrictiveness, provide~~  
888 ~~multilevel education and treatment programs using different~~  
889 ~~treatment protocols, and have facilities that coexist separately~~  
890 ~~in distinct locations on the same property. Youth assessed and~~  
891 ~~classified for placement in programs at this commitment level~~  
892 ~~represent a low risk to themselves and public safety but do~~  
893 ~~require placement and services in residential settings. Children~~  
894 ~~who have been found to have committed delinquent acts that~~  
895 ~~involve firearms, delinquent acts that are sexual offenses, or~~  
896 ~~delinquent acts that would be life felonies or first degree~~  
897 ~~felonies if committed by an adult shall not be committed to a~~  
898 ~~program at this level.~~

899 (b) (e) *Nonsecure Moderate risk residential.*—Programs or

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900 program models at this commitment level are residential but may  
901 allow youth to have supervised access to the community.  
902 Facilities at this commitment level are either environmentally  
903 secure or, staff secure, or are hardware secure ~~hardware-secure~~  
904 with walls, fencing, or locking doors. Residential facilities at  
905 this commitment level may ~~shall~~ have up to 90 ~~no more than 165~~  
906 beds each, including campus-style programs, unless those campus-  
907 style programs include more than one ~~level of restrictiveness,~~  
908 ~~provide multilevel education and treatment~~ program ~~programs~~  
909 using different treatment protocols, and have facilities that  
910 coexist separately in distinct locations on the same property.  
911 Facilities at this commitment level shall provide 24-hour awake  
912 supervision, custody, care, and treatment of residents. Youth  
913 assessed and classified for placement in programs at this  
914 commitment level represent a low or moderate risk to public  
915 safety and require close supervision. The staff at a facility at  
916 this commitment level may seclude a child who is a physical  
917 threat to himself, ~~or~~ herself, or others. Mechanical restraint  
918 may also be used when necessary.

919 (c)(d) *High-risk residential.*—Programs or program models at  
920 this commitment level are residential and do not allow youth to  
921 have access to the community, except that temporary release  
922 providing community access for up to 72 continuous hours may be  
923 approved by a court for a youth who has made successful progress  
924 in his or her program so that ~~in order for~~ the youth may respond  
925 to ~~attend~~ a family emergency or, during the final 60 days of his  
926 or her placement, ~~to~~ visit his or her home, enroll in school or  
927 a career and technical education ~~vocational~~ program, complete a  
928 job interview, or participate in a community service project.



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929 High-risk residential facilities are hardware secure ~~hardware-~~  
930 ~~secure~~ with perimeter fencing and locking doors. Residential  
931 facilities at this commitment level may ~~shall~~ have up to 90 ~~no~~  
932 ~~more than 165~~ beds each, including campus-style programs, unless  
933 those campus-style programs include more than one ~~level of~~  
934 ~~restrictiveness, provide multilevel education and treatment~~  
935 program programs using different treatment protocols, and have  
936 facilities that coexist separately in distinct locations on the  
937 same property. Facilities at this commitment level shall provide  
938 24-hour awake supervision, custody, care, and treatment of  
939 residents. Youth assessed and classified for this level of  
940 placement require close supervision in a structured residential  
941 setting. Placement in programs at this level is prompted by a  
942 concern for public safety which ~~that~~ outweighs placement in  
943 programs at lower commitment levels. The staff at a facility at  
944 this commitment level may seclude a child who is a physical  
945 threat to himself, ~~or~~ herself, or others. Mechanical restraint  
946 may also be used when necessary. The facility may provide for  
947 single cell occupancy, except that youth may be housed together  
948 during prerelease transition.

949 (d) ~~(e)~~ *Maximum-risk residential.*—Programs or program models  
950 at this commitment level include juvenile correctional  
951 facilities and juvenile prisons. The programs at this commitment  
952 level are long-term residential and do not allow youth to have  
953 access to the community. Facilities at this commitment level are  
954 maximum-custody and hardware secure, ~~hardware-secure~~ with  
955 perimeter security fencing and locking doors. Residential  
956 facilities at this commitment level may ~~shall~~ have up to 90 ~~no~~  
957 ~~more than 165~~ beds each, including campus-style programs, unless

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958 those campus-style programs include more than one ~~level of~~  
959 ~~restrictiveness, provide multilevel education and treatment~~  
960 program programs using different treatment protocols, and have  
961 facilities that coexist separately in distinct locations on the  
962 same property. Facilities at this commitment level shall provide  
963 24-hour awake supervision, custody, care, and treatment of  
964 residents. The staff at a facility at this commitment level may  
965 seclude a child who is a physical threat to himself, ~~or~~ herself,  
966 or others. Mechanical restraint may also be used when necessary.  
967 Facilities at this commitment level ~~The facility~~ shall provide  
968 for single cell occupancy, except that youth may be housed  
969 together during prerelease transition. Youth assessed and  
970 classified for this level of placement require close supervision  
971 in a maximum security residential setting. Placement in a  
972 program at this level is prompted by a demonstrated need to  
973 protect the public.

974 ~~(44)-(47)~~ "Respite" means a placement that is available for  
975 the care, custody, and placement of a youth charged with  
976 domestic violence as an alternative to secure detention or for  
977 placement of a youth when a shelter bed for a child in need of  
978 services or a family in need of services is unavailable.

979 ~~(45)-(48)~~ "Secure detention center or facility" means a  
980 physically restricting facility for the temporary care of  
981 children, pending adjudication, disposition, or placement.

982 ~~(46)-(49)~~ "Shelter" means a place for the temporary care of  
983 a child who is alleged to be or who has been found to be  
984 delinquent.

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

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987 ~~of services cases.~~

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

996 ~~(47)~~(52) "Substance abuse" means using, without medical  
997 reason, any psychoactive or mood-altering drug, including  
998 alcohol, in such a manner as to induce impairment resulting in  
999 dysfunctional social behavior.

1000 ~~(48)~~(53) "Taken into custody" means the status of a child  
1001 immediately when temporary physical control over the child is  
1002 attained by a person authorized by law, pending the child's  
1003 release, detention, placement, or other disposition as  
1004 authorized by law.

1005 ~~(49)~~(54) "Temporary legal custody" means the relationship  
1006 that a juvenile court creates between a child and an adult  
1007 relative of the child, adult nonrelative approved by the court,  
1008 or other person until a more permanent arrangement is ordered.  
1009 Temporary legal custody confers upon the custodian the right to  
1010 have temporary physical custody of the child and the right and  
1011 duty to protect, train, and discipline the child and to provide  
1012 the child with food, shelter, and education, and ordinary  
1013 medical, dental, psychiatric, and psychological care, unless  
1014 these rights and duties are otherwise enlarged or limited by the  
1015 court order establishing the temporary legal custody

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1016 relationship.

1017 ~~(50)(55)~~ "Temporary release" means the terms and conditions  
1018 under which a child is temporarily released from a residential  
1019 commitment facility or allowed home visits. If the temporary  
1020 release is from a nonsecure ~~moderate-risk~~ residential facility,  
1021 a high-risk residential facility, or a maximum-risk residential  
1022 facility, the terms and conditions of the temporary release must  
1023 be approved by the child, the court, and the facility. ~~The term~~  
1024 ~~includes periods during which the child is supervised pursuant~~  
1025 ~~to a conditional release program or a period during which the~~  
1026 ~~child is supervised by a juvenile probation officer or other~~  
1027 ~~nonresidential staff of the department or staff employed by an~~  
1028 ~~entity under contract with the department.~~

1029 ~~(51)(56)~~ "Transition-to-adulthood services" means services  
1030 that are provided for youth in the custody of the department or  
1031 under the supervision of the department and that have the  
1032 objective of instilling the knowledge, skills, and aptitudes  
1033 essential to a socially integrated, self-supporting adult life.  
1034 The services may include, but are not limited to:

1035 (a) Assessment of the youth's ability and readiness for  
1036 adult life.

1037 (b) A plan for the youth to acquire the knowledge,  
1038 information, and counseling necessary to make a successful  
1039 transition to adulthood.

1040 (c) Services that have proven effective toward achieving  
1041 the transition to adulthood.

1042 (52) "Trauma-informed care" means the provision of services  
1043 to children with a history of trauma in a manner that recognizes  
1044 the symptoms and acknowledges the role the trauma has played in

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1045 the child's life. Trauma may include, but is not limited to,  
1046 community and school violence, physical or sexual abuse,  
1047 neglect, medical difficulties, and domestic violence.

1048 (53)~~(57)~~ "Violation of law" or "delinquent act" means a  
1049 violation of any law of this state, the United States, or any  
1050 other state which is a misdemeanor or a felony or a violation of  
1051 a county or municipal ordinance which would be punishable by  
1052 incarceration if the violation were committed by an adult.

1053 (54)~~(58)~~ "Waiver hearing" means a hearing provided for  
1054 under s. 985.556(4).

1055 Section 4. Subsections (4) and (5) of section 985.0301,  
1056 Florida Statutes, are amended to read:

1057 985.0301 Jurisdiction.—

1058 (4) (a) Petitions alleging delinquency shall be filed in the  
1059 county where the delinquent act or violation of law occurred.7  
1060 ~~but~~ The circuit court for that county may transfer the case to  
1061 the circuit court of the circuit in which the child resides or  
1062 will reside at the time of detention or placement for  
1063 dispositional purposes. A child who has been detained may ~~shall~~  
1064 be transferred to the ~~appropriate~~ detention center or facility  
1065 in the circuit in which the child resides or will reside at the  
1066 time of detention ~~or other placement directed by the receiving~~  
1067 ~~court.~~

1068 (b) The jurisdiction to be exercised by the court when a  
1069 child is taken into custody before the filing of a petition  
1070 under subsection (2) shall be exercised by the circuit court for  
1071 the county in which the child is taken into custody, and such  
1072 court has ~~which court shall have~~ personal jurisdiction of the  
1073 child and the child's parent or legal guardian. If the child has

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1074 been detained, upon the filing of a petition in the appropriate  
1075 circuit court, the court that is exercising initial personal  
1076 jurisdiction ~~of the person~~ of the child shall, ~~if the child has~~  
1077 ~~been detained,~~ immediately order the child to be transferred to  
1078 the detention center or facility or other placement as ordered  
1079 by the court having subject matter jurisdiction of the case.

1080 (5) (a) Notwithstanding s. 743.07, ~~ss. 743.07, 985.43,~~  
1081 ~~985.433, 985.435, 985.439, and 985.441,~~ and except as provided  
1082 in paragraphs (b) and (c) ~~ss. 985.461 and 985.465 and paragraph~~  
1083 ~~(f),~~ when the jurisdiction of a any child who is alleged to have  
1084 committed a delinquent act or violation of law is obtained, the  
1085 court retains ~~shall retain~~ jurisdiction to dispose the case,  
1086 unless relinquished by its order, until the child reaches 19  
1087 years of age, with the same power over the child which the court  
1088 had before the child became an adult. ~~For the purposes of s.~~  
1089 ~~985.461, the court may retain jurisdiction for an additional 365~~  
1090 ~~days following the child's 19th birthday if the child is~~  
1091 ~~participating in transition to adulthood services. The~~  
1092 ~~additional services do not extend involuntary court-sanctioned~~  
1093 ~~residential commitment and therefore require voluntary~~  
1094 ~~participation by the affected youth.~~

1095 (b) Unless relinquished by its own order, the court retains  
1096 jurisdiction over a child on probation until the child reaches  
1097 19 years of age ~~Notwithstanding ss. 743.07 and 985.455(3), the~~  
1098 ~~term of any order placing a child in a probation program must be~~  
1099 ~~until the child's 19th birthday unless he or she is released by~~  
1100 ~~the court on the motion of an interested party or on his or her~~  
1101 ~~own motion.~~

1102 (c) Unless relinquished by its own order, the court retains

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1103 jurisdiction over a child committed to the department until the  
1104 child reaches 21 years of age, specifically for the purpose of  
1105 allowing the child to complete the department's commitment  
1106 program, including conditional release supervision.

1107 (d) The court retains jurisdiction over a juvenile sex  
1108 offender as defined in s. 985.475 who has been placed in a  
1109 community-based treatment alternative program with supervision  
1110 or in a program or facility for juvenile sex offenders pursuant  
1111 to s. 985.48 until the juvenile sex offender reaches 21 years of  
1112 age, specifically for the purpose of completing the program.

1113 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~  
1114 ~~the commitment must be until the child is discharged by the~~  
1115 ~~department or until he or she reaches the age of 21 years.~~  
1116 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~  
1117 ~~985.455, and 985.513, and except as provided in this section, a~~  
1118 ~~child may not be held under a commitment from a court under s.~~  
1119 ~~985.439, s. 985.441(1) (a) or (b), or s. 985.455 after becoming~~  
1120 ~~21 years of age.~~

1121 ~~(d) The court may retain jurisdiction over a child~~  
1122 ~~committed to the department for placement in a juvenile prison~~  
1123 ~~or in a high-risk or maximum-risk residential commitment program~~  
1124 ~~to allow the child to participate in a juvenile conditional~~  
1125 ~~release program pursuant to s. 985.46. The jurisdiction of the~~  
1126 ~~court may not be retained after the child's 22nd birthday.~~  
1127 ~~However, if the child is not successful in the conditional~~  
1128 ~~release program, the department may use the transfer procedure~~  
1129 ~~under s. 985.441(4).~~

1130 ~~(e) The court may retain jurisdiction over a child~~  
1131 ~~committed to the department for placement in an intensive~~

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1132 ~~residential treatment program for 10-year-old to 13-year-old~~  
1133 ~~offenders, in the residential commitment program in a juvenile~~  
1134 ~~prison or in a residential sex offender program until the child~~  
1135 ~~reaches the age of 21. If the court exercises this jurisdiction~~  
1136 ~~retention, it shall do so solely for the purpose of the child~~  
1137 ~~completing the intensive residential treatment program for 10-~~  
1138 ~~year-old to 13-year-old offenders, in the residential commitment~~  
1139 ~~program in a juvenile prison, or in a residential sex offender~~  
1140 ~~program. Such jurisdiction retention does not apply for other~~  
1141 ~~programs, other purposes, or new offenses.~~

1142 ~~(f) The court may retain jurisdiction over a child~~  
1143 ~~committed to a juvenile correctional facility or a juvenile~~  
1144 ~~prison until the child reaches the age of 21 years, specifically~~  
1145 ~~for the purpose of allowing the child to complete such program.~~

1146 ~~(g) The court may retain jurisdiction over a juvenile~~  
1147 ~~sexual offender who has been placed in a program or facility for~~  
1148 ~~juvenile sexual offenders until the juvenile sexual offender~~  
1149 ~~reaches the age of 21, specifically for the purpose of~~  
1150 ~~completing the program.~~

1151 ~~(e)~~(h) The court may retain jurisdiction over a child and  
1152 the child's parent or legal guardian whom the court has ordered  
1153 to pay restitution until the restitution order is satisfied. To  
1154 retain jurisdiction, the court shall enter a restitution order,  
1155 which is separate from any disposition or order of commitment,  
1156 on or before ~~prior to~~ the date that the court's jurisdiction  
1157 would cease under this section. The contents of the restitution  
1158 order are ~~shall be~~ limited to the child's name and address, the  
1159 name and address of the parent or legal guardian, the name and  
1160 address of the payee, the case number, the date and amount of



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1161 restitution ordered, any amount of restitution paid, the amount  
1162 of restitution due and owing, and a notation that costs,  
1163 interest, penalties, and attorney fees may also be due and  
1164 owing. The terms of the restitution order are subject to s.  
1165 775.089(5).

1166 (f)~~(i)~~ This subsection does not prevent the exercise of  
1167 jurisdiction by any court having jurisdiction of the child if  
1168 the child, after becoming an adult, commits a violation of law.

1169 Section 5. Subsections (2) and (4) of section 985.037,  
1170 Florida Statutes, are amended to read:

1171 985.037 Punishment for contempt of court; alternative  
1172 sanctions.—

1173 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may  
1174 be placed in a secure detention facility for purposes of  
1175 punishment for contempt of court if alternative sanctions are  
1176 unavailable or inappropriate, or if the child has already been  
1177 ordered to serve an alternative sanction but failed to comply  
1178 with the sanction. A delinquent child who has been held in  
1179 direct or indirect contempt may be placed in a secure detention  
1180 facility for up to ~~not to exceed~~ 5 days for a first offense and  
1181 up to ~~not to exceed~~ 15 days for a second or subsequent offense.

1182 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
1183 PROCESS.—

1184 (a) If a child is charged with direct contempt of court,  
1185 including traffic court, the court may impose an authorized  
1186 sanction immediately. The court must hold a hearing to determine  
1187 if the child committed direct contempt. Due process must be  
1188 afforded to the child during such hearing.

