

By the Committee on Judiciary; and Senators Bradley and Detert

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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.; providing legislative intent;
124 requiring the department to contract for programs to
125 provide trauma-informed care, family engagement
126 resources, and gender-specific programming;
127 authorizing the department to pay expenses in support
128 of certain programs; repealing s. 985.605, F.S.,
129 relating to prevention service programs, monitoring,
130 and uniform performance measures; repealing s.
131 985.606, F.S., relating to prevention services
132 providers, performance data collection, and reporting;
133 repealing s. 985.61, F.S., relating to early
134 delinquency intervention programs; amending s.
135 985.632, F.S.; revising legislative intent to include
136 that the department establish a performance
137 accountability system for certain providers that
138 contract with the department; providing requirements
139 for such contracts; requiring that the department's
140 Bureau of Research and Planning submit a report to the
141 Legislature; providing requirements for the report;
142 defining terms; requiring that the department develop,
143 in consultation with specified entities, a standard
144 methodology for measuring, evaluating, and reporting;
145 providing requirements for the methodology; deleting

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

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175 purposes; repealing s. 985.694, F.S., relating to the
176 Juvenile Care and Maintenance Trust Fund; amending s.
177 985.701, F.S.; defining the term "juvenile offender";
178 removing the requirement that the juvenile be detained
179 by, supervised by, or committed to the custody of the
180 department for the purposes of charging sexual
181 misconduct by an employee of the department; creating
182 s. 985.702, F.S.; defining terms; prohibiting an
183 employee from willfully and maliciously neglecting a
184 juvenile offender; providing criminal penalties;
185 providing for dismissal from employment with the
186 department; requiring an employee to report certain
187 information; requiring the department's inspector
188 general to conduct an appropriate administrative
189 investigation; requiring that the inspector general
190 notify the state attorney under certain circumstances;
191 amending s. 943.0582, F.S.; requiring that the
192 department expunge the nonjudicial arrest record of
193 certain minors under certain circumstances; repealing
194 s. 945.75, F.S., relating to tours of state
195 correctional facilities for juveniles; amending s.
196 121.0515, F.S.; conforming provisions to changes made
197 by the act; amending ss. 985.045 and 985.721, F.S.;
198 conforming cross-references; providing an effective
199 date.

200

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

202

203 Section 1. Section 985.01, Florida Statutes, is amended to

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204 read:

205 985.01 Purposes and intent.—

206 (1) The purposes of this chapter are:

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

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

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

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

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

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

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

261 (g)~~(f)~~ To provide children committed to the department with

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262 training in life skills, including career and technical
263 education, if appropriate.

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

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

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

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

276 985.02 Legislative intent for the juvenile justice system.—

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

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

281 (b) A permanent and stable home.

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

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

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

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

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291 (g) Access to preventive services.

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

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

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

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

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

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

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

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

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

341 (4) DETENTION.—

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

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

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

370 (5) SITING OF FACILITIES.—

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

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

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378 timeframes after they are legislatively authorized and
379 appropriated.

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

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

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

405 (6) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—
406 Parents, custodians, and guardians are deemed by the state to be

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

425 (7) GENDER-SPECIFIC PROGRAMMING.—

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

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

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

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

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

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

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

477 985.03 Definitions.—As used in this chapter, the term:

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

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

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

487 (4)~~(3)~~ "Adult" means any natural person other than a child.

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

493 (6)~~(5)~~ "Authorized agent" or "designee" of the department

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

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

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

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

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523 ~~and treatment offered by the department or the Department of~~
524 ~~Children and Family Services;~~

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

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

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

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

551 (10) "Circuit" means any of the 20 judicial circuits as set

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552 forth in s. 26.021.

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

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

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

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

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

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

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

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

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

609 (17) "Designated facility" or "designated treatment

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610 facility" means any facility designated by the department to
611 provide treatment to juvenile offenders.

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

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

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

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

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

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639 ~~provides~~ may provide secure ~~or nonsecure~~ custody. A facility
640 used for the commitment of adjudicated delinquents ~~is shall~~ not
641 ~~be~~ considered a detention center or facility.

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

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

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

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

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

656 (23) "Family in need of services" has the same meaning as
657 provided in s. 984.03 ~~means a family that has a child for whom~~
658 ~~there is no pending investigation into an allegation of abuse,~~
659 ~~neglect, or abandonment or no current supervision by the~~
660 ~~department or the Department of Children and Family Services for~~
661 ~~an adjudication of dependency or delinquency. The child must~~
662 ~~also have been referred to a law enforcement agency or the~~
663 ~~department for:~~

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

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

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

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

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

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

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

682

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

696 ~~(c) A school representative, designated according to school~~

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

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

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

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

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726 taken in the best interests of the child, the family, and the
727 community. The emphasis of intake is on diversion and the least
728 restrictive available services and. ~~Consequently, intake~~
729 includes ~~such~~ alternatives such as:

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

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

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

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

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

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755 profit organizations, or religious or charitable organizations.

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

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

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

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

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

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

783 (33)~~(36)~~ "Mediation" means a process whereby a neutral

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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958 ~~more than 165~~ beds each, including campus-style programs, unless
959 those campus-style programs include more than one ~~level of~~
960 ~~restrictiveness, provide multilevel education and treatment~~
961 program programs using different treatment protocols, and have
962 facilities that coexist separately in distinct locations on the
963 same property. Facilities at this commitment level shall provide
964 24-hour awake supervision, custody, care, and treatment of
965 residents. The staff at a facility at this commitment level may
966 seclude a child who is a physical threat to himself, ~~or~~ herself,
967 or others. Mechanical restraint may also be used when necessary.
968 Facilities at this commitment level ~~The facility~~ shall provide
969 for single cell occupancy, except that youth may be housed
970 together during prerelease transition. Youth assessed and
971 classified for this level of placement require close supervision
972 in a maximum security residential setting. Placement in a
973 program at this level is prompted by a demonstrated need to
974 protect the public.

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

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

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

986 ~~(50)~~ "Shelter hearing" means a hearing provided for under

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987 ~~s. 984.14 in family in need of services cases or child in need-~~
988 ~~of services cases.~~

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

997 ~~(47)~~(52) "Substance abuse" means using, without medical
998 reason, any psychoactive or mood-altering drug, including
999 alcohol, in such a manner as to induce impairment resulting in
1000 dysfunctional social behavior.

1001 ~~(48)~~(53) "Taken into custody" means the status of a child
1002 immediately when temporary physical control over the child is
1003 attained by a person authorized by law, pending the child's
1004 release, detention, placement, or other disposition as
1005 authorized by law.

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

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1016 court order establishing the temporary legal custody
1017 relationship.