1189 (b) If a child is charged with indirect contempt of court,

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1190 the court must hold a hearing within 24 hours to determine  
1191 whether the child committed indirect contempt of a valid court  
1192 order. At the hearing, the following due process rights must be  
1193 provided to the child:

1194 1. Right to a copy of the order to show cause alleging  
1195 facts supporting the contempt charge.

1196 2. Right to an explanation of the nature and the  
1197 consequences of the proceedings.

1198 3. Right to legal counsel and the right to have legal  
1199 counsel appointed by the court if the juvenile is indigent,  
1200 under s. 985.033.

1201 4. Right to confront witnesses.

1202 5. Right to present witnesses.

1203 6. Right to have a transcript or record of the proceeding.

1204 7. Right to appeal to an appropriate court.

1205

1206 The child's parent or guardian may address the court regarding  
1207 the due process rights of the child. Upon motion by the defense  
1208 or state attorney, the court shall review the placement of the  
1209 child ~~every 72 hours~~ to determine whether it is appropriate for  
1210 the child to remain in the facility.

1211 (c) The court may not order that a child be placed in a  
1212 secure detention facility as for punishment for contempt unless  
1213 the court determines that an alternative sanction is  
1214 inappropriate or unavailable or that the child was initially  
1215 ordered to an alternative sanction and did not comply with the  
1216 alternative sanction. The court is encouraged to order a child  
1217 to perform community service, up to the maximum number of hours,  
1218 if where appropriate before ordering that the child be placed in

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1219 a secure detention facility as punishment for contempt of court.

1220 (d) In addition to any other sanction imposed under this  
1221 section, the court may direct the Department of Highway Safety  
1222 and Motor Vehicles to withhold issuance of, or suspend, a  
1223 child's driver ~~driver's~~ license or driving privilege. The court  
1224 may order that a child's driver ~~driver's~~ license or driving  
1225 privilege be withheld or suspended for up to 1 year for a first  
1226 offense of contempt and up to 2 years for a second or subsequent  
1227 offense. If the child's driver ~~driver's~~ license or driving  
1228 privilege is suspended or revoked for any reason at the time the  
1229 sanction for contempt is imposed, the court shall extend the  
1230 period of suspension or revocation by the additional period  
1231 ordered under this paragraph. If the child's driver ~~driver's~~  
1232 license is being withheld at the time the sanction for contempt  
1233 is imposed, the period of suspension or revocation ordered under  
1234 this paragraph shall begin on the date on which the child is  
1235 otherwise eligible to drive.

1236 Section 6. Section 985.105, Florida Statutes, is repealed.

1237 Section 7. Subsection (1) of section 985.11, Florida  
1238 Statutes, is amended to read:

1239 985.11 Fingerprinting and photographing.—

1240 (1) (a) A child who is charged with or found to have  
1241 committed an offense that would be a felony if committed by an  
1242 adult shall be fingerprinted, and the fingerprints shall ~~must~~ be  
1243 submitted to the Department of Law Enforcement as provided in s.  
1244 943.051(3) (a).

1245 (b) Unless the child is issued a civil citation or  
1246 participating in a similar diversion program pursuant to s.  
1247 985.12, a child who is charged with or found to have committed

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1248 one of the following offenses shall be fingerprinted, and the  
 1249 fingerprints shall be submitted to the Department of Law  
 1250 Enforcement as provided in s. 943.051(3) (b):

- 1251 1. Assault~~7~~ as defined in s. 784.011.
- 1252 2. Battery~~7~~ as defined in s. 784.03.
- 1253 3. Carrying a concealed weapon~~7~~ as defined in s. 790.01(1).
- 1254 4. Unlawful use of destructive devices or bombs~~7~~ as defined  
 1255 in s. 790.1615(1).
- 1256 5. Neglect of a child~~7~~ as defined in s. 827.03(1) (e).
- 1257 6. Assault on a law enforcement officer, a firefighter, or  
 1258 other specified officers~~7~~ as defined in s. 784.07(2) (a).
- 1259 7. Open carrying of a weapon~~7~~ as defined in s. 790.053.
- 1260 8. Exposure of sexual organs~~7~~ as defined in s. 800.03.
- 1261 9. Unlawful possession of a firearm~~7~~ as defined in s.  
 1262 790.22(5).
- 1263 10. Petit theft~~7~~ as defined in s. 812.014.
- 1264 11. Cruelty to animals~~7~~ as defined in s. 828.12(1).
- 1265 12. Arson~~7~~ resulting in bodily harm to a firefighter~~7~~ as  
 1266 defined in s. 806.031(1).
- 1267 13. Unlawful possession or discharge of a weapon or firearm  
 1268 at a school-sponsored event or on school property as defined in  
 1269 s. 790.115.

1270  
 1271 A law enforcement agency may fingerprint and photograph a child  
 1272 taken into custody upon probable cause that such child has  
 1273 committed any other violation of law, as the agency deems  
 1274 appropriate. Such fingerprint records and photographs shall be  
 1275 retained by the law enforcement agency in a separate file, and  
 1276 these records and all copies thereof must be marked "Juvenile

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1277 Confidential." These records are not available for public  
1278 disclosure and inspection under s. 119.07(1) except as provided  
1279 in ss. 943.053 and 985.04(2), but are ~~shall be~~ available to  
1280 other law enforcement agencies, criminal justice agencies, state  
1281 attorneys, the courts, the child, the parents or legal  
1282 custodians of the child, their attorneys, and any other person  
1283 authorized by the court to have access to such records. In  
1284 addition, such records may be submitted to the Department of Law  
1285 Enforcement for inclusion in the state criminal history records  
1286 and used by criminal justice agencies for criminal justice  
1287 purposes. These records may, in the discretion of the court, be  
1288 open to inspection by anyone upon a showing of cause. The  
1289 fingerprint and photograph records shall be produced in the  
1290 court whenever directed by the court. Any photograph taken  
1291 pursuant to this section may be shown by a law enforcement  
1292 officer to any victim or witness of a crime for the purpose of  
1293 identifying the person who committed such crime.

1294 (c) The court is ~~shall be~~ responsible for the  
1295 fingerprinting of a ~~any~~ child at the disposition hearing if the  
1296 child has been adjudicated or had adjudication withheld for any  
1297 felony in the case currently before the court.

1298 Section 8. Subsection (2) of section 985.14, Florida  
1299 Statutes, is amended to read:

1300 985.14 Intake and case management system.—

1301 (2) The intake process shall be performed by the department  
1302 or juvenile assessment center personnel through a case  
1303 management system. The purpose of the intake process is to  
1304 assess the child's needs and risks and to determine the most  
1305 appropriate treatment plan and setting for the child's

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1306 programmatic needs and risks. The intake process consists of an  
1307 initial assessment and may be followed by a full mental health,  
1308 substance abuse, or psychosexual evaluation. The intake process  
1309 shall result in choosing the most appropriate services through a  
1310 balancing of the interests and needs of the child with those of  
1311 the family and the community public. The juvenile probation  
1312 officer shall make ~~be responsible for making~~ informed decisions  
1313 and recommendations to other agencies, the state attorney, and  
1314 the courts so that the child and family may receive the least  
1315 intrusive service alternative throughout the judicial process.  
1316 The department shall establish uniform procedures through which  
1317 ~~for~~ the juvenile probation officer may ~~to~~ provide a preliminary  
1318 screening of the child and family for substance abuse and mental  
1319 health services before ~~prior to~~ the filing of a petition or as  
1320 soon as possible thereafter and before ~~prior to~~ a disposition  
1321 hearing.

1322 Section 9. Section 985.145, Florida Statutes, is amended to  
1323 read:

1324 985.145 Responsibilities of the department juvenile  
1325 ~~probation officer~~ during intake; screenings and assessments.—

1326 (1) The department juvenile probation officer shall serve  
1327 as the primary case manager for the purpose of managing,  
1328 coordinating, and monitoring the services provided to the child.  
1329 Each program administrator within the Department of Children and  
1330 Families ~~Family Services~~ shall cooperate with the primary case  
1331 manager in carrying out the duties and responsibilities  
1332 described in this section. In addition to duties specified in  
1333 other sections and through departmental rules, the department  
1334 ~~assigned juvenile probation officer~~ shall be responsible for the

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1335 following:

1336 (a) *Reviewing probable cause affidavit.*—The department  
1337 ~~juvenile probation officer~~ shall make a preliminary  
1338 determination as to whether the report, affidavit, or complaint  
1339 is complete, consulting with the state attorney as ~~may be~~  
1340 necessary. A report, affidavit, or complaint alleging that a  
1341 child has committed a delinquent act or violation of law shall  
1342 be made to the intake office operating in the county in which  
1343 the child is found or in which the delinquent act or violation  
1344 of law occurred. Any person or agency having knowledge of the  
1345 facts may make such a written report, affidavit, or complaint  
1346 and shall furnish to the intake office facts sufficient to  
1347 establish the jurisdiction of the court and to support a finding  
1348 by the court that the child has committed a delinquent act or  
1349 violation of law.

1350 (b) *Notification concerning apparent insufficiencies in*  
1351 *probable cause affidavit.*—In any case where the department  
1352 ~~juvenile probation officer~~ or the state attorney finds that the  
1353 report, affidavit, or complaint is insufficient by the standards  
1354 for a probable cause affidavit, the department ~~juvenile~~  
1355 ~~probation officer~~ or state attorney shall return the report,  
1356 affidavit, or complaint, without delay, to the person or agency  
1357 originating the report, affidavit, or complaint or having  
1358 knowledge of the facts or to the appropriate law enforcement  
1359 agency having investigative jurisdiction of the offense, and  
1360 shall request, and the person or agency shall promptly furnish,  
1361 additional information in order to comply with the standards for  
1362 a probable cause affidavit.

1363 (c) *Screening.*—During the intake process, the department

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1364 ~~juvenile probation officer~~ shall screen each child or shall  
1365 cause each child to be screened in order to determine:

1366 1. Appropriateness for release; referral to a diversionary  
1367 program, including, but not limited to, a teen court program;  
1368 referral for community arbitration; or referral to some other  
1369 program or agency for the purpose of nonofficial or nonjudicial  
1370 handling.

1371 2. The presence of medical, psychiatric, psychological,  
1372 substance abuse, educational, or career and technical education  
1373 ~~vocational~~ problems, or other conditions that may have caused  
1374 the child to come to the attention of law enforcement or the  
1375 department. The child shall also be screened to determine  
1376 whether the child poses a danger to himself or herself or others  
1377 in the community. The results of this screening shall be made  
1378 available to the court and to court officers. In cases where  
1379 such conditions are identified and a nonjudicial handling of the  
1380 case is chosen, the department ~~juvenile probation officer~~ shall  
1381 attempt to refer the child to a program or agency, together with  
1382 all available and relevant assessment information concerning the  
1383 child's precipitating condition.

1384 (d) *Completing risk assessment instrument.*—The department  
1385 ~~juvenile probation officer~~ shall ensure that a risk assessment  
1386 instrument establishing the child's eligibility for detention  
1387 has been accurately completed and that the appropriate  
1388 recommendation was made to the court.

1389 (e) *Rights.*—The department ~~juvenile probation officer~~ shall  
1390 inquire as to whether the child understands his or her rights to  
1391 counsel and against self-incrimination.

1392 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~



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1393 ~~probation officer~~ shall coordinate the multidisciplinary  
1394 assessment when required, which includes the classification and  
1395 placement process that determines the child's priority needs,  
1396 risk classification, and treatment plan. If ~~When~~ sufficient  
1397 evidence exists to warrant a comprehensive assessment and the  
1398 child fails to voluntarily participate in the assessment  
1399 efforts, the department ~~juvenile probation officer~~ shall inform  
1400 the court of the need for the assessment and the refusal of the  
1401 child to participate in such assessment. This assessment,  
1402 classification, and placement process shall develop into the  
1403 predisposition report.

1404 (g) *Comprehensive assessment.* ~~The juvenile probation~~  
1405 ~~officer,~~ Pursuant to uniform procedures established by the  
1406 department and upon determining that the report, affidavit, or  
1407 complaint is complete, the department shall:

1408 1. Perform the preliminary screening and make referrals for  
1409 a comprehensive assessment regarding the child's need for  
1410 substance abuse treatment services, mental health services,  
1411 intellectual disability services, literacy services, or other  
1412 educational or treatment services.

1413 2. If indicated by the preliminary screening, provide for a  
1414 comprehensive assessment of the child and family for substance  
1415 abuse problems, using community-based licensed programs with  
1416 clinical expertise and experience in the assessment of substance  
1417 abuse problems.

1418 3. If indicated by the preliminary screening, provide for a  
1419 comprehensive assessment of the child and family for mental  
1420 health problems, using community-based psychologists,  
1421 psychiatrists, or other licensed mental health professionals who

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1422 have clinical expertise and experience in the assessment of  
1423 mental health problems.

1424 (h) *Referrals for services.*—The department ~~juvenile~~  
1425 ~~probation officer~~ shall make recommendations for services and  
1426 facilitate the delivery of those services to the child,  
1427 including any mental health services, educational services,  
1428 family counseling services, family assistance services, and  
1429 substance abuse services.

1430 (i) *Recommendation concerning a petition.*—Upon determining  
1431 that the report, affidavit, or complaint complies with the  
1432 standards of a probable cause affidavit and that the interests  
1433 of the child and the public will be best served, the department  
1434 ~~juvenile probation officer~~ may recommend that a delinquency  
1435 petition not be filed. If such a recommendation is made, the  
1436 department ~~juvenile probation officer~~ shall advise in writing  
1437 the person or agency making the report, affidavit, or complaint,  
1438 the victim, if any, and the law enforcement agency having  
1439 investigative jurisdiction over the offense of the  
1440 recommendation; the reasons therefor; and that the person or  
1441 agency may submit, within 10 days after the receipt of such  
1442 notice, the report, affidavit, or complaint to the state  
1443 attorney for special review. The state attorney, upon receiving  
1444 a request for special review, shall consider the facts presented  
1445 by the report, affidavit, or complaint, and by the department  
1446 ~~juvenile probation officer who made the recommendation that no~~  
1447 ~~petition be filed,~~ before making a final decision as to whether  
1448 a petition or information should or should not be filed.

1449 (j) *Completing intake report.*—Subject to the interagency  
1450 agreement authorized under this paragraph, the department ~~the~~

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1451 ~~juvenile probation officer for each case in which a child is~~  
1452 ~~alleged to have committed a violation of law or delinquent act~~  
1453 ~~and is not detained~~ shall submit a written report to the state  
1454 attorney for each case in which a child is alleged to have  
1455 committed a violation of law or delinquent act and is not  
1456 detained. The report shall be submitted within 20 days after the  
1457 date the child is taken into custody and must include, including  
1458 the original police report, complaint, or affidavit, or a copy  
1459 thereof, and including a copy of the child's prior juvenile  
1460 record, ~~within 20 days after the date the child is taken into~~  
1461 ~~custody~~. In cases in which the child is in detention, the intake  
1462 office report must be submitted within 24 hours after the child  
1463 is placed into detention. The intake office report may include a  
1464 recommendation that a petition or information be filed or that  
1465 no petition or information be filed and may set forth reasons  
1466 for the recommendation. The state attorney and the department  
1467 may, on a district-by-district basis, enter into interagency  
1468 agreements denoting the cases that will require a recommendation  
1469 and those for which a recommendation is unnecessary.

1470 (2) Before ~~Prior to~~ requesting that a delinquency petition  
1471 be filed or before ~~prior to~~ filing a dependency petition, the  
1472 department juvenile probation officer may request the parent or  
1473 legal guardian of the child to attend a course of instruction in  
1474 parenting skills, training in conflict resolution, and the  
1475 practice of nonviolence; to accept counseling; or to receive  
1476 other assistance from any agency in the community which notifies  
1477 the clerk of the court of the availability of its services. If  
1478 ~~where~~ appropriate, the department juvenile probation officer  
1479 shall request both parents or guardians to receive such parental

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1480 assistance. The department ~~juvenile probation officer~~ may, in  
1481 determining whether to request that a delinquency petition be  
1482 filed, take into consideration the willingness of the parent or  
1483 legal guardian to comply with such request. The parent or  
1484 guardian must provide the department ~~juvenile probation officer~~  
1485 with identifying information, including the parent's or  
1486 guardian's name, address, date of birth, social security number,  
1487 and driver ~~driver's~~ license number or identification card number  
1488 in order to comply with s. 985.039.

1489 (3) If ~~When~~ indicated by the comprehensive assessment, the  
1490 department is authorized to contract within appropriated funds  
1491 for services with a local nonprofit community mental health or  
1492 substance abuse agency licensed or authorized under chapter 394  
1493 or chapter 397 or other authorized nonprofit social service  
1494 agency providing related services. The determination of mental  
1495 health or substance abuse services shall be conducted in  
1496 coordination with existing programs providing mental health or  
1497 substance abuse services in conjunction with the intake office.