1018 (50)~~(55)~~ "Temporary release" means the terms and conditions
1019 under which a child is temporarily released from a residential
1020 commitment facility or allowed home visits. If the temporary
1021 release is from a nonsecure ~~moderate-risk~~ residential facility,
1022 a high-risk residential facility, or a maximum-risk residential
1023 facility, the terms and conditions of the temporary release must
1024 be approved by the child, the court, and the facility. ~~The term~~
1025 ~~includes periods during which the child is supervised pursuant~~
1026 ~~to a conditional release program or a period during which the~~
1027 ~~child is supervised by a juvenile probation officer or other~~
1028 ~~nonresidential staff of the department or staff employed by an~~
1029 ~~entity under contract with the department.~~

1030 (51)~~(56)~~ "Transition-to-adulthood services" means services
1031 that are provided for youth in the custody of the department or
1032 under the supervision of the department and that have the
1033 objective of instilling the knowledge, skills, and aptitudes
1034 essential to a socially integrated, self-supporting adult life.
1035 The services may include, but are not limited to:

1036 (a) Assessment of the youth's ability and readiness for
1037 adult life.

1038 (b) A plan for the youth to acquire the knowledge,
1039 information, and counseling necessary to make a successful
1040 transition to adulthood.

1041 (c) Services that have proven effective toward achieving
1042 the transition to adulthood.

1043 (52) "Trauma-informed care" means the provision of services
1044 to children with a history of trauma in a manner that recognizes

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1045 the symptoms and acknowledges the role the trauma has played in
1046 the child's life. Trauma may include, but is not limited to,
1047 community and school violence, physical or sexual abuse,
1048 neglect, medical difficulties, and domestic violence.

1049 (53)~~(57)~~ "Violation of law" or "delinquent act" means a
1050 violation of any law of this state, the United States, or any
1051 other state which is a misdemeanor or a felony or a violation of
1052 a county or municipal ordinance which would be punishable by
1053 incarceration if the violation were committed by an adult.

1054 (54)~~(58)~~ "Waiver hearing" means a hearing provided for
1055 under s. 985.556(4).

1056 Section 4. Subsections (4) and (5) of section 985.0301,
1057 Florida Statutes, are amended to read:

1058 985.0301 Jurisdiction.—

1059 (4) (a) Petitions alleging delinquency shall be filed in the
1060 county where the delinquent act or violation of law occurred.7
1061 ~~but~~ The circuit court for that county may transfer the case to
1062 the circuit court of the circuit in which the child resides or
1063 will reside at the time of detention or placement for
1064 dispositional purposes. A child who has been detained may ~~shall~~
1065 be transferred to the ~~appropriate~~ detention center or facility
1066 in the circuit in which the child resides or will reside at the
1067 time of detention ~~or other placement directed by the receiving~~
1068 ~~court.~~

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

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1074 child and the child's parent or legal guardian. If the child has
1075 been detained, upon the filing of a petition in the appropriate
1076 circuit court, the court that is exercising initial personal
1077 jurisdiction ~~of the person~~ of the child shall, ~~if the child has~~
1078 ~~been detained~~, immediately order the child to be transferred to
1079 the detention center or facility or other placement as ordered
1080 by the court having subject matter jurisdiction of the case.

1081 (5) (a) Notwithstanding s. 743.07, ~~ss. 743.07, 985.43,~~
1082 ~~985.433, 985.435, 985.439, and 985.441~~, and except as provided
1083 in paragraphs (b) and (c) ss. 985.461 and 985.465 and paragraph
1084 ~~(f)~~, when the jurisdiction of a any child who is alleged to have
1085 committed a delinquent act or violation of law is obtained, the
1086 court retains ~~shall retain~~ jurisdiction to dispose the case,
1087 unless relinquished by its order, until the child reaches 19
1088 years of age, with the same power over the child which the court
1089 had before the child became an adult. ~~For the purposes of s.~~
1090 ~~985.461, the court may retain jurisdiction for an additional 365~~
1091 ~~days following the child's 19th birthday if the child is~~
1092 ~~participating in transition to adulthood services. The~~
1093 ~~additional services do not extend involuntary court-sanctioned~~
1094 ~~residential commitment and therefore require voluntary~~
1095 ~~participation by the affected youth.~~

1096 (b) Unless relinquished by its own order, the court retains
1097 jurisdiction over a child on probation until the child reaches
1098 19 years of age Notwithstanding ~~ss. 743.07 and 985.455(3)~~, the
1099 ~~term of any order placing a child in a probation program must be~~
1100 ~~until the child's 19th birthday unless he or she is released by~~
1101 ~~the court on the motion of an interested party or on his or her~~
1102 ~~own motion.~~

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1103 (c) Unless relinquished by its own order, the court retains
1104 jurisdiction over a child committed to the department until the
1105 child reaches 21 years of age, specifically for the purpose of
1106 allowing the child to complete the department's commitment
1107 program, including conditional release supervision.

1108 (d) The court retains jurisdiction over a juvenile sex
1109 offender as defined in s. 985.475 who has been placed in a
1110 community-based treatment alternative program with supervision
1111 or in a program or facility for juvenile sex offenders pursuant
1112 to s. 985.48 until the juvenile sex offender reaches 21 years of
1113 age, specifically for the purpose of completing the program.

1114 ~~(e) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
1115 ~~the commitment must be until the child is discharged by the~~
1116 ~~department or until he or she reaches the age of 21 years.~~
1117 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
1118 ~~985.455, and 985.513, and except as provided in this section, a~~
1119 ~~child may not be held under a commitment from a court under s.~~
1120 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
1121 ~~21 years of age.~~

1122 ~~(d) The court may retain jurisdiction over a child~~
1123 ~~committed to the department for placement in a juvenile prison~~
1124 ~~or in a high-risk or maximum-risk residential commitment program~~
1125 ~~to allow the child to participate in a juvenile conditional~~
1126 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
1127 ~~court may not be retained after the child's 22nd birthday.~~
1128 ~~However, if the child is not successful in the conditional~~
1129 ~~release program, the department may use the transfer procedure~~
1130 ~~under s. 985.441(4).~~

1131 ~~(e) The court may retain jurisdiction over a child~~

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1132 ~~committed to the department for placement in an intensive~~
1133 ~~residential treatment program for 10-year-old to 13-year-old~~
1134 ~~offenders, in the residential commitment program in a juvenile~~
1135 ~~prison or in a residential sex offender program until the child~~
1136 ~~reaches the age of 21. If the court exercises this jurisdiction~~
1137 ~~retention, it shall do so solely for the purpose of the child~~
1138 ~~completing the intensive residential treatment program for 10-~~
1139 ~~year-old to 13-year-old offenders, in the residential commitment~~
1140 ~~program in a juvenile prison, or in a residential sex offender~~
1141 ~~program. Such jurisdiction retention does not apply for other~~
1142 ~~programs, other purposes, or new offenses.~~

1143 ~~(f) The court may retain jurisdiction over a child~~
1144 ~~committed to a juvenile correctional facility or a juvenile~~
1145 ~~prison until the child reaches the age of 21 years, specifically~~
1146 ~~for the purpose of allowing the child to complete such program.~~

1147 ~~(g) The court may retain jurisdiction over a juvenile~~
1148 ~~sexual offender who has been placed in a program or facility for~~
1149 ~~juvenile sexual offenders until the juvenile sexual offender~~
1150 ~~reaches the age of 21, specifically for the purpose of~~
1151 ~~completing the program.~~

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

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1161 address of the payee, the case number, the date and amount of
1162 restitution ordered, any amount of restitution paid, the amount
1163 of restitution due and owing, and a notation that costs,
1164 interest, penalties, and attorney fees may also be due and
1165 owing. The terms of the restitution order are subject to s.
1166 775.089(5).