1498 (4) Client information resulting from the screening and  
1499 evaluation shall be documented under rules of the department and  
1500 shall serve to assist the department ~~juvenile probation officer~~  
1501 in providing the most appropriate services and recommendations  
1502 in the least intrusive manner. Such client information shall be  
1503 used in the multidisciplinary assessment and classification of  
1504 the child, but such information, and any information obtained  
1505 directly or indirectly through the assessment process, is  
1506 inadmissible in court before ~~prior to~~ the disposition hearing,  
1507 unless the child's written consent is obtained. At the  
1508 disposition hearing, documented client information shall serve

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1509 to assist the court in making the most appropriate custody,  
1510 adjudicatory, and dispositional decision.

1511 (5) If the screening and assessment indicate that the  
1512 interests of the child and the public will be best served, the  
1513 department juvenile probation officer, with the approval of the  
1514 state attorney, may refer the child for care, diagnostic, and  
1515 evaluation services; substance abuse treatment services; mental  
1516 health services; intellectual disability services; a  
1517 diversionary, arbitration, or mediation program; community  
1518 service work; or other programs or treatment services  
1519 voluntarily accepted by the child and the child's parents or  
1520 legal guardian. If a child volunteers to participate in any work  
1521 program under this chapter or volunteers to work in a specified  
1522 state, county, municipal, or community service organization  
1523 supervised work program or to work for the victim, the child is  
1524 considered an employee of the state for the purposes of  
1525 liability. In determining the child's average weekly wage,  
1526 unless otherwise determined by a specific funding program, all  
1527 remuneration received from the employer is considered a  
1528 gratuity, and the child is not entitled to any benefits  
1529 otherwise payable under s. 440.15 regardless of whether the  
1530 child may be receiving wages and remuneration from other  
1531 employment with another employer and regardless of the child's  
1532 future wage-earning capacity.

1533 (6) The victim, if any, and the law enforcement agency that  
1534 investigated the offense shall be notified immediately by the  
1535 state attorney of the action taken under subsection (5).

1536 Section 10. Section 985.17, Florida Statutes, is created to  
1537 read:

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1538 985.17 Prevention services.-

1539 (1) Prevention services decrease recidivism by addressing  
1540 the needs of at-risk youth and their families, preventing  
1541 further involvement in the juvenile justice system, protecting  
1542 public safety, and facilitating successful reentry into the  
1543 community. To assist in decreasing recidivism, the department's  
1544 prevention services should strengthen protective factors, reduce  
1545 risk factors, and use tested and effective approaches.

1546 (2) A primary focus of the department's prevention services  
1547 is to develop capacity for local communities to serve their  
1548 youth.

1549 (a) The department shall engage faith-based and community-  
1550 based organizations to provide a full range of voluntary  
1551 programs and services to prevent and reduce juvenile  
1552 delinquency, including, but not limited to, chaplaincy services,  
1553 crisis intervention counseling, mentoring, and tutoring.

1554 (b) The department shall establish volunteer coordinators  
1555 in each circuit and encourage the recruitment of volunteers to  
1556 serve as mentors for youth in department services.

1557 (c) The department shall promote the Invest In Children  
1558 license plate developed pursuant to s. 320.08058(11) to help  
1559 fund programs and services to prevent juvenile delinquency. The  
1560 department shall allocate moneys for programs and services  
1561 within each county based on that county's proportionate share of  
1562 the license plate annual use fee collected by the county  
1563 pursuant to s. 320.08058(11).

1564 (3) The department's prevention services for youth at risk  
1565 of becoming delinquent should focus on preventing initial or  
1566 further involvement in the juvenile justice system by including

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1567 services such as literacy services, gender-specific programming,  
1568 and recreational and after-school services and should include  
1569 targeted services to troubled, truant, ungovernable, abused,  
1570 trafficked, or runaway youth. To decrease the likelihood that a  
1571 youth will commit a delinquent act, the department may provide  
1572 specialized services addressing the strengthening of families,  
1573 job training, and substance abuse.

1574 (4) In an effort to decrease the prevalence of  
1575 disproportionate minority representation in the juvenile justice  
1576 system, the department's prevention services should address the  
1577 multiple needs of minority youth at risk of becoming delinquent.

1578 (5) The department shall expend funds related to prevention  
1579 services in a manner consistent with the policies expressed in  
1580 ss. 984.02 and 985.01. The department shall expend such funds in  
1581 a manner that maximizes accountability to the public and ensures  
1582 the documentation of outcomes.

1583 (a) As a condition of the receipt of state funds, entities  
1584 that receive or use state moneys to fund prevention services  
1585 through contracts with the department or grants from any entity  
1586 dispersed by the department shall:

1587 1. Design the programs providing such services to further  
1588 one or more of the following strategies:

1589 a. Encouraging youth to attend and succeed in school, which  
1590 may include special assistance and tutoring to address  
1591 deficiencies in academic performance and collecting outcome data  
1592 to reveal the number of days youth attended school while  
1593 participating in the program.

1594 b. Engaging youth in productive and wholesome activities  
1595 during nonschool hours which build positive character, instill

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1596 positive values, and enhance educational experiences.

1597 c. Encouraging youth to avoid the use of violence.

1598 d. Assisting youth in acquiring the skills needed to find  
 1599 meaningful employment, which may include assistance in finding a  
 1600 suitable employer for the youth.

1601 2. Provide the department with demographic information,  
 1602 dates of services, and the type of interventions received by  
 1603 each youth.

1604 (b) The department shall monitor output and outcome  
 1605 measures for each program strategy in paragraph (a) and include  
 1606 them in the annual Comprehensive Accountability Report published  
 1607 pursuant to s. 985.632.

1608 (c) The department shall monitor all programs that receive  
 1609 or use state moneys to fund juvenile delinquency prevention  
 1610 services through contracts or grants with the department for  
 1611 compliance with all provisions in the contracts or grants.

1612 Section 11. Section 985.24, Florida Statutes, is amended to  
 1613 read:

1614 985.24 Use of detention; prohibitions.-

1615 (1) All determinations and court orders regarding the use  
 1616 of ~~secure, nonsecure, or home~~ detention care must ~~shall~~ be based  
 1617 primarily upon findings that the child:

1618 (a) Presents a substantial risk of not appearing at a  
 1619 subsequent hearing;

1620 (b) Presents a substantial risk of inflicting bodily harm  
 1621 on others as evidenced by recent behavior, including the illegal  
 1622 possession of a firearm;

1623 (c) Presents a history of committing a property offense  
 1624 before ~~prior to~~ adjudication, disposition, or placement;



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- 1625 (d) Has committed contempt of court by:
- 1626 1. Intentionally disrupting the administration of the
- 1627 court;
- 1628 2. Intentionally disobeying a court order; or
- 1629 3. Engaging in a punishable act or speech in the court's
- 1630 presence which shows disrespect for the authority and dignity of
- 1631 the court; or
- 1632 (e) Requests protection from imminent bodily harm.
- 1633 (2) A child alleged to have committed a delinquent act or
- 1634 violation of law may not be placed into secure or, nonsecure, ~~or~~
- 1635 ~~home~~ detention care for any of the following reasons:
- 1636 (a) To allow a parent to avoid his or her legal
- 1637 responsibility.
- 1638 (b) To permit more convenient administrative access to the
- 1639 child.
- 1640 (c) To facilitate further interrogation or investigation.
- 1641 (d) Due to a lack of more appropriate facilities.
- 1642 (3) A child alleged to be dependent under chapter 39 may
- 1643 not, under any circumstances, be placed into secure detention
- 1644 care.
- 1645 (4) The department may develop nonsecure, nonresidential
- 1646 evening-reporting centers as an alternative to placing a child
- 1647 in secure detention to serve children and families while
- 1648 awaiting court hearings. Evening-reporting centers may be
- 1649 collocated with the juvenile assessment center. At a minimum,
- 1650 evening-reporting centers shall be operated during the afternoon
- 1651 and evening hours and provide a highly structured program of
- 1652 supervision. Evening-reporting centers may also provide academic
- 1653 tutoring, counseling, family engagement programs, and other

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1654 activities.

1655 (5)~~(4)~~ The department shall continue to identify  
1656 alternatives to secure detention care and shall develop such  
1657 alternatives and annually submit them to the Legislature for  
1658 authorization and appropriation.

1659 Section 12. Paragraph (b) of subsection (2) and subsection  
1660 (4) of section 985.245, Florida Statutes, are amended to read:

1661 985.245 Risk assessment instrument.—

1662 (2)

1663 (b) The risk assessment instrument, at a minimum, shall  
1664 consider ~~take into consideration, but need not be limited to,~~  
1665 prior history of failure to appear, prior offenses, offenses  
1666 committed pending adjudication, any unlawful possession of a  
1667 firearm, theft of a motor vehicle or possession of a stolen  
1668 motor vehicle, and probation status at the time the child is  
1669 taken into custody. The risk assessment instrument shall also  
1670 consider ~~take into consideration~~ appropriate aggravating and  
1671 mitigating circumstances, ~~and~~ shall be designed to target a  
1672 narrower population of children than s. 985.255, ~~and~~. ~~The risk~~  
1673 ~~assessment instrument~~ shall also include any information  
1674 concerning the child's history of abuse and neglect. The risk  
1675 assessment shall indicate whether detention care is warranted,~~7~~  
1676 and, if detention care is warranted, whether the child should be  
1677 placed into secure or~~7~~ nonsecure,~~7~~ ~~or home~~ detention care.

1678 (4) If ~~For~~ a child who is under the supervision of the  
1679 department through probation, ~~home detention,~~ nonsecure  
1680 detention, conditional release, postcommitment probation, or  
1681 commitment ~~and who~~ is charged with committing a new offense, the  
1682 risk assessment instrument may be completed and scored based on

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1683 the underlying charge for which the child was placed under the  
1684 supervision of the department and the new offense.

1685 Section 13. Subsection (1) of section 985.25, Florida  
1686 Statutes, is amended to read:

1687 985.25 Detention intake.—

1688 (1) The department ~~juvenile probation officer~~ shall receive  
1689 custody of a child who has been taken into custody from the law  
1690 enforcement agency or court and shall review the facts in the  
1691 law enforcement report or probable cause affidavit and make such  
1692 further inquiry as may be necessary to determine whether  
1693 detention care is appropriate ~~required~~.

1694 (a) During the period of time from the taking of the child  
1695 into custody to the date of the detention hearing, the initial  
1696 decision as to the child's placement into secure detention care  
1697 or, nonsecure detention care, ~~or home detention care~~ shall be  
1698 made by the department ~~juvenile probation officer~~ under ss.  
1699 985.24 and 985.245(1).

1700 (b) The department ~~juvenile probation officer~~ shall base  
1701 its ~~the~~ decision as to whether ~~or not~~ to place the child into  
1702 secure ~~detention care, home detention care,~~ or nonsecure  
1703 detention care on an assessment of risk in accordance with the  
1704 risk assessment instrument and procedures developed by the  
1705 department under s. 985.245. However, a child charged with  
1706 possessing or discharging a firearm on school property in  
1707 violation of s. 790.115 shall be placed in secure detention  
1708 care. A child who has been taken into custody on three or more  
1709 separate occasions within a 60-day period shall be placed in  
1710 secure detention care until the child's detention hearing.

1711 (c) If the child's final score on the risk assessment

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1712 ~~instrument indicates that juvenile probation officer determines~~  
 1713 ~~that a child who is eligible for detention care is appropriate,~~  
 1714 ~~but the department otherwise determines he or she based upon the~~  
 1715 ~~results of the risk assessment instrument~~ should be released,  
 1716 the department ~~juvenile probation officer~~ shall contact the  
 1717 state attorney, who may authorize release.

1718 (d) If the child's final score on the risk assessment  
 1719 instrument indicates that detention is not appropriate  
 1720 ~~authorized,~~ the child may be released by the department ~~juvenile~~  
 1721 ~~probation officer~~ in accordance with ss. 985.115 and 985.13.

1722  
 1723 ~~Under no circumstances shall~~ The department, ~~juvenile probation~~  
 1724 ~~officer or~~ the state attorney, or a law enforcement officer may  
 1725 not authorize the detention of any child in a jail or other  
 1726 facility intended or used for the detention of adults, without  
 1727 an order of the court.

1728 Section 14. Section 985.255, Florida Statutes, is amended  
 1729 to read:

1730 985.255 Detention criteria; detention hearing.—

1731 (1) Subject to s. 985.25(1), a child taken into custody and  
 1732 placed into nonsecure or secure ~~home~~ detention care shall be  
 1733 given a hearing within 24 hours after being taken into custody.  
 1734 At the hearing, the court may order continued detention or  
 1735 ~~detained in secure detention care prior to a detention hearing~~  
 1736 ~~may continue to be detained by the court~~ if:

1737 (a) The child is alleged to be an escapee from a  
 1738 residential commitment program, or an absconder from a  
 1739 nonresidential commitment program, a probation program, or  
 1740 conditional release supervision, or is alleged to have escaped

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1741 while being lawfully transported to or from a residential  
1742 commitment program.

1743 (b) The child is wanted in another jurisdiction for an  
1744 offense that ~~which~~, if committed by an adult, would be a felony.

1745 (c) The child is charged with a delinquent act or violation  
1746 of law and requests in writing through legal counsel to be  
1747 detained for protection from an imminent physical threat to his  
1748 or her personal safety.

1749 (d) The child is charged with committing an offense of  
1750 domestic violence as defined in s. 741.28 and is detained as  
1751 provided in subsection (2).

1752 (e) The child is charged with possession or discharging a  
1753 firearm on school property in violation of s. 790.115 or the  
1754 illegal possession of a firearm.

1755 (f) The child is charged with a capital felony, a life  
1756 felony, a felony of the first degree, a felony of the second  
1757 degree which ~~that~~ does not involve a violation of chapter 893,  
1758 or a felony of the third degree which ~~that~~ is also a crime of  
1759 violence, including any such offense involving the use or  
1760 possession of a firearm.

1761 (g) The child is charged with a felony of the ~~any~~ second  
1762 degree or a felony of the third degree ~~felony~~ involving a  
1763 violation of chapter 893 or a felony of the ~~any~~ third degree  
1764 which ~~felony that~~ is not also a crime of violence, and the  
1765 child:

1766 1. Has a record of failure to appear at court hearings  
1767 after being properly notified in accordance with the Rules of  
1768 Juvenile Procedure;

1769 2. Has a record of law violations before ~~prior to~~ court

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1770 hearings;

1771 3. Has already been detained or has been released and is  
1772 awaiting final disposition of the case;

1773 4. Has a record of violent conduct resulting in physical  
1774 injury to others; or

1775 5. Is found to have been in possession of a firearm.

1776 (h) The child is alleged to have violated the conditions of  
1777 the child's probation or conditional release supervision.

1778 However, a child detained under this paragraph may be held only  
1779 in a consequence unit as provided in s. 985.439. If a  
1780 consequence unit is not available, the child shall be placed on  
1781 nonsecure ~~home~~ detention with electronic monitoring.

1782 (i) The child is detained on a judicial order for failure  
1783 to appear and has previously willfully failed to appear, after  
1784 proper notice:r

1785 1. For an adjudicatory hearing on the same case regardless  
1786 of the results of the risk assessment instrument; or

1787 2. At two or more court hearings of any nature on the same  
1788 case, regardless of the results of the risk assessment  
1789 instrument.

1790  
1791 A child may be held in secure detention for up to 72 hours in  
1792 advance of the next scheduled court hearing pursuant to this  
1793 paragraph. The child's failure to keep the clerk of court and  
1794 defense counsel informed of a current and valid mailing address  
1795 where the child will receive notice to appear at court  
1796 proceedings does not provide an adequate ground for excusal of  
1797 the child's nonappearance at the hearings.

1798 ~~(j) The child is detained on a judicial order for failure~~

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1799 ~~to appear and has previously willfully failed to appear, after~~  
1800 ~~proper notice, at two or more court hearings of any nature on~~  
1801 ~~the same case regardless of the results of the risk assessment~~  
1802 ~~instrument. A child may be held in secure detention for up to 72~~  
1803 ~~hours in advance of the next scheduled court hearing pursuant to~~  
1804 ~~this paragraph. The child's failure to keep the clerk of court~~  
1805 ~~and defense counsel informed of a current and valid mailing~~  
1806 ~~address where the child will receive notice to appear at court~~  
1807 ~~proceedings does not provide an adequate ground for excusal of~~  
1808 ~~the child's nonappearance at the hearings.~~

1809 (2) A child who is charged with committing an offense of  
1810 domestic violence as defined in s. 741.28 and whose risk  
1811 assessment indicates secure detention is not appropriate ~~who~~  
1812 ~~does not meet detention criteria~~ may be held in secure detention  
1813 if the court makes specific written findings that:

1814 (a) Respite care for the child is not available.

1815 (b) It is necessary to place the child in secure detention  
1816 in order to protect the victim from injury.