1167 ~~(f)~~~~(i)~~ This subsection does not prevent the exercise of
1168 jurisdiction by any court having jurisdiction of the child if
1169 the child, after becoming an adult, commits a violation of law.

1170 Section 5. Subsections (2) and (4) of section 985.037,
1171 Florida Statutes, are amended to read:

1172 985.037 Punishment for contempt of court; alternative
1173 sanctions.—

1174 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
1175 be placed in a secure detention facility for purposes of
1176 punishment for contempt of court if alternative sanctions are
1177 unavailable or inappropriate, or if the child has already been
1178 ordered to serve an alternative sanction but failed to comply
1179 with the sanction. A delinquent child who has been held in
1180 direct or indirect contempt may be placed in a secure detention
1181 facility for up to ~~not to exceed~~ 5 days for a first offense and
1182 up to ~~not to exceed~~ 15 days for a second or subsequent offense.

1183 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1184 PROCESS.—

1185 (a) If a child is charged with direct contempt of court,
1186 including traffic court, the court may impose an authorized
1187 sanction immediately. The court must hold a hearing to determine
1188 if the child committed direct contempt. Due process must be
1189 afforded to the child during such hearing.

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1190 (b) If a child is charged with indirect contempt of court,
1191 the court must hold a hearing within 24 hours to determine
1192 whether the child committed indirect contempt of a valid court
1193 order. At the hearing, the following due process rights must be
1194 provided to the child:

1195 1. Right to a copy of the order to show cause alleging
1196 facts supporting the contempt charge.

1197 2. Right to an explanation of the nature and the
1198 consequences of the proceedings.

1199 3. Right to legal counsel and the right to have legal
1200 counsel appointed by the court if the juvenile is indigent,
1201 under s. 985.033.

1202 4. Right to confront witnesses.

1203 5. Right to present witnesses.

1204 6. Right to have a transcript or record of the proceeding.

1205 7. Right to appeal to an appropriate court.
1206

1207 The child's parent or guardian may address the court regarding
1208 the due process rights of the child. Upon motion by the defense
1209 or state attorney, the court shall review the placement of the
1210 child ~~every 72 hours~~ to determine whether it is appropriate for
1211 the child to remain in the facility.

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

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1219 ~~if where~~ appropriate before ordering that the child be placed in
1220 a secure detention facility as punishment for contempt of court.

1221 (d) In addition to any other sanction imposed under this
1222 section, the court may direct the Department of Highway Safety
1223 and Motor Vehicles to withhold issuance of, or suspend, a
1224 child's driver ~~driver's~~ license or driving privilege. The court
1225 may order that a child's driver ~~driver's~~ license or driving
1226 privilege be withheld or suspended for up to 1 year for a first
1227 offense of contempt and up to 2 years for a second or subsequent
1228 offense. If the child's driver ~~driver's~~ license or driving
1229 privilege is suspended or revoked for any reason at the time the
1230 sanction for contempt is imposed, the court shall extend the
1231 period of suspension or revocation by the additional period
1232 ordered under this paragraph. If the child's driver ~~driver's~~
1233 license is being withheld at the time the sanction for contempt
1234 is imposed, the period of suspension or revocation ordered under
1235 this paragraph shall begin on the date on which the child is
1236 otherwise eligible to drive.

1237 Section 6. Section 985.105, Florida Statutes, is repealed.

1238 Section 7. Subsection (1) of section 985.11, Florida
1239 Statutes, is amended to read:

1240 985.11 Fingerprinting and photographing.—

1241 (1) (a) A child who is charged with or found to have
1242 committed an offense that would be a felony if committed by an
1243 adult shall be fingerprinted, and the fingerprints shall ~~must~~ be
1244 submitted to the Department of Law Enforcement as provided in s.
1245 943.051(3) (a).

1246 (b) Unless the child is issued a civil citation or
1247 participating in a similar diversion program pursuant to s.

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1248 985.12, a child who is charged with or found to have committed
1249 one of the following offenses shall be fingerprinted, and the
1250 fingerprints shall be submitted to the Department of Law
1251 Enforcement as provided in s. 943.051(3)(b):

- 1252 1. Assault~~7~~ as defined in s. 784.011.
- 1253 2. Battery~~7~~ as defined in s. 784.03.
- 1254 3. Carrying a concealed weapon~~7~~ as defined in s. 790.01(1).
- 1255 4. Unlawful use of destructive devices or bombs~~7~~ as defined
1256 in s. 790.1615(1).
- 1257 5. Neglect of a child~~7~~ as defined in s. 827.03(1)(e).
- 1258 6. Assault on a law enforcement officer, a firefighter, or
1259 other specified officers~~7~~ as defined in s. 784.07(2)(a).
- 1260 7. Open carrying of a weapon~~7~~ as defined in s. 790.053.
- 1261 8. Exposure of sexual organs~~7~~ as defined in s. 800.03.
- 1262 9. Unlawful possession of a firearm~~7~~ as defined in s.
1263 790.22(5).
- 1264 10. Petit theft~~7~~ as defined in s. 812.014.
- 1265 11. Cruelty to animals~~7~~ as defined in s. 828.12(1).
- 1266 12. Arson~~7~~ resulting in bodily harm to a firefighter~~7~~ as
1267 defined in s. 806.031(1).
- 1268 13. Unlawful possession or discharge of a weapon or firearm
1269 at a school-sponsored event or on school property as defined in
1270 s. 790.115.

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

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1277 these records and all copies thereof must be marked "Juvenile
1278 Confidential." These records are not available for public
1279 disclosure and inspection under s. 119.07(1) except as provided
1280 in ss. 943.053 and 985.04(2), but are ~~shall be~~ available to
1281 other law enforcement agencies, criminal justice agencies, state
1282 attorneys, the courts, the child, the parents or legal
1283 custodians of the child, their attorneys, and any other person
1284 authorized by the court to have access to such records. In
1285 addition, such records may be submitted to the Department of Law
1286 Enforcement for inclusion in the state criminal history records
1287 and used by criminal justice agencies for criminal justice
1288 purposes. These records may, in the discretion of the court, be
1289 open to inspection by anyone upon a showing of cause. The
1290 fingerprint and photograph records shall be produced in the
1291 court whenever directed by the court. Any photograph taken
1292 pursuant to this section may be shown by a law enforcement
1293 officer to any victim or witness of a crime for the purpose of
1294 identifying the person who committed such crime.

1295 (c) The court is ~~shall be~~ responsible for the
1296 fingerprinting of a ~~any~~ child at the disposition hearing if the
1297 child has been adjudicated or had adjudication withheld for any
1298 felony in the case currently before the court.

1299 Section 8. Subsection (2) of section 985.14, Florida
1300 Statutes, is amended to read:

1301 985.14 Intake and case management system.—

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

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1306 appropriate treatment plan and setting for the child's
1307 programmatic needs and risks. The intake process consists of an
1308 initial assessment and may be followed by a full mental health,
1309 substance abuse, or psychosexual evaluation. The intake process
1310 shall result in choosing the most appropriate services through a
1311 balancing of the interests and needs of the child with those of
1312 the family and the community public. The juvenile probation
1313 officer shall make ~~be responsible for making~~ informed decisions
1314 and recommendations to other agencies, the state attorney, and
1315 the courts so that the child and family may receive the least
1316 intrusive service alternative throughout the judicial process.
1317 The department shall establish uniform procedures through which
1318 ~~for~~ the juvenile probation officer may ~~to~~ provide a preliminary
1319 screening of the child and family for substance abuse and mental
1320 health services before ~~prior to~~ the filing of a petition or as
1321 soon as possible thereafter and before ~~prior to~~ a disposition
1322 hearing.

1323 Section 9. Section 985.145, Florida Statutes, is amended to
1324 read:

1325 985.145 Responsibilities of the department juvenile
1326 ~~probation officer~~ during intake; screenings and assessments.—

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

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1335 ~~assigned juvenile probation officer~~ shall be responsible for the
1336 following:

1337 (a) *Reviewing probable cause affidavit.*—The department
1338 ~~juvenile probation officer~~ shall make a preliminary
1339 determination as to whether the report, affidavit, or complaint
1340 is complete, consulting with the state attorney as ~~may be~~
1341 necessary. A report, affidavit, or complaint alleging that a
1342 child has committed a delinquent act or violation of law shall
1343 be made to the intake office operating in the county in which
1344 the child is found or in which the delinquent act or violation
1345 of law occurred. Any person or agency having knowledge of the
1346 facts may make such a written report, affidavit, or complaint
1347 and shall furnish to the intake office facts sufficient to
1348 establish the jurisdiction of the court and to support a finding
1349 by the court that the child has committed a delinquent act or
1350 violation of law.

1351 (b) *Notification concerning apparent insufficiencies in*
1352 *probable cause affidavit.*—In any case where the department
1353 ~~juvenile probation officer~~ or the state attorney finds that the
1354 report, affidavit, or complaint is insufficient by the standards
1355 for a probable cause affidavit, the department ~~juvenile~~
1356 ~~probation officer~~ or state attorney shall return the report,
1357 affidavit, or complaint, without delay, to the person or agency
1358 originating the report, affidavit, or complaint or having
1359 knowledge of the facts or to the appropriate law enforcement
1360 agency having investigative jurisdiction of the offense, and
1361 shall request, and the person or agency shall promptly furnish,
1362 additional information in order to comply with the standards for
1363 a probable cause affidavit.

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1364 (c) *Screening.*—During the intake process, the department
1365 ~~juvenile probation officer~~ shall screen each child or shall
1366 cause each child to be screened in order to determine:

1367 1. Appropriateness for release; referral to a diversionary
1368 program, including, but not limited to, a teen court program;
1369 referral for community arbitration; or referral to some other
1370 program or agency for the purpose of nonofficial or nonjudicial
1371 handling.

1372 2. The presence of medical, psychiatric, psychological,
1373 substance abuse, educational, or career and technical education
1374 ~~vocational~~ problems, or other conditions that may have caused
1375 the child to come to the attention of law enforcement or the
1376 department. The child shall also be screened to determine
1377 whether the child poses a danger to himself or herself or others
1378 in the community. The results of this screening shall be made
1379 available to the court and to court officers. In cases where
1380 such conditions are identified and a nonjudicial handling of the
1381 case is chosen, the department ~~juvenile probation officer~~ shall
1382 attempt to refer the child to a program or agency, together with
1383 all available and relevant assessment information concerning the
1384 child's precipitating condition.

1385 (d) *Completing risk assessment instrument.*—The department
1386 ~~juvenile probation officer~~ shall ensure that a risk assessment
1387 instrument establishing the child's eligibility for detention
1388 has been accurately completed and that the appropriate
1389 recommendation was made to the court.

1390 (e) *Rights.*—The department ~~juvenile probation officer~~ shall
1391 inquire as to whether the child understands his or her rights to
1392 counsel and against self-incrimination.

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1393 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~
1394 ~~probation officer~~ shall coordinate the multidisciplinary
1395 assessment when required, which includes the classification and
1396 placement process that determines the child's priority needs,
1397 risk classification, and treatment plan. If ~~When~~ sufficient
1398 evidence exists to warrant a comprehensive assessment and the
1399 child fails to voluntarily participate in the assessment
1400 efforts, the department ~~juvenile probation officer~~ shall inform
1401 the court of the need for the assessment and the refusal of the
1402 child to participate in such assessment. This assessment,
1403 classification, and placement process shall develop into the
1404 predisposition report.

1405 (g) *Comprehensive assessment.*—~~The juvenile probation~~
1406 ~~officer,~~ Pursuant to uniform procedures established by the
1407 department and upon determining that the report, affidavit, or
1408 complaint is complete, the department shall:

1409 1. Perform the preliminary screening and make referrals for
1410 a comprehensive assessment regarding the child's need for
1411 substance abuse treatment services, mental health services,
1412 intellectual disability services, literacy services, or other
1413 educational or treatment services.

1414 2. If indicated by the preliminary screening, provide for a
1415 comprehensive assessment of the child and family for substance
1416 abuse problems, using community-based licensed programs with
1417 clinical expertise and experience in the assessment of substance
1418 abuse problems.

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

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1422 psychiatrists, or other licensed mental health professionals who
1423 have clinical expertise and experience in the assessment of
1424 mental health problems.

1425 (h) *Referrals for services.*—The department ~~juvenile~~
1426 ~~probation officer~~ shall make recommendations for services and
1427 facilitate the delivery of those services to the child,
1428 including any mental health services, educational services,
1429 family counseling services, family assistance services, and
1430 substance abuse services.

1431 (i) *Recommendation concerning a petition.*—Upon determining
1432 that the report, affidavit, or complaint complies with the
1433 standards of a probable cause affidavit and that the interests
1434 of the child and the public will be best served, the department
1435 ~~juvenile probation officer~~ may recommend that a delinquency
1436 petition not be filed. If such a recommendation is made, the
1437 department ~~juvenile probation officer~~ shall advise in writing
1438 the person or agency making the report, affidavit, or complaint,
1439 the victim, if any, and the law enforcement agency having
1440 investigative jurisdiction over the offense of the
1441 recommendation; the reasons therefor; and that the person or
1442 agency may submit, within 10 days after the receipt of such
1443 notice, the report, affidavit, or complaint to the state
1444 attorney for special review. The state attorney, upon receiving
1445 a request for special review, shall consider the facts presented
1446 by the report, affidavit, or complaint, and by the department
1447 ~~juvenile probation officer who made the recommendation that no~~
1448 ~~petition be filed,~~ before making a final decision as to whether
1449 a petition or information should or should not be filed.