1817  
1818 The child may not be held in secure detention under this  
1819 subsection for more than 48 hours unless ordered by the court.  
1820 After 48 hours, the court shall hold a hearing if the state  
1821 attorney or victim requests that secure detention be continued.  
1822 The child may continue to be held in detention care if the court  
1823 makes a specific, written finding that respite care is  
1824 unavailable and it ~~detention care~~ is necessary to protect the  
1825 victim from injury. However, the child may not be held in  
1826 detention care beyond the time limits provided ~~set forth~~ in this  
1827 section or s. 985.26.

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1828           (3) (a) ~~A child who meets any of the criteria in subsection~~  
1829 ~~(1) and who is ordered to be detained under that subsection~~  
1830 ~~shall be given a hearing within 24 hours after being taken into~~  
1831 ~~custody.~~ The purpose of the detention hearing required under  
1832 subsection (1) is to determine the existence of probable cause  
1833 that the child has committed the delinquent act or violation of  
1834 law that he or she is charged with and the need for continued  
1835 detention. Unless a child is detained under paragraph (1)(d) or  
1836 paragraph (1)(e), the court shall use the results of the risk  
1837 assessment performed by the department juvenile probation  
1838 ~~officer~~ and, based on the criteria in subsection (1), shall  
1839 determine the need for continued detention. ~~A child placed into~~  
1840 ~~secure, nonsecure, or home detention care may continue to be so~~  
1841 ~~detained by the court.~~

1842           (b) If the court orders a placement more restrictive than  
1843 indicated by the results of the risk assessment instrument, the  
1844 court shall state, in writing, clear and convincing reasons for  
1845 such placement.

1846           (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,  
1847 when a child is placed into secure or nonsecure detention care,  
1848 or into a respite home or other placement pursuant to a court  
1849 order following a hearing, the court order must include specific  
1850 instructions that direct the release of the child from such  
1851 placement by no later than 5 p.m. on the last day of the  
1852 detention period specified in s. 985.26 or s. 985.27, whichever  
1853 is applicable, unless the requirements of such applicable  
1854 provision have been met or an order of continuance has been  
1855 granted under s. 985.26(4). If the court order does not include  
1856 a date of release, the release date must be requested of the



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1857 court on the same date the youth was placed on detention care.  
1858 If a subsequent hearing is needed to provide additional  
1859 information to the court for safety planning, the initial order  
1860 placing the youth on detention care must reflect the next  
1861 detention review hearing, which should be held within 3 calendar  
1862 days after the child's initial detention placement.

1863 Section 15. Subsections (1) through (3) of section 985.26,  
1864 Florida Statutes, are amended to read:

1865 985.26 Length of detention.—

1866 (1) A child may not be placed into or held in secure or  
1867 ~~nonsecure, or home~~ detention care for more ~~longer~~ than 24 hours  
1868 unless the court orders such detention care~~7~~ and the order  
1869 includes specific instructions that direct the release of the  
1870 child from such detention care~~7~~ in accordance with s. 985.255.  
1871 The order shall be a final order, reviewable by appeal under s.  
1872 985.534 and the Florida Rules of Appellate Procedure. Appeals of  
1873 such orders ~~shall~~ take precedence over other appeals and other  
1874 pending matters.

1875 (2) A child may not be held in secure or~~7~~ nonsecure~~7~~~~or~~  
1876 ~~home~~ detention care under a special detention order for more  
1877 than 21 days unless an adjudicatory hearing for the case has  
1878 been commenced in good faith by the court. However, upon good  
1879 cause being shown that the nature of the charge requires  
1880 additional time for the prosecution or defense of the case, the  
1881 court may extend the length of detention for an additional 9  
1882 days if the child is charged with an offense that would be, if  
1883 committed by an adult, a capital felony, a life felony, a felony  
1884 of the first degree, or a felony of the second degree involving  
1885 violence against any individual.

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1886 (3) Except as provided in subsection (2), a child may not  
 1887 be held in secure or, nonsecure, ~~or home~~ detention care for more  
 1888 than 15 days following the entry of an order of adjudication.

1889 Section 16. Section 985.265, Florida Statutes, is amended  
 1890 to read:

1891 985.265 Detention transfer and release; education; adult  
 1892 jails.-

1893 (1) If a child is detained under this part, the department  
 1894 may transfer the child from nonsecure ~~or home~~ detention care to  
 1895 secure detention care only if significantly changed  
 1896 circumstances warrant such transfer.

1897 (2) If a child is on release status and not detained under  
 1898 this part, the child may be placed into secure or, nonsecure, ~~or~~  
 1899 ~~home~~ detention care only pursuant to a court hearing in which  
 1900 the original risk assessment instrument and the, ~~rescored based~~  
 1901 ~~on~~ newly discovered evidence or changed circumstances are  
 1902 introduced into evidence with a rescored risk assessment  
 1903 instrument with the results recommending detention, is  
 1904 ~~introduced into evidence.~~

1905 (3) (a) If ~~When~~ a juvenile sexual offender is placed in  
 1906 detention, detention staff shall provide appropriate monitoring  
 1907 and supervision to ensure the safety of other children in the  
 1908 facility.

1909 (b) If ~~When~~ a juvenile charged with murder under s. 782.04,  
 1910 sexual battery under chapter 794, stalking under s. 784.048, or  
 1911 domestic violence as defined in s. 741.28, or an attempt to  
 1912 commit any of these offenses ~~sexual offender, under this~~  
 1913 ~~subsection,~~ is released from secure detention or transferred to  
 1914 ~~home detention or~~ nonsecure detention, detention staff shall

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1915 immediately notify the appropriate law enforcement agency, and  
1916 school personnel, and the victim.

1917 (4) (a) While a child who is currently enrolled in school is  
1918 in nonsecure ~~or home~~ detention care, the child shall continue to  
1919 attend school unless otherwise ordered by the court.

1920 (b) While a child is in secure detention care, the child  
1921 shall receive education commensurate with his or her grade level  
1922 and educational ability.

1923 (5) The court shall order the delivery of a child to a jail  
1924 or other facility intended or used for the detention of adults:

1925 (a) If ~~When~~ the child has been transferred or indicted for  
1926 criminal prosecution as an adult under part X., ~~except that~~ The  
1927 court may not order or allow a child alleged to have committed a  
1928 misdemeanor who is being transferred for criminal prosecution  
1929 pursuant to either s. 985.556 or s. 985.557 to be detained or  
1930 held in a jail or other facility intended or used for the  
1931 detention of adults; however, such child may be held temporarily  
1932 in a detention facility; or

1933 (b) If ~~When~~ a child taken into custody in this state is  
1934 wanted by another jurisdiction for prosecution as an adult.

1935  
1936 A ~~The~~ child shall be housed separately from adult inmates to  
1937 prohibit the ~~a~~ child from having regular contact with  
1938 incarcerated adults, including trustees. As used in this  
1939 subsection, the term "regular contact" means sight and sound  
1940 contact. Separation of children from adults may not allow ~~shall~~  
1941 ~~permit no~~ more than haphazard or accidental contact. The  
1942 receiving jail or other facility shall provide ~~contain~~ a  
1943 separate section for children and shall have ~~an adequate~~ staff

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1944 adequate to supervise and monitor the child's activities at all  
1945 times. Supervision and monitoring of children includes physical  
1946 observation and documented checks by jail or receiving facility  
1947 supervisory personnel at intervals not to exceed 10 ~~15~~ minutes.  
1948 This subsection does not prohibit placing two or more children  
1949 in the same cell. ~~Under no circumstances shall~~ A child may not  
1950 be placed in a ~~the same~~ cell with an adult.

1951 Section 17. Section 985.27, Florida Statutes, is amended to  
1952 read:

1953 985.27 Postadjudication ~~Postcommitment~~ detention while  
1954 awaiting commitment placement.-

1955 (1) The court must place all children who are adjudicated  
1956 and awaiting placement in a commitment program in detention  
1957 care. Children who are in ~~home detention care or~~ nonsecure  
1958 detention care may be placed on electronic monitoring.

1959 ~~(a) A child who is awaiting placement in a low-risk~~  
1960 ~~residential program must be removed from detention within 5~~  
1961 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
1962 ~~child held in secure detention during the 5 days must meet~~  
1963 ~~detention admission criteria under this part. A child who is~~  
1964 ~~placed in home detention care, nonsecure detention care, or home~~  
1965 ~~or nonsecure detention care with electronic monitoring, while~~  
1966 ~~awaiting placement in a minimum-risk or low-risk program, may be~~  
1967 ~~held in secure detention care for 5 days, if the child violates~~  
1968 ~~the conditions of the home detention care, the nonsecure~~  
1969 ~~detention care, or the electronic monitoring agreement. For any~~  
1970 ~~subsequent violation, the court may impose an additional 5 days~~  
1971 ~~in secure detention care.~~

1972 ~~(b)~~ A child who is awaiting placement in a nonsecure

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1973 ~~moderate-risk~~ residential program must be removed from detention  
1974 within 5 days, excluding Saturdays, Sundays, and legal holidays.  
1975 A ~~Any~~ child held in secure detention during the 5 days must meet  
1976 detention admission criteria under this part. The department may  
1977 seek an order from the court authorizing continued detention for  
1978 a specific period of time necessary for the appropriate  
1979 residential placement of the child. However, such continued  
1980 detention in secure detention care may not exceed 15 days after  
1981 entry of the commitment order, excluding Saturdays, Sundays, and  
1982 legal holidays, and except as otherwise provided in this  
1983 section. A child who is placed in ~~home detention care,~~ nonsecure  
1984 detention care, ~~or home or~~ nonsecure detention care with  
1985 electronic monitoring, while awaiting placement in a nonsecure  
1986 residential ~~moderate-risk~~ program, may be held in secure  
1987 detention care for 5 days, if the child violates the conditions  
1988 of ~~the home detention care,~~ the nonsecure detention care, or the  
1989 electronic monitoring agreement. For any subsequent violation,  
1990 the court may impose an additional 5 days in secure detention  
1991 care.

1992 (b) ~~(e)~~ If the child is committed to a high-risk residential  
1993 program, the child must be held in secure detention care until  
1994 placement or commitment is accomplished.

1995 (c) ~~(d)~~ If the child is committed to a maximum-risk  
1996 residential program, the child must be held in secure detention  
1997 care until placement or commitment is accomplished.

1998 (2) Regardless of detention status, a child being  
1999 transported by the department to a residential commitment  
2000 facility of the department may be placed in secure detention for  
2001 up to 24 hours ~~overnight, not to exceed a 24-hour period,~~ for

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2002 the specific purpose of ensuring the safe delivery of the child  
2003 to his or her residential commitment program, court,  
2004 appointment, transfer, or release.

2005 Section 18. Subsection (1) of section 985.275, Florida  
2006 Statutes, is amended to read:

2007 985.275 Detention of escapee or absconder on authority of  
2008 the department.—

2009 (1) If an authorized agent of the department has reasonable  
2010 grounds to believe that a any delinquent child committed to the  
2011 department has escaped from a residential commitment facility or  
2012 in the course of lawful transportation to or from such facility  
2013 ~~from being lawfully transported thereto or therefrom~~, or has  
2014 absconded from a nonresidential commitment facility, the agent  
2015 shall notify law enforcement and, if the offense qualifies under  
2016 chapter 960, notify the victim, and make every reasonable effort  
2017 to locate the delinquent child. The child may be returned take  
2018 ~~the child into active custody and may deliver the child to the~~  
2019 facility or, if it is closer, to a detention center for return  
2020 to the facility. However, a child may not be held in detention  
2021 more longer than 24 hours, excluding Saturdays, Sundays, and  
2022 legal holidays, unless a special order so directing is made by  
2023 the judge after a detention hearing resulting in a finding that  
2024 detention is required based on the criteria in s. 985.255. The  
2025 order must shall state the reasons for such finding. The reasons  
2026 are shall be reviewable by appeal or in habeas corpus  
2027 proceedings in the district court of appeal.

2028 Section 19. Paragraph (b) of subsection (4), paragraph (h)  
2029 of subsection (6), and paragraph (a) of subsection (7) of  
2030 section 985.433, Florida Statutes, are amended to read:

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2031           985.433 Disposition hearings in delinquency cases.—When a  
2032 child has been found to have committed a delinquent act, the  
2033 following procedures shall be applicable to the disposition of  
2034 the case:

2035           (4) Before the court determines and announces the  
2036 disposition to be imposed, it shall:

2037           (b) Discuss with the child his or her compliance with any  
2038 predisposition ~~home release~~ plan or other plan imposed since the  
2039 date of the offense.

2040           (6) The first determination to be made by the court is a  
2041 determination of the suitability or nonsuitability for  
2042 adjudication and commitment of the child to the department. This  
2043 determination shall include consideration of the recommendations  
2044 of the department, which may include a predisposition report.  
2045 The predisposition report shall include, whether as part of the  
2046 child's multidisciplinary assessment, classification, and  
2047 placement process components or separately, evaluation of the  
2048 following criteria:

2049           (h) The child's educational status, including, but not  
2050 limited to, the child's strengths, abilities, and unmet and  
2051 special educational needs. The report must ~~shall~~ identify  
2052 appropriate educational and career ~~vocational~~ goals for the  
2053 child. Examples of appropriate goals include:

2054           1. Attainment of a high school diploma or its equivalent.

2055           2. Successful completion of literacy course(s).

2056           3. Successful completion of career and technical  
2057 educational ~~vocational~~ course(s).

2058           4. Successful attendance and completion of the child's  
2059 current grade, or recovery of credits of classes the child

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2060 previously failed, if enrolled in school.

2061 5. Enrollment in an apprenticeship or a similar program.

2062  
2063 It is the intent of the Legislature that the criteria set forth  
2064 in this subsection are general guidelines to be followed at the  
2065 discretion of the court and not mandatory requirements of  
2066 procedure. It is not the intent of the Legislature to provide  
2067 for the appeal of the disposition made under this section.

2068 (7) If the court determines that the child should be  
2069 adjudicated as having committed a delinquent act and should be  
2070 committed to the department, such determination shall be in  
2071 writing or on the record of the hearing. The determination shall  
2072 include a specific finding of the reasons for the decision to  
2073 adjudicate and to commit the child to the department, including  
2074 any determination that the child was a member of a criminal  
2075 gang.

2076 (a) The department ~~juvenile probation officer~~ shall  
2077 recommend to the court the most appropriate placement and  
2078 treatment plan, specifically identifying the restrictiveness  
2079 level most appropriate for the child if commitment is  
2080 recommended. If the court has determined that the child was a  
2081 member of a criminal gang, that determination shall be given  
2082 great weight in identifying the most appropriate restrictiveness  
2083 level for the child. The court shall consider the department's  
2084 recommendation in making its commitment decision.

2085 Section 20. Present subsections (4) through (6) of section  
2086 985.435, Florida Statutes, are redesignated as subsections (5)  
2087 through (7), respectively, a new subsection (4) is added to that  
2088 section, and subsection (3) and present subsection (4) of that



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2089 section are amended, to read:

2090 985.435 Probation and postcommitment probation; community  
2091 service.-

2092 (3) A probation program must also include a rehabilitative  
2093 program component such as a requirement of participation in  
2094 substance abuse treatment or in a school or career and technical  
2095 ~~other~~ educational program. The nonconsent of the child to  
2096 treatment in a substance abuse treatment program does not  
2097 preclude ~~in no way precludes~~ the court from ordering such  
2098 treatment. Upon the recommendation of the department at the time  
2099 of disposition, or subsequent to disposition pursuant to the  
2100 filing of a petition alleging a violation of the child's  
2101 conditions of postcommitment probation, the court may order the  
2102 child to submit to random testing for the purpose of detecting  
2103 and monitoring the use of alcohol or controlled substances.

2104 (4) A probation program may also include an alternative  
2105 consequence component to address instances in which a child is  
2106 noncompliant with technical conditions of his or her probation,  
2107 but has not committed any new violations of law. The alternative  
2108 consequence component shall be designed to provide swift and  
2109 appropriate consequences to any noncompliance with technical  
2110 conditions of probation. If the probation program includes this  
2111 component, specific consequences that apply to noncompliance  
2112 with specific technical conditions of probation must be detailed  
2113 in the disposition order.

2114 (5) ~~(4)~~ An evaluation of the youth's risk to reoffend ~~A~~  
2115 ~~classification scale for levels of supervision~~ shall be provided  
2116 by the department, taking into account the child's needs and  
2117 risks relative to probation supervision requirements to

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2118 reasonably ensure the public safety. Probation programs for  
2119 children shall be supervised by the department or by any other  
2120 person or agency specifically authorized by the court. These  
2121 programs must include, but are not limited to, structured or  
2122 restricted activities as described in this section and s.  
2123 985.439, and shall be designed to encourage the child toward  
2124 acceptable and functional social behavior.