1450 (j) *Completing intake report.*—Subject to the interagency

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1451 agreement authorized under this paragraph, the department ~~the~~
1452 ~~juvenile probation officer for each case in which a child is~~
1453 ~~alleged to have committed a violation of law or delinquent act~~
1454 ~~and is not detained~~ shall submit a written report to the state
1455 attorney for each case in which a child is alleged to have
1456 committed a violation of law or delinquent act and is not
1457 detained. The report shall be submitted within 20 days after the
1458 date the child is taken into custody and must include, ~~including~~
1459 the original police report, complaint, or affidavit, or a copy
1460 thereof, and including a copy of the child's prior juvenile
1461 record, ~~within 20 days after the date the child is taken into~~
1462 ~~custody~~. In cases in which the child is in detention, the intake
1463 office report must be submitted within 24 hours after the child
1464 is placed into detention. The intake office report may include a
1465 recommendation that a petition or information be filed or that
1466 no petition or information be filed and may set forth reasons
1467 for the recommendation. The state attorney and the department
1468 may, on a district-by-district basis, enter into interagency
1469 agreements denoting the cases that will require a recommendation
1470 and those for which a recommendation is unnecessary.

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

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1480 shall request both parents or guardians to receive such parental
1481 assistance. The department ~~juvenile probation officer~~ may, in
1482 determining whether to request that a delinquency petition be
1483 filed, take into consideration the willingness of the parent or
1484 legal guardian to comply with such request. The parent or
1485 guardian must provide the department ~~juvenile probation officer~~
1486 with identifying information, including the parent's or
1487 guardian's name, address, date of birth, social security number,
1488 and driver ~~driver's~~ license number or identification card number
1489 in order to comply with s. 985.039.

1490 (3) ~~If~~ When indicated by the comprehensive assessment, the
1491 department is authorized to contract within appropriated funds
1492 for services with a local nonprofit community mental health or
1493 substance abuse agency licensed or authorized under chapter 394
1494 or chapter 397 or other authorized nonprofit social service
1495 agency providing related services. The determination of mental
1496 health or substance abuse services shall be conducted in
1497 coordination with existing programs providing mental health or
1498 substance abuse services in conjunction with the intake office.

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

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1509 disposition hearing, documented client information shall serve
1510 to assist the court in making the most appropriate custody,
1511 adjudicatory, and dispositional decision.

1512 (5) If the screening and assessment indicate that the
1513 interests of the child and the public will be best served, the
1514 department juvenile probation officer, with the approval of the
1515 state attorney, may refer the child for care, diagnostic, and
1516 evaluation services; substance abuse treatment services; mental
1517 health services; intellectual disability services; a
1518 diversionary, arbitration, or mediation program; community
1519 service work; or other programs or treatment services
1520 voluntarily accepted by the child and the child's parents or
1521 legal guardian. If a child volunteers to participate in any work
1522 program under this chapter or volunteers to work in a specified
1523 state, county, municipal, or community service organization
1524 supervised work program or to work for the victim, the child is
1525 considered an employee of the state for the purposes of
1526 liability. In determining the child's average weekly wage,
1527 unless otherwise determined by a specific funding program, all
1528 remuneration received from the employer is considered a
1529 gratuity, and the child is not entitled to any benefits
1530 otherwise payable under s. 440.15 regardless of whether the
1531 child may be receiving wages and remuneration from other
1532 employment with another employer and regardless of the child's
1533 future wage-earning capacity.

1534 (6) The victim, if any, and the law enforcement agency that
1535 investigated the offense shall be notified immediately by the
1536 state attorney of the action taken under subsection (5).

1537 Section 10. Section 985.17, Florida Statutes, is created to

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1538 read:

1539 985.17 Prevention services.-

1540 (1) Prevention services decrease recidivism by addressing
1541 the needs of at-risk youth and their families, preventing
1542 further involvement in the juvenile justice system, protecting
1543 public safety, and facilitating successful reentry into the
1544 community. To assist in decreasing recidivism, the department's
1545 prevention services should strengthen protective factors, reduce
1546 risk factors, and use tested and effective approaches.

1547 (2) A primary focus of the department's prevention services
1548 is to develop capacity for local communities to serve their
1549 youth.

1550 (a) The department shall engage faith-based and community-
1551 based organizations to provide a full range of voluntary
1552 programs and services to prevent and reduce juvenile
1553 delinquency, including, but not limited to, chaplaincy services,
1554 crisis intervention counseling, mentoring, and tutoring.

1555 (b) The department shall establish volunteer coordinators
1556 in each circuit and encourage the recruitment of volunteers to
1557 serve as mentors for youth in department services.

1558 (c) The department shall promote the Invest In Children
1559 license plate developed pursuant to s. 320.08058(11) to help
1560 fund programs and services to prevent juvenile delinquency. The
1561 department shall allocate moneys for programs and services
1562 within each county based on that county's proportionate share of
1563 the license plate annual use fee collected by the county
1564 pursuant to s. 320.08058(11).

1565 (3) The department's prevention services for youth at risk
1566 of becoming delinquent should focus on preventing initial or

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1567 further involvement in the juvenile justice system by including
1568 services such as literacy services, gender-specific programming,
1569 and recreational and after-school services and should include
1570 targeted services to troubled, truant, ungovernable, abused,
1571 trafficked, or runaway youth. To decrease the likelihood that a
1572 youth will commit a delinquent act, the department may provide
1573 specialized services addressing the strengthening of families,
1574 job training, and substance abuse.

1575 (4) In an effort to decrease the prevalence of
1576 disproportionate minority representation in the juvenile justice
1577 system, the department's prevention services should address the
1578 multiple needs of minority youth at risk of becoming delinquent.

1579 (5) The department shall expend funds related to prevention
1580 services in a manner consistent with the policies expressed in
1581 ss. 984.02 and 985.01. The department shall expend such funds in
1582 a manner that maximizes accountability to the public and ensures
1583 the documentation of outcomes.

1584 (a) As a condition of the receipt of state funds, entities
1585 that receive or use state moneys to fund prevention services
1586 through contracts with the department or grants from any entity
1587 dispersed by the department shall:

1588 1. Design the programs providing such services to further
1589 one or more of the following strategies:

1590 a. Encouraging youth to attend and succeed in school, which
1591 may include special assistance and tutoring to address
1592 deficiencies in academic performance and collecting outcome data
1593 to reveal the number of days youth attended school while
1594 participating in the program.

1595 b. Engaging youth in productive and wholesome activities

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1596 during nonschool hours which build positive character, instill
1597 positive values, and enhance educational experiences.

1598 c. Encouraging youth to avoid the use of violence.

1599 d. Assisting youth in acquiring the skills needed to find
1600 meaningful employment, which may include assistance in finding a
1601 suitable employer for the youth.