2125 Section 21. Paragraph (a) of subsection (1) and subsection  
2126 (4) of section 985.439, Florida Statutes, are amended to read:

2127 985.439 Violation of probation or postcommitment  
2128 probation.—

2129 (1) (a) This section is applicable when the court has  
2130 jurisdiction over a child on probation or postcommitment  
2131 probation, regardless of adjudication ~~an adjudicated delinquent~~  
2132 ~~child~~.

2133 (4) Upon the child's admission, or if the court finds after  
2134 a hearing that the child has violated the conditions of  
2135 probation or postcommitment probation, the court shall enter an  
2136 order revoking, modifying, or continuing probation or  
2137 postcommitment probation. In each such case, the court shall  
2138 enter a new disposition order and, in addition to the sanctions  
2139 set forth in this section, may impose any sanction the court  
2140 could have imposed at the original disposition hearing. If the  
2141 child is found to have violated the conditions of probation or  
2142 postcommitment probation, the court may:

2143 (a) Place the child in a consequence unit in that judicial  
2144 circuit, if available, for up to 5 days for a first violation  
2145 and up to 15 days for a second or subsequent violation.

2146 (b) Place the child on nonsecure ~~home~~ detention with

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2147 electronic monitoring. However, this sanction may be used only  
2148 if a residential consequence unit is not available.

2149 (c) Modify or continue the child's probation program or  
2150 postcommitment probation program.

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

2153 (e) If the violation of probation is technical in nature  
2154 and not a new violation of law, place the child in an  
2155 alternative consequence program designed to provide swift and  
2156 appropriate consequences for any further violations of  
2157 probation.

2158 1. Alternative consequence programs shall be established at  
2159 the local level in coordination with law enforcement agencies,  
2160 the chief judge of the circuit, the state attorney, and the  
2161 public defender.

2162 2. Alternative consequence programs may be operated by an  
2163 entity such as a law enforcement agency, the department, a  
2164 juvenile assessment center, a county or municipality, or another  
2165 entity selected by the department.

2166 3. Upon placing a child in an alternative consequence  
2167 program, the court must approve specific consequences for  
2168 specific violations of the conditions of probation.

2169 Section 22. Subsection (2) of section 985.441, Florida  
2170 Statutes, is amended to read:

2171 985.441 Commitment.—

2172 (2) Notwithstanding subsection (1), the court having  
2173 jurisdiction over an adjudicated delinquent child whose  
2174 ~~underlying~~ offense is was a misdemeanor, or a child who is  
2175 currently on probation for a misdemeanor, may not commit the

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2176 child for any misdemeanor offense or any probation violation  
2177 that is technical in nature and not a new violation of law at a  
2178 restrictiveness level other than minimum-risk nonresidential  
2179 ~~unless the probation violation is a new violation of law~~  
2180 ~~constituting a felony~~. However, the court may commit such child  
2181 to a nonsecure ~~low-risk or moderate-risk~~ residential placement  
2182 if:

2183 (a) The child has previously been adjudicated or had  
2184 adjudication withheld for a felony offense;

2185 (b) The child has previously been adjudicated or had  
2186 adjudication withheld for three or more misdemeanor offenses  
2187 within the preceding 18 months;

2188 (c) The child is before the court for disposition for a  
2189 violation of s. 800.03, s. 806.031, or s. 828.12; or

2190 (d) The court finds by a preponderance of the evidence that  
2191 the protection of the public requires such placement or that the  
2192 particular needs of the child would be best served by such  
2193 placement. Such finding must be in writing.

2194 Section 23. Paragraph (a) of subsection (1) and subsection  
2195 (5) of section 985.46, Florida Statutes, are amended to read:

2196 985.46 Conditional release.—

2197 (1) The Legislature finds that:

2198 (a) Conditional release is the care, treatment, help,  
2199 provision of transition-to-adulthood services, and supervision  
2200 provided to juveniles released from residential commitment  
2201 programs to promote rehabilitation and prevent recidivism.

2202 (5) Participation in the educational program by students of  
2203 compulsory school attendance age pursuant to s. 1003.21(1) and  
2204 (2) (a) is mandatory for juvenile justice youth on conditional

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2205 release or postcommitment probation status. A student of  
2206 noncompulsory school-attendance age who has not received a high  
2207 school diploma or its equivalent must participate in an ~~the~~  
2208 educational or career and technical educational program. A youth  
2209 who has received a high school diploma or its equivalent and is  
2210 not employed must participate in workforce development or other  
2211 career or technical education or attend a community college or a  
2212 university while in the program, subject to available funding.

2213 Section 24. Subsections (1) through (5) of section 985.461,  
2214 Florida Statutes, are amended to read:

2215 985.461 Transition to adulthood.—

2216 (1) The Legislature finds that ~~elder~~ youth are faced with  
2217 the need to learn how to support themselves within legal means  
2218 and overcome the stigma of being delinquent. In most cases,  
2219 parents expedite this transition. It is the intent of the  
2220 Legislature that the department provide ~~elder~~ youth in its  
2221 custody or under its supervision with opportunities for  
2222 participating in transition-to-adulthood services while in the  
2223 department's commitment programs or in probation or conditional  
2224 release programs in the community. These services should be  
2225 reasonable and appropriate for the youths' respective ages or  
2226 special needs and provide activities that build life skills and  
2227 increase the ability to live independently and become self-  
2228 sufficient.

2229 (2) Youth served by the department who are in the custody  
2230 of the Department of Children and Families ~~Family Services~~ and  
2231 who entered juvenile justice placement from a foster care  
2232 placement, if otherwise eligible, may receive independent living  
2233 transition services pursuant to s. 409.1451. Court-ordered

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2234 commitment or probation with the department is not a barrier to  
2235 eligibility for the array of services available to a youth who  
2236 is in the dependency foster care system only.

2237 (3) For a dependent child in the foster care system,  
2238 adjudication for delinquency does not, by itself, disqualify  
2239 such child for eligibility in the Department of Children and  
2240 Families' ~~Family Services'~~ independent living program.

2241 (4) As part of the child's treatment plan, the department  
2242 may provide transition-to-adulthood services to children  
2243 released from residential commitment. To support participation  
2244 in transition-to-adulthood services and subject to  
2245 appropriation, the department may:

2246 (a) Assess the child's skills and abilities to live  
2247 independently and become self-sufficient. The specific services  
2248 ~~to be~~ provided shall be determined using an assessment of his or  
2249 her readiness for adult life.

2250 (b) Use community reentry teams to assist in the  
2251 development of ~~Develop~~ a list of age-appropriate activities and  
2252 responsibilities to be incorporated in the child's written case  
2253 plan for any youth ~~17 years of age or older~~ who is under the  
2254 custody or supervision of the department. Community reentry  
2255 teams may include representation from school districts, law  
2256 enforcement, workforce development services, community-based  
2257 service providers, and the youth's family. Activities may  
2258 include, but are not limited to, life skills training, including  
2259 training to develop banking and budgeting skills, interviewing  
2260 and career planning skills, parenting skills, personal health  
2261 management, and time management or organizational skills;  
2262 educational support; employment training; and counseling.

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2263 (c) Provide information related to social security  
2264 insurance benefits and public assistance.

2265 (d) Request parental or guardian permission for the youth  
2266 to participate in transition-to-adulthood services. Upon such  
2267 consent, age-appropriate activities shall be incorporated into  
2268 the youth's written case plan. This plan may include specific  
2269 goals and objectives and shall be reviewed and updated at least  
2270 quarterly. If the parent or guardian is cooperative, the plan  
2271 may not interfere with the parent's or guardian's rights to  
2272 nurture and train his or her child in ways that are otherwise in  
2273 compliance with the law and court order.

2274 (e) Contract for transition-to-adulthood services that  
2275 include residential services and assistance and allow the child  
2276 to live independently of the daily care and supervision of an  
2277 adult in a setting that is not licensed under s. 409.175. A  
2278 child under the care or supervision of the department ~~who has~~  
2279 ~~reached 17 years of age but is not yet 19 years of age~~ is  
2280 eligible for such services if he or she does not pose a danger  
2281 to the public and is able to demonstrate minimally sufficient  
2282 skills and aptitude for living under decreased adult  
2283 supervision, as determined by the department, using established  
2284 procedures and assessments.

2285 (f) Assist the youth in building a portfolio of educational  
2286 and vocational accomplishments, necessary identification,  
2287 resumes, and cover letters in an effort to enhance the youth's  
2288 employability.

2289 (g) Collaborate with school district contacts to facilitate  
2290 appropriate educational services based on the youth's identified  
2291 needs.

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2292 (5) For a child ~~who is 17 years of age or older~~, under the  
2293 department's care or supervision, and without benefit of parents  
2294 or legal guardians capable of assisting the child in the  
2295 transition to adult life, the department may provide an  
2296 assessment to determine the child's skills and abilities to live  
2297 independently and become self-sufficient. Based on the  
2298 assessment and within existing resources, services and training  
2299 may be provided in order to develop the necessary skills and  
2300 abilities ~~before the child's 18th birthday~~.

2301 Section 25. Paragraph (b) of subsection (3) of section  
2302 985.481, Florida Statutes, is amended to read:

2303 985.481 Sexual offenders adjudicated delinquent;  
2304 notification upon release.-

2305 (3)

2306 (b) ~~No later than November 1, 2007~~, The department shall  
2307 ~~must~~ make the information described in subparagraph (a)1.  
2308 available electronically to the Department of Law Enforcement in  
2309 its database and in a format that is compatible with the  
2310 requirements of the Florida Crime Information Center.

2311 Section 26. Subsection (5) of section 985.4815, Florida  
2312 Statutes, is amended to read:

2313 985.4815 Notification to Department of Law Enforcement of  
2314 information on juvenile sexual offenders.-

2315 (5) In addition to notification and transmittal  
2316 requirements imposed by any other ~~provision of law~~, the  
2317 department shall compile information on any sexual offender and  
2318 provide the information to the Department of Law Enforcement. ~~No~~  
2319 ~~later than November 1, 2007~~, The department shall ~~must~~ make the  
2320 information available electronically to the Department of Law



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2321 Enforcement in its database in a format that is compatible with  
2322 the requirements of the Florida Crime Information Center.

2323 Section 27. Paragraph (a) of subsection (3) and paragraph  
2324 (a) of subsection (9) of section 985.601, Florida Statutes, are  
2325 amended to read:

2326 985.601 Administering the juvenile justice continuum.—

2327 (3) (a) The department shall develop or contract for  
2328 diversified and innovative programs to provide rehabilitative  
2329 treatment, including early intervention and prevention,  
2330 diversion, comprehensive intake, case management, diagnostic and  
2331 classification assessments, trauma-informed care, individual and  
2332 family counseling, family engagement resources and programs,  
2333 gender-specific programming, shelter care, diversified detention  
2334 care emphasizing alternatives to secure detention, diversified  
2335 probation, halfway houses, foster homes, community-based  
2336 substance abuse treatment services, community-based mental  
2337 health treatment services, community-based residential and  
2338 nonresidential programs, mother-infant programs, and  
2339 environmental programs. The department may pay expenses in  
2340 support of innovative programs and activities that address the  
2341 identified needs and well-being of children in the department's  
2342 care or under its supervision. Each program shall place  
2343 particular emphasis on reintegration and conditional release for  
2344 all children in the program.

2345 (9) (a) The department shall operate a statewide, regionally  
2346 administered system of detention services for children, in  
2347 accordance with a comprehensive plan for the regional  
2348 administration of all detention services in the state. The plan  
2349 must provide for the maintenance of adequate availability of

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2350 detention services for all counties. The plan must cover all the  
2351 department's operating circuits, with each operating circuit  
2352 having access to a secure facility and nonsecure ~~and home~~  
2353 detention programs. ~~and~~ The plan may be altered or modified by  
2354 the department ~~of Juvenile Justice~~ as necessary.

2355 Section 28. Section 985.605, Florida Statutes, is repealed.

2356 Section 29. Section 985.606, Florida Statutes, is repealed.

2357 Section 30. Section 985.61, Florida Statutes, is repealed.

2358 Section 31. Section 985.632, Florida Statutes, is reordered  
2359 and amended to read:

2360 985.632 Quality improvement ~~assurance~~ and cost-  
2361 effectiveness.—

2362 (2) ~~(1)~~ PERFORMANCE ACCOUNTABILITY.—It is the intent of the  
2363 Legislature that the department establish a performance  
2364 accountability system for each provider who contracts with the  
2365 department for the delivery of services to children. The  
2366 contract must include both output measures, such as the number  
2367 of children served, and outcome measures, such as program  
2368 completion and postcompletion recidivism. Each contractor shall  
2369 report performance results to the department annually. The  
2370 department's Bureau of Research and Planning shall summarize  
2371 performance results from all contracts and report the  
2372 information annually to the President of the Senate and the  
2373 Speaker of the House of Representatives in the Comprehensive  
2374 Accountability Report. The report must:

2375 (a) Ensure that information be provided to decisionmakers  
2376 in a timely manner so that resources are allocated to programs  
2377 that ~~of the department which~~ achieve desired performance levels.

2378 (b) Provide information about the cost of such programs and

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2379 their differential effectiveness so that the quality of such  
2380 programs can be compared and improvements made continually.

2381 (c) Provide information to aid in developing related policy  
2382 issues and concerns.

2383 (d) Provide information to the public about the  
2384 effectiveness of such programs in meeting established goals and  
2385 objectives.

2386 (e) Provide a basis for a system of accountability so that  
2387 each child client is afforded the best programs to meet his or  
2388 her needs.

2389 (f) Improve service delivery to children through the use of  
2390 technical assistance clients.

2391 (g) Modify or eliminate activities or programs that are not  
2392 effective.

2393 (h) Collect and analyze available statistical data for the  
2394 purpose of ongoing evaluation of all programs.

2395 (1) ~~(2)~~ DEFINITIONS.—As used in this section, the term:

2396 (a) "Program" means any facility, service, or program for  
2397 children which is operated by the department or by a provider  
2398 under contract with the department.

2399 ~~(a) "Client" means any person who is being provided~~  
2400 ~~treatment or services by the department or by a provider under~~  
2401 ~~contract with the department~~.

2402 (b) "Program component" means an aggregation of generally  
2403 related objectives which, because of their special character,  
2404 related workload, and interrelated output, can logically be  
2405 considered an entity for purposes of organization, management,  
2406 accounting, reporting, and budgeting.

2407 (c) "Program group" means a collection of programs with

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2408 sufficient similarity of functions, services, and children to  
2409 permit appropriate comparison among programs within the group.

2410 ~~(c) "Program effectiveness" means the ability of the~~  
2411 ~~program to achieve desired client outcomes, goals, and~~  
2412 ~~objectives.~~

2413 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in  
2414 consultation with the Office of Economic and Demographic  
2415 Research, the Office of Program Policy Analysis and Government  
2416 Accountability, and contract service providers, shall develop  
2417 and use a standard methodology for annually measuring,  
2418 evaluating, and reporting program outputs and child outcomes for  
2419 each program and program group. The standard methodology must:

2420 (a) Include common terminology and operational definitions  
2421 for measuring the performance of system and program  
2422 administration, program outputs, and program outcomes.

2423 (b) Specify program outputs for each program and for each  
2424 program group within the juvenile justice continuum.

2425 (c) Specify desired child outcomes and methods by which  
2426 child outcomes may be measured for each program and program  
2427 group.

2428 ~~(3) The department shall annually collect and report cost~~  
2429 ~~data for every program operated or contracted by the department.~~  
2430 ~~The cost data shall conform to a format approved by the~~  
2431 ~~department and the Legislature. Uniform cost data shall be~~  
2432 ~~reported and collected for state-operated and contracted~~  
2433 ~~programs so that comparisons can be made among programs. The~~  
2434 ~~department shall ensure that there is accurate cost accounting~~  
2435 ~~for state-operated services including market-equivalent rent and~~  
2436 ~~other shared cost. The cost of the educational program provided~~

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2437 ~~to a residential facility shall be reported and included in the~~  
2438 ~~cost of a program. The department shall submit an annual cost~~  
2439 ~~report to the President of the Senate, the Speaker of the House~~  
2440 ~~of Representatives, the Minority Leader of each house of the~~  
2441 ~~Legislature, the appropriate substantive and fiscal committees~~  
2442 ~~of each house of the Legislature, and the Governor, no later~~  
2443 ~~than December 1 of each year. Cost-benefit analysis for~~  
2444 ~~educational programs will be developed and implemented in~~  
2445 ~~collaboration with and in cooperation with the Department of~~  
2446 ~~Education, local providers, and local school districts. Cost~~  
2447 ~~data for the report shall include data collected by the~~  
2448 ~~Department of Education for the purposes of preparing the annual~~  
2449 ~~report required by s. 1003.52(19).~~

2450 (4)(a) COST-EFFECTIVENESS MODEL.—The department, in  
2451 consultation with the Office of Economic and Demographic  
2452 Research and contract service providers, shall develop a cost-  
2453 effectiveness model and apply the model to each commitment  
2454 program. ~~Program recidivism rates shall be a component of the~~  
2455 ~~model.~~

2456 (a) The cost-effectiveness model must ~~shall~~ compare program  
2457 costs to expected and actual child recidivism rates ~~client~~  
2458 ~~outcomes and program outputs.~~ It is the intent of the  
2459 Legislature that continual development efforts take place to  
2460 improve the validity and reliability of the cost-effectiveness  
2461 model.

2462 (b) The department shall rank commitment programs based on  
2463 the cost-effectiveness model, performance measures, and  
2464 adherence to quality improvement standards and shall ~~submit a~~  
2465 report this data in the annual Comprehensive Accountability

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2466 ~~Report to the appropriate substantive and fiscal committees of~~  
2467 ~~each house of the Legislature by December 31 of each year.~~

2468 (c) Based on reports of the department on child client  
2469 outcomes and program outputs and on the department's most recent  
2470 cost-effectiveness rankings, the department may terminate a  
2471 program operated by the department or a provider if the program  
2472 has failed to achieve a minimum standard ~~threshold~~ of program  
2473 effectiveness. This paragraph does not preclude the department  
2474 from terminating a contract as provided under this section or as  
2475 otherwise provided by law or contract, and does not limit the  
2476 department's authority to enter into or terminate a contract.

2477 (d) In collaboration with the Office of Economic and  
2478 Demographic Research~~7~~ and contract service providers, the  
2479 department shall develop a work plan to refine the cost-  
2480 effectiveness model so that the model is consistent with the  
2481 performance-based program budgeting measures approved by the  
2482 Legislature to the extent the department deems appropriate. The  
2483 department shall notify the Office of Program Policy Analysis  
2484 and Government Accountability of any meetings to refine the  
2485 model.

2486 (e) Contingent upon specific appropriation, the department,  
2487 in consultation with the Office of Economic and Demographic  
2488 Research~~7~~ and contract service providers, shall:

2489 1. Construct a profile of each commitment program that uses  
2490 the results of the quality improvement ~~assurance~~ report required  
2491 by this section, the cost-effectiveness report required in this  
2492 subsection, and other reports available to the department.

2493 2. Target, for a more comprehensive evaluation, any  
2494 commitment program that has achieved consistently high, low, or

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2495 disparate ratings in the reports required under subparagraph 1.  
2496 and target, for technical assistance, any commitment program  
2497 that has achieved low or disparate ratings in the reports  
2498 required under subparagraph 1.

2499 3. Identify the essential factors that contribute to the  
2500 high, low, or disparate program ratings.

2501 4. Use the results of these evaluations in developing or  
2502 refining juvenile justice programs or program models, child  
2503 elient outcomes and program outputs, provider contracts, quality  
2504 improvement assurance standards, and the cost-effectiveness  
2505 model.

2506 (5) QUALITY IMPROVEMENT; MINIMUM STANDARDS.—The department  
2507 shall:

2508 (a) Establish a comprehensive quality improvement assurance  
2509 system for each program operated by the department or operated  
2510 by a provider under contract with the department. Each contract  
2511 entered into by the department must provide for quality  
2512 improvement assurance.

2513 (b) Provide operational definitions of and criteria for  
2514 quality improvement assurance for each specific program  
2515 component.

2516 (c) Establish quality improvement assurance goals and  
2517 objectives for each specific program component.

2518 (d) Establish the information and specific data elements  
2519 required for the quality improvement assurance program.

2520 (e) Develop a quality improvement assurance manual of  
2521 specific, standardized terminology and procedures to be followed  
2522 by each program.

2523 (f) Evaluate each program operated by the department or a

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2524 provider under a contract with the department annually and  
 2525 establish minimum standards ~~thresholds~~ for each program  
 2526 component. If a provider fails to meet the established minimum  
 2527 standards ~~thresholds~~, ~~such failure shall cause~~ the department  
 2528 shall ~~to~~ cancel the provider's contract unless the provider  
 2529 complies ~~achieves compliance~~ with minimum standards ~~thresholds~~  
 2530 within 6 months or unless there are documented extenuating  
 2531 circumstances. In addition, the department may not contract with  
 2532 the same provider for the canceled service for ~~a period of~~ 12  
 2533 months. If a department-operated program fails to meet the  
 2534 established minimum standards ~~thresholds~~, the department must  
 2535 take necessary and sufficient steps to ensure, and document  
 2536 program changes to achieve, compliance with the established  
 2537 minimum standards ~~thresholds~~. If the department-operated program  
 2538 fails to achieve compliance with the established minimum  
 2539 standards ~~thresholds~~ within 6 months and ~~if~~ there are no  
 2540 documented extenuating circumstances, the department shall ~~must~~  
 2541 notify the Executive Office of the Governor and the Legislature  
 2542 of the corrective action taken. Appropriate corrective action  
 2543 may include, but is not limited to:

- 2544 1. Contracting out for the services provided in the  
 2545 program;
- 2546 2. Initiating appropriate disciplinary action against all  
 2547 employees whose conduct or performance is deemed to have  
 2548 materially contributed to the program's failure to meet  
 2549 established minimum thresholds;
- 2550 3. Redesigning the program; or
- 2551 4. Realigning the program.
- 2552 (6) COMPREHENSIVE ACCOUNTABILITY REPORT; SUBMITTAL.—No



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2553 later than February 1 of each year, the department shall submit  
2554 the Comprehensive Accountability ~~an annual~~ Report to the  
2555 Governor, the President of the Senate, the Speaker of the House  
2556 of Representatives, the Minority Leader of each house of the  
2557 Legislature, and the appropriate substantive and fiscal  
2558 committees of each house of the Legislature, ~~and the Governor,~~  
2559 ~~no later than February 1 of each year.~~ The Comprehensive  
2560 Accountability ~~annual~~ Report must contain, at a minimum, for  
2561 each specific program component: a comprehensive description of  
2562 the population served by the program; a specific description of  
2563 the services provided by the program; cost; a comparison of  
2564 expenditures to federal and state funding; immediate and long-  
2565 range concerns; and recommendations to maintain, expand,  
2566 improve, modify, or eliminate each program component so that  
2567 changes in services lead to enhancement in program quality. The  
2568 department shall ensure the reliability and validity of the  
2569 information contained in the report.

2570 (7) ~~(6)~~ ONGOING EVALUATION.—The department shall collect and  
2571 analyze available statistical data for the purpose of ongoing  
2572 evaluation of all programs. The department shall provide the  
2573 Legislature with necessary information and reports to enable the  
2574 Legislature to make informed decisions regarding the  
2575 effectiveness of, and any needed changes in, services, programs,  
2576 policies, and laws.

2577 Section 32. Paragraph (a) of subsection (1) and paragraph  
2578 (b) of subsection (3) of section 985.644, Florida Statutes, are  
2579 amended to read:

2580 985.644 Departmental contracting powers; personnel  
2581 standards and screening.—

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2582 (1) The department may contract with the Federal  
2583 Government, other state departments and agencies, county and  
2584 municipal governments and agencies, public and private agencies,  
2585 and private individuals and corporations in carrying out the  
2586 purposes of, and the responsibilities established in, this  
2587 chapter.

2588 (a) Each contract entered into by the department for  
2589 services delivered on an appointment or intermittent basis by a  
2590 provider that does not have regular custodial responsibility for  
2591 children, and each contract with a school for ~~before or~~  
2592 ~~aftercare~~ services, must ensure that all owners, operators, and  
2593 personnel who have direct contact with children are subject to  
2594 level 2 background screening pursuant to chapter 435.

2595 (3)

2596 (b) Certified ~~Except for~~ law enforcement, correctional, and  
2597 correctional probation officers, pursuant to s. 943.13, are not  
2598 required to submit to level 2 screenings while employed by a law  
2599 enforcement agency or correctional facility. to whom s.  
2600 ~~943.13(5) applies,~~ The department shall electronically submit to  
2601 the Department of Law Enforcement:

2602 1. Fingerprint information obtained during the employment  
2603 screening required by subparagraph (a)1.

2604 2. Fingerprint information for all persons employed by the  
2605 department, or by a provider under contract with the department,  
2606 in delinquency facilities, services, or programs if such  
2607 fingerprint information has not ~~previously~~ been previously  
2608 electronically submitted pursuant to this section to the  
2609 ~~Department of Law Enforcement under this paragraph.~~

2610 Section 33. Section 985.6441, Florida Statutes, is created

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2611 to read:

2612 985.6441 Health care services.-2613 (1) As used in this section, the term:2614 (a) "Hospital" means a hospital licensed under chapter 395.2615 (b) "Health care provider" has the same meaning as provided  
2616 in s. 766.105.2617 (2) The following reimbursement limitations apply to the  
2618 compensation of health care providers by the department:2619 (a) If there is no contract between the department and a  
2620 hospital or a health care provider providing services at a  
2621 hospital, payments to such hospital or such health care provider  
2622 may not exceed 110 percent of the Medicare allowable rate for  
2623 any health care service provided.2624 (b) If a contract has been executed between the department  
2625 and a hospital or a health care provider providing services at a  
2626 hospital, the department may continue to make payments for  
2627 health care services at the currently contracted rates through  
2628 the current term of the contract; however, payments may not  
2629 exceed 110 percent of the Medicare allowable rate after the  
2630 current term of the contract expires or after the contract is  
2631 renewed during the 2013-2014 fiscal year.2632 (c) Payments may not exceed 110 percent of the Medicare  
2633 allowable rate under a contract executed on or after July 1,  
2634 2014, between the department and a hospital or a health care  
2635 provider providing services at a hospital.2636 (d) Notwithstanding paragraphs (a)-(c), the department may  
2637 pay up to 125 percent of the Medicare allowable rate for health  
2638 care services at a hospital that demonstrates or has  
2639 demonstrated through hospital-audited financial data a negative

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2640 operating margin for the previous fiscal year to the Agency for  
2641 Health Care Administration.

2642 (e) The department may execute a contract for health care  
2643 services at a hospital for rates other than rates based on a  
2644 percentage of the Medicare allowable rate.

2645 Section 34. Section 985.66, Florida Statutes, is amended to  
2646 read:

2647 985.66 Juvenile justice training ~~academies~~; staff  
2648 development and training; Juvenile Justice Training Trust Fund.-

2649 (1) LEGISLATIVE PURPOSE.-In order to enable the state to  
2650 provide a systematic approach to staff development and training  
2651 for judges, state attorneys, public defenders, law enforcement  
2652 officers, school district personnel, and juvenile justice  
2653 program staff which meets ~~that will meet~~ the needs of such  
2654 persons in the ~~their~~ discharge of their duties while at the same  
2655 time meeting the requirements for the American Correction  
2656 Association accreditation by the Commission on Accreditation for  
2657 Corrections, it is the purpose of the Legislature to require the  
2658 department to establish, maintain, and oversee the operation of  
2659 juvenile justice training programs and courses ~~academies~~ in the  
2660 state. The purpose of the Legislature in establishing staff  
2661 development and training programs is to provide employees of the  
2662 department or any private or public entity or contract providers  
2663 who provide services or care for youth under the responsibility  
2664 of the department with the knowledge and skills to appropriately  
2665 interact with youth and provide such care ~~foster better staff~~  
2666 ~~morale and reduce mistreatment and aggressive and abusive~~  
2667 ~~behavior in delinquency programs~~; to positively impact the  
2668 recidivism of children in the juvenile justice system; and to

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2669 afford greater protection of the public through an improved  
2670 level of services delivered by a professionally trained juvenile  
2671 justice program staff to children who are alleged to be or who  
2672 have been found to be delinquent.

2673 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2674 (a) Designate the number and location of the training  
2675 programs and courses ~~academies~~; assess, design, develop,  
2676 implement, evaluate, maintain, and update the curriculum to be  
2677 used in the training of juvenile justice ~~program~~ staff;  
2678 establish timeframes for participation in and completion of  
2679 training by juvenile justice ~~program~~ staff; develop, implement,  
2680 score, analyze, maintain, and update job-related examinations;  
2681 develop, implement, analyze, and update the types and  
2682 frequencies of evaluations of the training programs, courses,  
2683 and instructors ~~academies~~; and manage ~~approve, modify, or~~  
2684 ~~disapprove~~ the budget and contracts for all the training  
2685 deliverables ~~academies, and the contractor to be selected to~~  
2686 ~~organize and operate the training academies and to provide the~~  
2687 ~~training curriculum.~~

2688 (b) Establish uniform minimum job-related preservice and  
2689 inservice training courses and examinations for juvenile justice  
2690 ~~program~~ staff.

2691 (c) Consult and cooperate with the state or any political  
2692 subdivision; any private entity or contractor; and with private  
2693 and public universities, colleges, community colleges, and other  
2694 educational institutions concerning the development of juvenile  
2695 justice training and programs or courses of instruction,  
2696 including, but not limited to, education and training in the  
2697 areas of juvenile justice.

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2698 (d) Enter into contracts and agreements with other  
2699 agencies, organizations, associations, corporations,  
2700 individuals, or federal agencies as necessary in the execution  
2701 of the powers of the department or the performance of its  
2702 duties.

2703 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall  
2704 establish a certifiable program for juvenile justice training  
2705 pursuant to this section, ~~and all department program staff.~~ and  
2706 Providers who deliver direct care services pursuant to contract  
2707 with the department shall ~~be required to~~ participate in and  
2708 successfully complete the department-approved program of  
2709 training pertinent to their areas of responsibility. Judges,  
2710 state attorneys, ~~and~~ public defenders, law enforcement officers,  
2711 ~~and~~ school district personnel, and employees of contract  
2712 providers who provide services or care for youth under the  
2713 responsibility of the department may participate in such a  
2714 training program. For ~~the juvenile justice program staff, the~~  
2715 ~~department shall,~~ based on a job-task analysis:

2716 (a) The department shall design, implement, maintain,  
2717 evaluate, and revise a basic training program, including a  
2718 competency-based examination, for the purpose of providing  
2719 minimum employment training qualifications for all juvenile  
2720 justice personnel. All program staff of the department and  
2721 providers who deliver direct-care services who are hired after  
2722 October 1, 1999, shall, at a ~~must meet the following~~ minimum  
2723 requirements:

- 2724 1. Be at least 19 years of age.
- 2725 2. Be a high school graduate or its equivalent, as  
2726 determined by the department.

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2727 3. Not have been convicted of any felony or a misdemeanor  
2728 involving perjury or a false statement, or have received a  
2729 dishonorable discharge from any of the Armed Forces of the  
2730 United States. A ~~Any~~ person who, after September 30, 1999,  
2731 pleads guilty or nolo contendere to or is found guilty of any  
2732 felony or a misdemeanor involving perjury or false statement is  
2733 not eligible for employment, notwithstanding suspension of  
2734 sentence or withholding of adjudication. Notwithstanding this  
2735 subparagraph, a ~~any~~ person who pled nolo contendere to a  
2736 misdemeanor involving a false statement before October 1, 1999,  
2737 and ~~who~~ has had such record of that plea sealed or expunged is  
2738 not ineligible for employment for that reason.

2739 4. Abide by ~~all the provisions of~~ s. 985.644(1) regarding  
2740 fingerprinting, and background investigations, and other  
2741 screening requirements ~~for personnel~~.

2742 5. Execute and submit to the department an affidavit-of-  
2743 application form, approved ~~adopted~~ by the department, attesting  
2744 to his or her compliance with subparagraphs 1.-4. The affidavit  
2745 must be executed under oath and constitutes an official  
2746 statement under s. 837.06. The affidavit must include a  
2747 conspicuous statement ~~language~~ that the intentional false  
2748 execution of the affidavit constitutes a misdemeanor of the  
2749 second degree. The employing agency shall retain the affidavit.

2750 (b) The department shall design, implement, maintain,  
2751 evaluate, and revise an advanced training program, including a  
2752 competency-based examination for each training course, which is  
2753 intended to enhance knowledge, skills, and abilities related to  
2754 job performance.

2755 (c) The department shall design, implement, maintain,

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2756 evaluate, and revise a career development training program,  
2757 including a competency-based examination for each training  
2758 course. Career development courses are intended to prepare  
2759 personnel for promotion.

2760 (d) The department is encouraged to design, implement,  
2761 maintain, evaluate, and revise juvenile justice training  
2762 courses, or to enter into contracts for such training courses,  
2763 that are intended to provide for the safety and well-being of  
2764 both citizens and juvenile offenders.

2765 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

2766 (a) There is created within the State Treasury a Juvenile  
2767 Justice Training Trust Fund to be used by the department for the  
2768 purpose of funding the development and updating of a job-task  
2769 analysis of juvenile justice personnel; the development,  
2770 implementation, and updating of job-related training courses and  
2771 examinations; and the cost of juvenile justice training courses.

2772 (b) One dollar from every noncriminal traffic infraction  
2773 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be  
2774 deposited into the Juvenile Justice Training Trust Fund.

2775 (c) In addition to the funds generated by paragraph (b),  
2776 the trust fund may receive funds from any other public or  
2777 private source.