1602 2. Provide the department with demographic information,
1603 dates of services, and the type of interventions received by
1604 each youth.

1605 (b) The department shall monitor output and outcome
1606 measures for each program strategy in paragraph (a) and include
1607 them in the annual Comprehensive Accountability Report published
1608 pursuant to s. 985.632.

1609 (c) The department shall monitor all programs that receive
1610 or use state moneys to fund juvenile delinquency prevention
1611 services through contracts or grants with the department for
1612 compliance with all provisions in the contracts or grants.

1613 Section 11. Section 985.24, Florida Statutes, is amended to
1614 read:

1615 985.24 Use of detention; prohibitions.—

1616 (1) All determinations and court orders regarding the use
1617 of ~~secure, nonsecure, or home~~ detention care must ~~shall~~ be based
1618 primarily upon findings that the child:

1619 (a) Presents a substantial risk of not appearing at a
1620 subsequent hearing;

1621 (b) Presents a substantial risk of inflicting bodily harm
1622 on others as evidenced by recent behavior, including the illegal
1623 possession of a firearm;

1624 (c) Presents a history of committing a property offense

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1625 ~~before~~ ~~prior to~~ adjudication, disposition, or placement;

1626 (d) Has committed contempt of court by:

1627 1. Intentionally disrupting the administration of the
1628 court;

1629 2. Intentionally disobeying a court order; or

1630 3. Engaging in a punishable act or speech in the court's
1631 presence which shows disrespect for the authority and dignity of
1632 the court; or

1633 (e) Requests protection from imminent bodily harm.

1634 (2) A child alleged to have committed a delinquent act or
1635 violation of law may not be placed into secure ~~or~~ nonsecure, ~~or~~
1636 ~~home~~ detention care for any of the following reasons:

1637 (a) To allow a parent to avoid his or her legal
1638 responsibility.

1639 (b) To permit more convenient administrative access to the
1640 child.

1641 (c) To facilitate further interrogation or investigation.

1642 (d) Due to a lack of more appropriate facilities.

1643 (3) A child alleged to be dependent under chapter 39 may
1644 not, under any circumstances, be placed into secure detention
1645 care.

1646 (4) The department may develop nonsecure, nonresidential
1647 evening-reporting centers as an alternative to placing a child
1648 in secure detention to serve children and families while
1649 awaiting court hearings. Evening-reporting centers may be
1650 collocated with the juvenile assessment center. At a minimum,
1651 evening-reporting centers shall be operated during the afternoon
1652 and evening hours and provide a highly structured program of
1653 supervision. Evening-reporting centers may also provide academic

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1654 tutoring, counseling, family engagement programs, and other
1655 activities.

1656 (5)(4) The department shall continue to identify
1657 alternatives to secure detention care and shall develop such
1658 alternatives and annually submit them to the Legislature for
1659 authorization and appropriation.

1660 Section 12. Paragraph (b) of subsection (2) and subsection
1661 (4) of section 985.245, Florida Statutes, are amended to read:

1662 985.245 Risk assessment instrument.—

1663 (2)

1664 (b) The risk assessment instrument, at a minimum, shall
1665 consider ~~take into consideration, but need not be limited to,~~
1666 prior history of failure to appear, prior offenses, offenses
1667 committed pending adjudication, any unlawful possession of a
1668 firearm, theft of a motor vehicle or possession of a stolen
1669 motor vehicle, and probation status at the time the child is
1670 taken into custody. The risk assessment instrument shall also
1671 consider ~~take into consideration~~ appropriate aggravating and
1672 mitigating circumstances, ~~and~~ shall be designed to target a
1673 narrower population of children than s. 985.255, and. ~~The risk~~
1674 ~~assessment instrument~~ shall also include any information
1675 concerning the child's history of abuse and neglect. The risk
1676 assessment shall indicate whether detention care is warranted,~~7~~
1677 and, if detention care is warranted, whether the child should be
1678 placed into secure or, ~~nonsecure, or home~~ detention care.

1679 (4) If ~~For~~ a child who is under the supervision of the
1680 department through probation, ~~home detention,~~ nonsecure
1681 detention, conditional release, postcommitment probation, or
1682 commitment ~~and who~~ is charged with committing a new offense, the

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1683 risk assessment instrument may be completed and scored based on
1684 the underlying charge for which the child was placed under the
1685 supervision of the department and the new offense.

1686 Section 13. Subsection (1) of section 985.25, Florida
1687 Statutes, is amended to read:

1688 985.25 Detention intake.—

1689 (1) The department ~~juvenile probation officer~~ shall receive
1690 custody of a child who has been taken into custody from the law
1691 enforcement agency or court and shall review the facts in the
1692 law enforcement report or probable cause affidavit and make such
1693 further inquiry as may be necessary to determine whether
1694 detention care is appropriate ~~required~~.

1695 (a) During the period of time from the taking of the child
1696 into custody to the date of the detention hearing, the initial
1697 decision as to the child's placement into secure detention care
1698 ~~or~~ or nonsecure detention care, ~~or home detention care~~ shall be
1699 made by the department ~~juvenile probation officer~~ under ss.
1700 985.24 and 985.245(1).

1701 (b) The department ~~juvenile probation officer~~ shall base
1702 its ~~the~~ decision as to whether ~~or not~~ to place the child into
1703 secure ~~detention care~~, ~~home detention care~~, or nonsecure
1704 detention care on an assessment of risk in accordance with the
1705 risk assessment instrument and procedures developed by the
1706 department under s. 985.245. However, a child charged with
1707 possessing or discharging a firearm on school property in
1708 violation of s. 790.115 shall be placed in secure detention
1709 care. A child who has been taken into custody on three or more
1710 separate occasions within a 60-day period shall be placed in
1711 secure detention care until the child's detention hearing.

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1712 (c) If the child's final score on the risk assessment
1713 instrument indicates that juvenile probation officer determines
1714 that a child who is eligible for detention care is appropriate,
1715 but the department otherwise determines he or she based upon the
1716 results of the risk assessment instrument should be released,
1717 the department juvenile probation officer shall contact the
1718 state attorney, who may authorize release.

1719 (d) If the child's final score on the risk assessment
1720 instrument indicates that detention is not appropriate
1721 authorized, the child may be released by the department juvenile
1722 probation officer in accordance with ss. 985.115 and 985.13.

1723
1724 ~~Under no circumstances shall~~ The department, juvenile probation
1725 ~~officer or the state attorney, or a law enforcement officer~~ may
1726 not authorize the detention of any child in a jail or other
1727 facility intended or used for the detention of adults, without
1728 an order of the court.