2778 (d) Funds that are not expended by the end of the budget  
2779 cycle or through a supplemental budget approved by the  
2780 department shall revert to the trust fund.

2781 ~~(5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—~~  
2782 ~~The number, location, and establishment of juvenile justice~~  
2783 ~~training academies shall be determined by the department.~~

2784 (5) ~~(6)~~ SCHOLARSHIPS AND STIPENDS.—The department shall



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2785 establish criteria to award scholarships or stipends to  
2786 qualified juvenile justice personnel who are residents of the  
2787 state and ~~who~~ want to pursue a bachelor's or associate in arts  
2788 degree in juvenile justice or a related field. The department  
2789 shall administer ~~handle the administration of~~ the scholarship or  
2790 stipend. The Department of Education shall manage ~~handle~~ the  
2791 notes issued for the payment of the scholarships or stipends.  
2792 All scholarship and stipend awards shall be paid from the  
2793 Juvenile Justice Training Trust Fund upon vouchers approved by  
2794 the Department of Education and properly certified by the Chief  
2795 Financial Officer. Before ~~Prior to~~ the award of a scholarship or  
2796 stipend, the juvenile justice employee must agree in writing to  
2797 practice her or his profession in juvenile justice or a related  
2798 field for 1 month for each month of grant or to repay the full  
2799 amount of the scholarship or stipend together with interest at  
2800 the rate of 5 percent per annum over a period of up to ~~not to~~  
2801 ~~exceed~~ 10 years. Repayment is ~~shall be made~~ payable to the state  
2802 for deposit into the Juvenile Justice Training Trust Fund.

2803 (6) ~~(7)~~ PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK  
2804 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of  
2805 Risk Management of the Department of Financial Services is  
2806 authorized to insure a private agency, individual, or  
2807 corporation operating a state-owned training school under a  
2808 contract to carry out the purposes and responsibilities of any  
2809 program of the department. The coverage authorized under this  
2810 subsection is subject to ~~herein shall be under~~ the same general  
2811 terms and conditions as the coverage afforded the department ~~is~~  
2812 ~~insured for its responsibilities~~ under chapter 284.

2813 Section 35. Subsection (5) of section 985.664, Florida

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2814 Statutes, is amended to read:

2815 985.664 Juvenile justice circuit advisory boards.—

2816 ~~(5) (a) To form the initial juvenile justice circuit~~  
2817 ~~advisory board, the Secretary of Juvenile Justice, in~~  
2818 ~~consultation with the juvenile justice county councils in~~  
2819 ~~existence on October 1, 2013, shall appoint the chair of the~~  
2820 ~~board, who must meet the board membership requirements in~~  
2821 ~~subsection (4). Within 45 days after being appointed, the chair~~  
2822 ~~shall appoint the remaining members to the juvenile justice~~  
2823 ~~circuit advisory board and submit the appointments to the~~  
2824 ~~department for approval.~~

2825 ~~(b) Thereafter,~~ When a vacancy in the office of the chair  
2826 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~  
2827 ~~the juvenile justice circuit advisory board,~~ shall appoint a new  
2828 chair, who must meet the board membership requirements in  
2829 subsection (4). The chair shall appoint members to vacant seats  
2830 within 45 days after the vacancy and submit the appointments to  
2831 the department for approval. The chair serves at the pleasure of  
2832 the Secretary of Juvenile Justice.

2833 Section 36. Subsections (1) and (4) of section 985.672,  
2834 Florida Statutes, are amended to read:

2835 985.672 Direct-support organization; definition; use of  
2836 property; board of directors; audit.—

2837 (1) DEFINITION.—As used in this section, the term “direct-  
2838 support organization” means an organization whose sole purpose  
2839 is to support the juvenile justice system and which is:

2840 (a) A corporation not-for-profit incorporated under chapter  
2841 617 and ~~which is~~ approved by the Department of State;

2842 (b) Organized and operated to conduct programs and

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2843 activities; to raise funds; to request and receive grants,  
 2844 gifts, and bequests of moneys; to acquire, receive, hold,  
 2845 invest, and administer, in its own name, securities, funds,  
 2846 objects of value, or other ~~property~~, real or personal property;  
 2847 and to make expenditures to or for the direct or indirect  
 2848 benefit of the Department of Juvenile Justice or the juvenile  
 2849 justice system operated by a county commission or a circuit  
 2850 board;

2851 (c) Determined by the Department of Juvenile Justice to be  
 2852 consistent with the goals of the juvenile justice system, in the  
 2853 best interest of the state, and in accordance with the adopted  
 2854 goals and mission of the Department of Juvenile Justice.

2855  
 2856 Expenditures of the organization shall be ~~expressly~~ used for the  
 2857 prevention and amelioration of ~~to prevent and ameliorate~~  
 2858 juvenile delinquency. Such funds ~~The expenditures of the direct-~~  
 2859 ~~support organization~~ may not be used for the purpose of lobbying  
 2860 as defined in s. 11.045.

2861 (4) USE OF PROPERTY.—The department may allow ~~permit~~,  
 2862 without charge, appropriate use of fixed property, and  
 2863 facilities, and personnel services of the juvenile justice  
 2864 system by the direct-support organization, subject to the  
 2865 provisions of this section. For the purposes of this subsection,  
 2866 the term "personnel services" includes full-time or part-time  
 2867 personnel as well as payroll processing services.

2868 (a) The department may prescribe any condition with which  
 2869 the direct-support organization must comply in order to use  
 2870 fixed property or facilities of the juvenile justice system.

2871 (b) The department may not permit the use of any fixed

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2872 property or facilities of the juvenile justice system by the  
2873 direct-support organization if it does not provide equal  
2874 membership and employment opportunities to all persons  
2875 regardless of race, color, religion, sex, age, or national  
2876 origin.

2877 (c) The department shall adopt rules prescribing the  
2878 procedures by which the direct-support organization is governed  
2879 and any conditions with which a direct-support organization must  
2880 comply to use property or facilities of the department.

2881 Section 37. Section 985.682, Florida Statutes, is amended  
2882 to read:

2883 985.682 Siting of facilities; ~~study; criteria.~~

2884 ~~(1) The department is directed to conduct or contract for a~~  
2885 ~~statewide comprehensive study to determine current and future~~  
2886 ~~needs for all types of facilities for children committed to the~~  
2887 ~~eustody, care, or supervision of the department under this~~  
2888 ~~chapter.~~

2889 ~~(2) The study shall assess, rank, and designate appropriate~~  
2890 ~~sites, and shall be reflective of the different purposes and~~  
2891 ~~uses for all facilities, based upon the following criteria:~~

2892 ~~(a) Current and future estimates of children originating~~  
2893 ~~from each county;~~

2894 ~~(b) Current and future estimates of types of delinquent~~  
2895 ~~acts committed in each county;~~

2896 ~~(c) Geographic location of existing facilities;~~

2897 ~~(d) Availability of personnel within the local labor~~  
2898 ~~market;~~

2899 ~~(e) Current capacity of facilities in the area;~~

2900 ~~(f) Total usable and developable acreage of various sites~~

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2901 ~~based upon the use and purpose of the facility;~~  
2902 ~~(g) Accessibility of each site to existing utility,~~  
2903 ~~transportation, law enforcement, health care, fire protection,~~  
2904 ~~refuse collection, water, and sewage disposal services;~~  
2905 ~~(h) Susceptibility of each site to flooding hazards or~~  
2906 ~~other adverse natural environmental consequences;~~  
2907 ~~(i) Site location in relation to desirable and undesirable~~  
2908 ~~proximity to other public facilities, including schools;~~  
2909 ~~(j) Patterns of residential growth and projected population~~  
2910 ~~growth; and~~  
2911 ~~(k) Such other criteria as the department, in conjunction~~  
2912 ~~with local governments, deems appropriate.~~  
2913 ~~(3) The department shall recommend certification of the~~  
2914 ~~study by the Governor and Cabinet within 2 months after its~~  
2915 ~~receipt.~~  
2916 ~~(4) Upon certification of the study by the Governor and~~  
2917 ~~Cabinet, the department shall notify those counties designated~~  
2918 ~~as being in need of a facility.~~  
2919 (1)~~(5)~~ When the department or a contracted provider  
2920 proposes a site for a juvenile justice facility, the department  
2921 or provider shall request that the local government having  
2922 jurisdiction over such proposed site determine whether ~~or not~~  
2923 the proposed site is appropriate for public use under local  
2924 government comprehensive plans, local land use ordinances, local  
2925 zoning ordinances or regulations, and other local ordinances in  
2926 effect at the time of such request. If no such determination is  
2927 made within 90 days after the request, it is ~~shall be~~ presumed  
2928 that the proposed site is in compliance with such plans,  
2929 ordinances, or regulations.

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2930        (2)~~(6)~~ If the local government determines within 90 days  
2931 after the request that construction of a facility on the  
2932 proposed site does not comply with any such plan, ordinance, or  
2933 regulation, the department may request a modification of such  
2934 plan, ordinance, or regulation without having an ownership  
2935 interest in such property. For the purposes of this section,  
2936 modification includes, but is not limited to, a variance,  
2937 rezoning, special exception, or any other action of the local  
2938 government having jurisdiction over the proposed site which  
2939 would authorize siting of a facility.

2940        (3)~~(7)~~ Upon receipt of a request for modification from the  
2941 department, the local government may recommend and hold a public  
2942 hearing on the request for modification in the same manner as  
2943 for a rezoning as provided under the appropriate special or  
2944 local law or ordinance, except that such proceeding shall be  
2945 recorded by tape or by a certified court reporter and made  
2946 available for transcription at the expense of any interested  
2947 party.

2948        (4)~~(8)~~ If ~~When~~ the department requests such a modification  
2949 and it is denied by the local government, the local government  
2950 or the department shall initiate the dispute resolution process  
2951 established under s. 186.509 to reconcile differences on the  
2952 siting of correctional facilities between the department, local  
2953 governments, and private citizens. If the regional planning  
2954 council has not established a dispute resolution process  
2955 pursuant to s. 186.509, the department shall establish, by rule,  
2956 procedures for dispute resolution. The dispute resolution  
2957 process must ~~shall~~ require the parties to commence meetings to  
2958 reconcile their differences. If the parties fail to resolve

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2959 their differences within 30 days after the denial, they ~~the~~  
2960 ~~parties~~ shall engage in voluntary mediation or a similar  
2961 process. If the parties fail to resolve their differences by  
2962 mediation within 60 days after the denial, or if no action is  
2963 taken on the department's request within 90 days after the  
2964 request, the department must appeal the decision of the local  
2965 government on the requested modification of local plans,  
2966 ordinances, or regulations to the Governor and Cabinet. A ~~Any~~  
2967 dispute resolution process initiated under this section must  
2968 conform to the time limitations set forth in this subsection  
2969 ~~herein~~. However, upon agreement of all parties, the time limits  
2970 may be extended, but ~~in no event may~~ the dispute resolution  
2971 process may not extend beyond ~~over~~ 180 days.

2972 (5) ~~(9)~~ The Governor and Cabinet shall consider the  
2973 following when determining whether to grant the appeal from the  
2974 decision of the local government on the requested modification:

2975 (a) The record of the proceedings before the local  
2976 government.

2977 (b) Reports and studies by any other agency relating to  
2978 matters within the jurisdiction of such agency which may be  
2979 potentially affected by the proposed site.

2980 ~~(c) The statewide study, as established in subsection (1);~~  
2981 ~~other~~ Existing studies; reports and information maintained by  
2982 the department as the Governor and Cabinet may request  
2983 addressing the feasibility and availability of alternative sites  
2984 in the general area; and the need for a facility in the area  
2985 based on the average number of petitions, commitments, and  
2986 transfers into the criminal court from the county to state  
2987 facilities for the 3 most recent ~~3~~ calendar years.

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2988        (6) ~~(10)~~ The Governor and Cabinet, upon determining that the  
2989 local government has not recommended a ~~no~~ feasible alternative  
2990 site and that the interests of the state in providing facilities  
2991 outweigh the concerns of the local government, shall authorize  
2992 construction and operation of a facility on the proposed site  
2993 notwithstanding any local plan, ordinance, or regulation.

2994        (7) ~~(11)~~ The Governor and Cabinet may adopt rules ~~of~~  
2995 ~~procedure~~ to govern these proceedings in accordance with ~~the~~  
2996 ~~provisions of~~ s. 120.54.

2997        (8) ~~(12)~~ Actions taken by the department or the Governor and  
2998 Cabinet pursuant to this section are not ~~shall not be~~ subject to  
2999 ~~the provisions of~~ ss. 120.56, 120.569, and 120.57. The decision  
3000 by the Governor and Cabinet is ~~shall be~~ subject to judicial  
3001 review pursuant to s. 120.68 in the District Court of Appeal,  
3002 First District.

3003        (9) ~~(13)~~ All other departments and agencies of the state  
3004 shall cooperate fully with the department to accomplish the  
3005 siting of facilities for juvenile offenders.

3006        (10) ~~(14)~~ It is the intent of the Legislature to expedite  
3007 the siting of, acquisition of land for, and construction by the  
3008 Department of Juvenile Justice of state juvenile justice  
3009 facilities operated by the department or a private vendor under  
3010 contract with the department. Other agencies shall cooperate  
3011 with the department and expeditiously fulfill their  
3012 responsibilities to avoid unnecessary delay in the siting of,  
3013 acquisition of land for, and construction of state juvenile  
3014 justice facilities. This section and all other laws of the state  
3015 shall be construed to accomplish this intent. This section takes  
3016 ~~shall take~~ precedence over any other law ~~to the contrary~~.



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3017        ~~(11)-(15)~~(a) The department shall acquire land and erect  
3018 juvenile justice facilities necessary to accommodate children  
3019 committed to the custody, care, or supervision of the  
3020 department, and shall make additional alterations to facilities  
3021 to accommodate any increase in the number of children. The  
3022 department shall establish adequate accommodations for staff of  
3023 the department who are required to reside continuously within  
3024 the facilities.

3025        (b) Notwithstanding s. 255.25(1) and contingent upon  
3026 available funds, the department may enter into lease-purchase  
3027 agreements to provide juvenile justice facilities for housing  
3028 committed youths, ~~contingent upon available funds~~. The  
3029 facilities provided through such agreements must meet the  
3030 program plan and specifications of the department. The  
3031 department may enter into such lease agreements with private  
3032 corporations and other governmental entities. However, with the  
3033 exception of contracts entered into with other governmental  
3034 entities, and notwithstanding s. 255.25(3)(a), a lease agreement  
3035 may not be entered into except upon advertisement for the  
3036 receipt of competitive bids and award to the lowest and best  
3037 bidder ~~except if contracting with other governmental entities~~.

3038        (c) A lease-purchase agreement that is for a term extending  
3039 beyond the end of a fiscal year is subject to ~~the provisions of~~  
3040 s. 216.311.

3041        ~~(12)-(16)~~(a) Notwithstanding s. 253.025 or s. 287.057, if  
3042 ~~when~~ the department finds it necessary for timely site  
3043 acquisition, it may contract, without using the competitive  
3044 selection procedure, with an appraiser whose name is on the list  
3045 of approved appraisers maintained by the Division of State Lands

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3046 of the Department of Environmental Protection under s.  
3047 253.025(6)(b). If ~~When~~ the department directly contracts for  
3048 appraisal services, it must contract with an approved appraiser  
3049 who is not employed by the same appraisal firm for review  
3050 services.

3051 (b) Notwithstanding s. 253.025(6), the department may  
3052 negotiate and enter into an option contract before an appraisal  
3053 is obtained. The option contract must state that the final  
3054 purchase price may not exceed the maximum value allowed by law.  
3055 The consideration for such an option contract may not exceed 10  
3056 percent of the estimate obtained by the department or 10 percent  
3057 of the value of the parcel, whichever amount is greater.

3058 (c) This subsection applies only to a purchase or  
3059 acquisition of land for juvenile justice facilities. This  
3060 subsection does not modify the authority of the Board of  
3061 Trustees of the Internal Improvement Trust Fund or the Division  
3062 of State Lands of the Department of Environmental Protection to  
3063 approve any contract for purchase of state lands as provided by  
3064 law or to require policies and procedures to obtain clear legal  
3065 title to parcels purchased for state purposes.

3066 (13) ~~(17)~~ The department may sell, to the best possible  
3067 advantage, any detached parcels of land belonging to the bodies  
3068 of land purchased for the state juvenile justice facilities. The  
3069 department may purchase any parcel of land contiguous with the  
3070 lands purchased for state juvenile justice facilities.

3071 (14) ~~(18)~~ The department may begin preliminary site  
3072 preparation and obtain the appropriate permits for the  
3073 construction of a juvenile justice facility after approval of  
3074 the lease-purchase agreement or option contract by the Board of

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3075 Trustees of the Internal Improvement Trust Fund ~~of the lease~~  
3076 ~~purchase agreement or option contract if, in the~~ department  
3077 determines that department's discretion, commencing construction  
3078 is in the best interests of the state.