1729 Section 14. Section 985.255, Florida Statutes, is amended
1730 to read:

1731 985.255 Detention criteria; detention hearing.—

1732 (1) Subject to s. 985.25(1), a child taken into custody and
1733 placed into nonsecure or secure home detention care shall be
1734 given a hearing within 24 hours after being taken into custody.
1735 At the hearing, the court may order continued detention or
1736 ~~detained in secure detention care prior to a detention hearing~~
1737 ~~may continue to be detained by the court~~ if:

1738 (a) The child is alleged to be an escapee from a
1739 residential commitment program, or an absconder from a
1740 nonresidential commitment program, a probation program, or

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1741 conditional release supervision~~r~~ or is alleged to have escaped
1742 while being lawfully transported to or from a residential
1743 commitment program.

1744 (b) The child is wanted in another jurisdiction for an
1745 offense that ~~which~~, if committed by an adult, would be a felony.

1746 (c) The child is charged with a delinquent act or violation
1747 of law and requests in writing through legal counsel to be
1748 detained for protection from an imminent physical threat to his
1749 or her personal safety.

1750 (d) The child is charged with committing an offense of
1751 domestic violence as defined in s. 741.28 and is detained as
1752 provided in subsection (2).

1753 (e) The child is charged with possession or discharging a
1754 firearm on school property in violation of s. 790.115 or the
1755 illegal possession of a firearm.

1756 (f) The child is charged with a capital felony, a life
1757 felony, a felony of the first degree, a felony of the second
1758 degree which ~~that~~ does not involve a violation of chapter 893,
1759 or a felony of the third degree which ~~that~~ is also a crime of
1760 violence, including any such offense involving the use or
1761 possession of a firearm.

1762 (g) The child is charged with a felony of the any second
1763 degree or a felony of the third degree ~~felony~~ involving a
1764 violation of chapter 893 or a felony of the any third degree
1765 which felony ~~that~~ is not also a crime of violence, and the
1766 child:

1767 1. Has a record of failure to appear at court hearings
1768 after being properly notified in accordance with the Rules of
1769 Juvenile Procedure;

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1770 2. Has a record of law violations before ~~prior to~~ court
1771 hearings;

1772 3. Has already been detained or has been released and is
1773 awaiting final disposition of the case;

1774 4. Has a record of violent conduct resulting in physical
1775 injury to others; or

1776 5. Is found to have been in possession of a firearm.

1777 (h) The child is alleged to have violated the conditions of
1778 the child's probation or conditional release supervision.
1779 However, a child detained under this paragraph may be held only
1780 in a consequence unit as provided in s. 985.439. If a
1781 consequence unit is not available, the child shall be placed on
1782 nonsecure ~~home~~ detention with electronic monitoring.

1783 (i) The child is detained on a judicial order for failure
1784 to appear and has previously willfully failed to appear, after
1785 proper notice:7

1786 1. For an adjudicatory hearing on the same case regardless
1787 of the results of the risk assessment instrument; or

1788 2. At two or more court hearings of any nature on the same
1789 case, regardless of the results of the risk assessment
1790 instrument.

1791

1792 A child may be held in secure detention for up to 72 hours in
1793 advance of the next scheduled court hearing pursuant to this
1794 paragraph. The child's failure to keep the clerk of court and
1795 defense counsel informed of a current and valid mailing address
1796 where the child will receive notice to appear at court
1797 proceedings does not provide an adequate ground for excusal of
1798 the child's nonappearance at the hearings.

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1799 ~~(j) The child is detained on a judicial order for failure~~
1800 ~~to appear and has previously willfully failed to appear, after~~
1801 ~~proper notice, at two or more court hearings of any nature on~~
1802 ~~the same case regardless of the results of the risk assessment~~
1803 ~~instrument. A child may be held in secure detention for up to 72~~
1804 ~~hours in advance of the next scheduled court hearing pursuant to~~
1805 ~~this paragraph. The child's failure to keep the clerk of court~~
1806 ~~and defense counsel informed of a current and valid mailing~~
1807 ~~address where the child will receive notice to appear at court~~
1808 ~~proceedings does not provide an adequate ground for excusal of~~
1809 ~~the child's nonappearance at the hearings.~~

1810 (2) A child who is charged with committing an offense
1811 classified as ~~of~~ domestic violence as defined in s. 741.28 and
1812 whose risk assessment indicates secure detention is not
1813 appropriate ~~who does not meet detention criteria~~ may be held in
1814 secure detention if the court makes specific written findings
1815 that:

1816 (a) Respite care for the child is not available; or-

1817 (b) It is necessary to place the child in secure detention
1818 in order to protect the victim from injury.

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

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1828 detention care beyond the time limits provided ~~set forth~~ in this
1829 section or s. 985.26.

1830 (3) (a) ~~A child who meets any of the criteria in subsection~~
1831 ~~(1) and who is ordered to be detained under that subsection~~
1832 ~~shall be given a hearing within 24 hours after being taken into~~
1833 ~~e custody.~~ The purpose of the detention hearing required under
1834 subsection (1) is to determine the existence of probable cause
1835 that the child has committed the delinquent act or violation of
1836 law that he or she is charged with and the need for continued
1837 detention. Unless a child is detained under paragraph (1) (d) or
1838 paragraph (1) (e), the court shall use the results of the risk
1839 assessment performed by the department juvenile probation
1840 ~~officer~~ and, based on the criteria in subsection (1), shall
1841 determine the need for continued detention. ~~A child placed into~~
1842 ~~secure, nonsecure, or home detention care may continue to be so~~
1843 ~~detained by the court.~~

1844 (b) If the court orders a placement more restrictive than
1845 indicated by the results of the risk assessment instrument, the
1846 court shall state, in writing, clear and convincing reasons for
1847 such placement.

1848 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,
1849 when a child is placed into secure or nonsecure detention care,
1850 or into a respite home or other placement pursuant to a court
1851 order following a hearing, the court order must include specific
1852 instructions that direct the release of the child from such
1853 placement by ~~no later than~~ 5 p.m. on the last day of the
1854 detention period specified in s. 985.26 or s. 985.27, whichever
1855 is applicable, unless the requirements of such applicable
1856 provision have been met or an order of continuance has been

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1857 granted under s. 985.26(4). If the court order does not include
1858 a date of release, the release date must be requested of the
1859 court on the same date the youth was placed on detention care.
1860 If a subsequent hearing is needed to provide additional
1861 information to the court for safety planning, the initial order
1862 placing the youth on detention care must reflect the next
1863 detention review hearing, which should be held within 3 calendar
1864 days after the child's initial detention placement.

1865 Section 15. Subsections (1) through (3) of section 985.26,
1866 Florida Statutes, are amended to read:

1867 985.26 Length of detention.—

1868 (1) A child may not be placed into or held in secure or
1869 ~~nonsecure, or home~~ detention care for more ~~longer~~ than 24 hours
1870 unless the court orders such detention care~~7~~ and the order
1871 includes specific instructions that direct the release of the
1872 child from such detention care~~7~~ in accordance with s. 985.255.
1873 The order shall be a final order, reviewable by appeal under s.
1874 985.534 and the Florida Rules of Appellate Procedure. Appeals of
1875 such orders ~~shall~~ take precedence over other appeals and other
1876 pending matters.

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

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1886 of the first degree, or a felony of the second degree involving
1887 violence against any individual.