3079 ~~(15) (19) If Insofar as the provisions of this section is~~  
3080 ~~are inconsistent with the provisions of any other~~ general,  
3081 special, or local law, ~~general, special, or local,~~ the  
3082 ~~provisions of this section is~~ are controlling. Additionally, the  
3083 criteria and procedures established under ~~set forth in~~ this  
3084 section supersede and are in lieu of any review and approval  
3085 required by s. 380.06.

3086 Section 38. Section 985.69, Florida Statutes, is amended to  
3087 read:

3088 985.69 Repair and maintenance ~~One-time startup~~ funding for  
3089 juvenile justice purposes.—Funds from juvenile justice  
3090 appropriations may be used ~~utilized as one-time startup funding~~  
3091 for juvenile justice purposes that include, but are not limited  
3092 to, remodeling or renovation of existing facilities,  
3093 construction costs, leasing costs, purchase of equipment and  
3094 furniture, site development, and other necessary and reasonable  
3095 costs associated with the repair and maintenance ~~startup~~ of  
3096 facilities or programs.

3097 Section 39. Section 985.694, Florida Statutes, is repealed.

3098 Section 40. Paragraph (a) of subsection (1) of section  
3099 985.701, Florida Statutes, is reordered and amended to read:

3100 985.701 Sexual misconduct prohibited; reporting required;  
3101 penalties.—

3102 (1) (a) 1. As used in this section ~~subsection~~, the term:  
3103 c.a. "Sexual misconduct" means fondling the genital area,

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3104 groin, inner thighs, buttocks, or breasts of a person; the oral,  
 3105 anal, or vaginal penetration by or union with the sexual organ  
 3106 of another; or the anal or vaginal penetration of another by any  
 3107 other object. The term does not include an act done for a bona  
 3108 fide medical purpose or an internal search conducted in the  
 3109 lawful performance of duty by an employee of the department or  
 3110 an employee of a provider under contract with the department.

3111 a.b. "Employee" means a ~~includes~~ paid staff member ~~members~~,  
 3112 a volunteer ~~volunteers~~, or an intern ~~and interns~~ who works ~~work~~  
 3113 in a department program or a program operated by a provider  
 3114 under a contract.

3115 b. "Juvenile offender" means a person of any age who is  
 3116 detained or supervised by, or committed to the custody of, the  
 3117 department.

3118 2. An employee who engages in sexual misconduct with a  
 3119 juvenile offender ~~detained or supervised by, or committed to the~~  
 3120 ~~custody of, the department~~ commits a felony of the second  
 3121 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 3122 775.084. An employee may be found guilty of violating this  
 3123 subsection without having committed the crime of sexual battery.

3124 3. The consent of the juvenile offender to any act of  
 3125 sexual misconduct is not a defense to prosecution under this  
 3126 subsection.

3127 4. This subsection does not apply to an employee of the  
 3128 department, ~~or an employee~~ of a provider under contract with the  
 3129 department, who:

3130 a. Is legally married to a juvenile offender who is  
 3131 detained or supervised by, or committed to the custody of, the  
 3132 department.

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3133           b. Has no reason to believe that the person with whom the  
3134 employee engaged in sexual misconduct is a juvenile offender  
3135 ~~detained or supervised by, or committed to the custody of, the~~  
3136 ~~department.~~

3137           Section 41. Section 985.702, Florida Statutes, is created  
3138 to read:

3139           985.702 Willful and malicious neglect of a juvenile  
3140 offender prohibited; reporting required; penalties.-

3141           (1) As used in this section, the term:

3142           (a) "Employee" means a paid staff member, volunteer, or  
3143 intern who works in a department program or a program operated  
3144 by a provider under a contract with the department.

3145           (b) "Juvenile offender" means a person of any age who is  
3146 detained by, or committed to the custody of, the department.

3147           (c) "Neglect" means:

3148           1. An employee's failure or omission to provide a juvenile  
3149 offender with the proper level of care, supervision, and  
3150 services necessary to maintain the juvenile offender's physical  
3151 and mental health, including, but not limited to, adequate food,  
3152 nutrition, clothing, shelter, supervision, medicine, and medical  
3153 services; or

3154           2. An employee's failure to make a reasonable effort to  
3155 protect a juvenile offender from abuse, neglect, or exploitation  
3156 by another person.

3157           (2) (a) An employee who willfully and maliciously neglects a  
3158 juvenile offender without causing great bodily harm, permanent  
3159 disability, or permanent disfigurement to a juvenile offender,  
3160 commits a felony of the third degree, punishable as provided in  
3161 s. 775.082, s. 775.083, or s. 775.084.

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3162 (b) An employee who willfully and maliciously neglects a  
3163 juvenile offender and in so doing causes great bodily harm,  
3164 permanent disability, or permanent disfigurement to a juvenile  
3165 offender, commits a felony of the second degree, punishable as  
3166 provided in s. 775.082, s. 775.083, or s. 775.084.

3167 (c) Notwithstanding prosecution, any violation of paragraph  
3168 (a) or paragraph (b), as determined by the Public Employees  
3169 Relations Commission, constitutes sufficient cause under s.  
3170 110.227 for dismissal from employment with the department, and a  
3171 person who commits such violation may not again be employed in  
3172 any capacity in connection with the juvenile justice system.

3173 (3) An employee who witnesses the neglect of a juvenile  
3174 offender shall immediately report the incident to the  
3175 department's incident hotline and prepare, date, and sign an  
3176 independent report that specifically describes the nature of the  
3177 incident, the location and time of the incident, and the persons  
3178 involved. The employee shall deliver the report to the  
3179 employee's supervisor or program director, who must provide  
3180 copies to the department's inspector general and the circuit  
3181 juvenile justice manager. The inspector general shall  
3182 immediately conduct an appropriate administrative investigation,  
3183 and, if there is probable cause to believe that a violation of  
3184 subsection (2) has occurred, the inspector general shall notify  
3185 the state attorney in the circuit in which the incident  
3186 occurred.

3187 (4) (a) A person who is required to prepare a report under  
3188 this section and who knowingly or willfully fails to do so, or  
3189 who knowingly or willfully prevents another person from doing  
3190 so, commits a misdemeanor of the first degree, punishable as

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3191 provided in s. 775.082 or s. 775.083.

3192 (b) A person who knowingly or willfully submits inaccurate,  
3193 incomplete, or untruthful information with respect to a report  
3194 required under this section commits a misdemeanor of the first  
3195 degree, punishable as provided in s. 775.082 or s. 775.083.

3196 (c) A person who knowingly or willfully coerces or  
3197 threatens any other person with the intent to alter testimony or  
3198 a written report regarding the neglect of a juvenile offender  
3199 commits a felony of the third degree, punishable as provided in  
3200 s. 775.082, s. 775.083, or s. 775.084.

3201 Section 42. Paragraphs (c) and (f) of subsection (3) of  
3202 section 943.0582, Florida Statutes, are amended to read:

3203 943.0582 Prearrest, postarrest, or teen court diversion  
3204 program expunction.—

3205 (3) The department shall expunge the nonjudicial arrest  
3206 record of a minor who has successfully completed a prearrest or  
3207 postarrest diversion program if that minor:

3208 (c) Submits to the department, with the application, an  
3209 official written statement from the state attorney for the  
3210 county in which the arrest occurred certifying that he or she  
3211 has successfully completed that county's prearrest or postarrest  
3212 diversion program, that his or her participation in the program  
3213 was based on an arrest for a nonviolent misdemeanor, and that he  
3214 or she has not otherwise been charged by the state attorney with  
3215 or found to have committed any criminal offense or comparable  
3216 ordinance violation.

3217 (f) Has never, prior to filing the application for  
3218 expunction, been charged by the state attorney with or been  
3219 found to have committed any criminal offense or comparable

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3220 ordinance violation.

3221 Section 43. Section 945.75, Florida Statutes, is repealed.

3222 Section 44. Paragraphs (e) through (i) of subsection (2),  
3223 paragraphs (g) and (k) of subsection (3), paragraph (b) of  
3224 subsection (5), paragraph (d) of subsection (8), and paragraph  
3225 (c) of subsection (10) of section 121.0515, Florida Statutes,  
3226 are amended to read:

3227 121.0515 Special Risk Class.—

3228 (2) MEMBERSHIP.—

3229 ~~(e) Effective July 1, 2001, "special risk member" includes~~  
3230 ~~any member who is employed as a youth custody officer by the~~  
3231 ~~Department of Juvenile Justice and meets the special criteria~~  
3232 ~~set forth in paragraph (3) (g).~~

3233 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,  
3234 the member must be employed by a law enforcement agency or  
3235 medical examiner's office in a forensic discipline and meet the  
3236 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3237 (f)~~(g)~~ Effective July 1, 2008, the member must be employed  
3238 by the Department of Law Enforcement in the crime laboratory or  
3239 by the Division of State Fire Marshal in the forensic laboratory  
3240 and meet the special criteria set forth in paragraph (3) (h)  
3241 ~~(3) (i)~~.

3242 (g)~~(h)~~ Effective July 1, 2008, the member must be employed  
3243 by a local government law enforcement agency or medical  
3244 examiner's office and meet the special criteria set forth in  
3245 paragraph (3) (i) ~~(3) (j)~~.

3246 (h)~~(i)~~ Effective August 1, 2008, "special risk member"  
3247 includes any member who meets the special criteria for continued  
3248 membership set forth in paragraph (3) (j) ~~(3) (k)~~.



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3249 (3) CRITERIA.—A member, to be designated as a special risk  
3250 member, must meet the following criteria:

3251 ~~(g) Effective July 1, 2001, the member must be employed as~~  
3252 ~~a youth custody officer and be certified, or required to be~~  
3253 ~~certified, in compliance with s. 943.1395. In addition, the~~  
3254 ~~member's primary duties and responsibilities must be the~~  
3255 ~~supervised custody, surveillance, control, investigation,~~  
3256 ~~apprehension, arrest, and counseling of assigned juveniles~~  
3257 ~~within the community;~~

3258 (j)~~(k)~~ The member must have already qualified for and be  
3259 actively participating in special risk membership under  
3260 paragraph (a), paragraph (b), or paragraph (c), must have  
3261 suffered a qualifying injury as defined in this paragraph, must  
3262 not be receiving disability retirement benefits as provided in  
3263 s. 121.091(4), and must satisfy the requirements of this  
3264 paragraph.

3265 1. The ability to qualify for the class of membership  
3266 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed  
3267 medical physicians, one of whom is a primary treating physician  
3268 of the member, certify the existence of the physical injury and  
3269 medical condition that constitute a qualifying injury as defined  
3270 in this paragraph and that the member has reached maximum  
3271 medical improvement after August 1, 2008. The certifications  
3272 from the licensed medical physicians must include, at a minimum,  
3273 that the injury to the special risk member has resulted in a  
3274 physical loss, or loss of use, of at least two of the following:  
3275 left arm, right arm, left leg, or right leg; and:

3276 a. That this physical loss or loss of use is total and  
3277 permanent, except if the loss of use is due to a physical injury

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3278 to the member's brain, in which event the loss of use is  
3279 permanent with at least 75 percent loss of motor function with  
3280 respect to each arm or leg affected.

3281 b. That this physical loss or loss of use renders the  
3282 member physically unable to perform the essential job functions  
3283 of his or her special risk position.

3284 c. That, notwithstanding this physical loss or loss of use,  
3285 the individual can perform the essential job functions required  
3286 by the member's new position, as provided in subparagraph 3.

3287 d. That use of artificial limbs is not possible or does not  
3288 alter the member's ability to perform the essential job  
3289 functions of the member's position.

3290 e. That the physical loss or loss of use is a direct result  
3291 of a physical injury and not a result of any mental,  
3292 psychological, or emotional injury.

3293 2. For the purposes of this paragraph, "qualifying injury"  
3294 means an injury sustained in the line of duty, as certified by  
3295 the member's employing agency, by a special risk member that  
3296 does not result in total and permanent disability as defined in  
3297 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
3298 is a physical injury to the member's physical body resulting in  
3299 a physical loss, or loss of use, of at least two of the  
3300 following: left arm, right arm, left leg, or right leg.

3301 Notwithstanding any other provision of this section, an injury  
3302 that would otherwise qualify as a qualifying injury is not  
3303 considered a qualifying injury if and when the member ceases  
3304 employment with the employer for whom he or she was providing  
3305 special risk services on the date the injury occurred.

3306 3. The new position, as described in sub-subparagraph 1.c.,

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3307 that is required for qualification as a special risk member  
3308 under this paragraph is not required to be a position with  
3309 essential job functions that entitle an individual to special  
3310 risk membership. Whether a new position as described in sub-  
3311 subparagraph 1.c. exists and is available to the special risk  
3312 member is a decision to be made solely by the employer in  
3313 accordance with its hiring practices and applicable law.

3314 4. This paragraph does not grant or create additional  
3315 rights for any individual to continued employment or to be hired  
3316 or rehired by his or her employer that are not already provided  
3317 within the Florida Statutes, the State Constitution, the  
3318 Americans with Disabilities Act, if applicable, or any other  
3319 applicable state or federal law.

3320 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3321 (b) Any member who is a special risk member on July 1,  
3322 2008, and who became eligible to participate under paragraph  
3323 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk  
3324 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or  
3325 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk  
3326 designation removed and thereafter shall be a Regular Class  
3327 member and earn only Regular Class membership credit. The  
3328 department may review the special risk designation of members to  
3329 determine whether or not those members continue to meet the  
3330 criteria for Special Risk Class membership.

3331 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3332 (d) Notwithstanding any other provision of this subsection,  
3333 this subsection does not apply to any special risk member who  
3334 qualifies for continued membership pursuant to paragraph (3) (j)  
3335 ~~(3) (k)~~.

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3336 (10) CREDIT FOR UPGRADED SERVICE.—

3337 (c) Any member of the Special Risk Class who has earned  
3338 creditable service through June 30, 2008, in another membership  
3339 class of the Florida Retirement System in a position with the  
3340 Department of Law Enforcement or the Division of State Fire  
3341 Marshal and became covered by the Special Risk Class as  
3342 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government  
3343 law enforcement agency or medical examiner's office and became  
3344 covered by the Special Risk Class as described in paragraph  
3345 (3) (i) ~~(3) (j)~~, which service is within the purview of the  
3346 Special Risk Class, and is employed in such position on or after  
3347 July 1, 2008, may purchase additional retirement credit to  
3348 upgrade such service to Special Risk Class service, to the  
3349 extent of the percentages of the member's average final  
3350 compensation provided in s. 121.091(1)(a)2. The cost for such  
3351 credit must be an amount representing the actuarial accrued  
3352 liability for the difference in accrual value during the  
3353 affected period of service. The cost shall be calculated using  
3354 the discount rate and other relevant actuarial assumptions that  
3355 were used to value the Florida Retirement System Pension Plan  
3356 liabilities in the most recent actuarial valuation. The division  
3357 shall ensure that the transfer sum is prepared using a formula  
3358 and methodology certified by an enrolled actuary. The cost must  
3359 be paid immediately upon notification by the division. The local  
3360 government employer may purchase the upgraded service credit on  
3361 behalf of the member if the member has been employed by that  
3362 employer for at least 3 years.

3363 Section 45. Subsection (5) of section 985.045, Florida  
3364 Statutes, is amended to read:

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3365 985.045 Court records.—

3366 (5) This chapter does not prohibit a circuit court from  
3367 providing a restitution order containing the information  
3368 prescribed in s. 985.0301(5)(e) ~~s. 985.0301(5)(h)~~ to a  
3369 collection court or a private collection agency for the sole  
3370 purpose of collecting unpaid restitution ordered in a case in  
3371 which the circuit court has retained jurisdiction over the child  
3372 and the child's parent or legal guardian. The collection court  
3373 or private collection agency shall maintain the confidential  
3374 status of the information to the extent such confidentiality is  
3375 provided by law.

3376 Section 46. Section 985.721, Florida Statutes, is amended  
3377 to read:

3378 985.721 Escapes from secure detention or residential  
3379 commitment facility.—An escape from:

3380 (1) Any secure detention facility maintained for the  
3381 temporary detention of children, pending adjudication,  
3382 disposition, or placement;

3383 (2) Any residential commitment facility described in s.  
3384 985.03(41) ~~s. 985.03(46)~~, maintained for the custody, treatment,  
3385 punishment, or rehabilitation of children found to have  
3386 committed delinquent acts or violations of law; or

3387 (3) Lawful transportation to or from any such secure  
3388 detention facility or residential commitment facility,  
3389  
3390 constitutes escape within the intent and meaning of s. 944.40  
3391 and is a felony of the third degree, punishable as provided in  
3392 s. 775.082, s. 775.083, or s. 775.084.

3393 Section 47. This act shall take effect July 1, 2014.