1888 (3) Except as provided in subsection (2), a child may not
1889 be held in secure or, nonsecure, ~~or home~~ detention care for more
1890 than 15 days following the entry of an order of adjudication.

1891 Section 16. Section 985.265, Florida Statutes, is amended
1892 to read:

1893 985.265 Detention transfer and release; education; adult
1894 jails.-

1895 (1) If a child is detained under this part, the department
1896 may transfer the child from nonsecure ~~or home~~ detention care to
1897 secure detention care only if significantly changed
1898 circumstances warrant such transfer.

1899 (2) If a child is on release status and not detained under
1900 this part, the child may be placed into secure or, nonsecure, ~~or~~
1901 ~~home~~ detention care only pursuant to a court hearing in which
1902 the original risk assessment instrument and the, ~~rescored based~~
1903 ~~on~~ newly discovered evidence or changed circumstances are
1904 introduced into evidence with a rescored risk assessment
1905 instrument with the results recommending detention, is
1906 ~~introduced into evidence.~~

1907 (3) (a) If ~~When~~ a juvenile sexual offender is placed in
1908 detention, detention staff shall provide appropriate monitoring
1909 and supervision to ensure the safety of other children in the
1910 facility.

1911 (b) If ~~When~~ a juvenile charged with murder under s. 782.04,
1912 sexual battery under chapter 794, stalking under s. 784.048, or
1913 domestic violence as defined in s. 741.28, or an attempt to
1914 commit any of these offenses ~~sexual offender, under this~~

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1915 ~~subsection,~~ is released from secure detention or transferred to
1916 ~~home detention or~~ nonsecure detention, detention staff shall
1917 immediately notify the appropriate law enforcement agency, ~~and~~
1918 school personnel, and the victim.

1919 (4) (a) While a child who is currently enrolled in school is
1920 in nonsecure ~~or home~~ detention care, the child shall continue to
1921 attend school unless otherwise ordered by the court.

1922 (b) While a child is in secure detention care, the child
1923 shall receive education commensurate with his or her grade level
1924 and educational ability.

1925 (5) The court shall order the delivery of a child to a jail
1926 or other facility intended or used for the detention of adults:

1927 (a) If ~~When~~ the child has been transferred or indicted for
1928 criminal prosecution as an adult under part X., ~~except that~~ The
1929 court may not order or allow a child alleged to have committed a
1930 misdemeanor who is being transferred for criminal prosecution
1931 pursuant to either s. 985.556 or s. 985.557 to be detained or
1932 held in a jail or other facility intended or used for the
1933 detention of adults; however, such child may be held temporarily
1934 in a detention facility; or

1935 (b) If ~~When~~ a child taken into custody in this state is
1936 wanted by another jurisdiction for prosecution as an adult.

1937
1938 A ~~The~~ child shall be housed separately from adult inmates to
1939 prohibit the ~~a~~ child from having regular contact with
1940 incarcerated adults, including trustees. As used in this
1941 subsection, the term "regular contact" means sight and sound
1942 contact. Separation of children from adults may not allow ~~shall~~
1943 ~~permit no~~ more than haphazard or accidental contact. The

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1944 receiving jail or other facility shall provide ~~contain~~ a
1945 separate section for children and shall have ~~an adequate~~ staff
1946 adequate to supervise and monitor the child's activities at all
1947 times. Supervision and monitoring of children includes physical
1948 observation and documented checks by jail or receiving facility
1949 supervisory personnel at intervals not to exceed 10 ~~15~~ minutes.
1950 This subsection does not prohibit placing two or more children
1951 in the same cell. ~~Under no circumstances shall~~ A child may not
1952 be placed in a ~~the same~~ cell with an adult.

1953 Section 17. Section 985.27, Florida Statutes, is amended to
1954 read:

1955 985.27 Postadjudication ~~Postcommitment~~ detention while
1956 awaiting commitment placement.—

1957 (1) The court must place all children who are adjudicated
1958 and awaiting placement in a commitment program in detention
1959 care. Children who are in ~~home detention care or~~ nonsecure
1960 detention care may be placed on electronic monitoring.

1961 (a) ~~A child who is awaiting placement in a low-risk~~
1962 ~~residential program must be removed from detention within 5~~
1963 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1964 ~~child held in secure detention during the 5 days must meet~~
1965 ~~detention admission criteria under this part. A child who is~~
1966 ~~placed in home detention care, nonsecure detention care, or home~~
1967 ~~or nonsecure detention care with electronic monitoring, while~~
1968 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
1969 ~~held in secure detention care for 5 days, if the child violates~~
1970 ~~the conditions of the home detention care, the nonsecure~~
1971 ~~detention care, or the electronic monitoring agreement. For any~~
1972 ~~subsequent violation, the court may impose an additional 5 days~~

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1973 ~~in secure detention care.~~

1974 ~~(b)~~ A child who is awaiting placement in a nonsecure
 1975 ~~moderate-risk~~ residential program must be removed from detention
 1976 within 5 days, excluding Saturdays, Sundays, and legal holidays.
 1977 A ~~Any~~ child held in secure detention during the 5 days must meet
 1978 detention admission criteria under this part. The department may
 1979 seek an order from the court authorizing continued detention for
 1980 a specific period of time necessary for the appropriate
 1981 residential placement of the child. However, such continued
 1982 detention in secure detention care may not exceed 15 days after
 1983 entry of the commitment order, excluding Saturdays, Sundays, and
 1984 legal holidays, and except as otherwise provided in this
 1985 section. A child who is placed in ~~home detention care,~~ nonsecure
 1986 detention care~~,~~ or ~~home or~~ nonsecure detention care with
 1987 electronic monitoring~~,~~ while awaiting placement in a nonsecure
 1988 residential ~~moderate-risk~~ program~~,~~ may be held in secure
 1989 detention care for 5 days~~,~~ if the child violates the conditions
 1990 of ~~the home detention care,~~ the nonsecure detention care~~,~~ or the
 1991 electronic monitoring agreement. For any subsequent violation,
 1992 the court may impose an additional 5 days in secure detention
 1993 care.

1994 (b)~~(e)~~ If the child is committed to a high-risk residential
 1995 program, the child must be held in secure detention care until
 1996 placement or commitment is accomplished.

1997 (c)~~(d)~~ If the child is committed to a maximum-risk
 1998 residential program, the child must be held in secure detention
 1999 care until placement or commitment is accomplished.

2000 (2) Regardless of detention status, a child being
 2001 transported by the department to a residential commitment

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2002 facility of the department may be placed in secure detention for
2003 up to 24 hours ~~overnight, not to exceed a 24-hour period,~~ for
2004 the specific purpose of ensuring the safe delivery of the child
2005 to his or her residential commitment program, court,
2006 appointment, transfer, or release.

2007 Section 18. Subsection (1) of section 985.275, Florida
2008 Statutes, is amended to read:

2009 985.275 Detention of escapee or absconder on authority of
2010 the department.—

2011 (1) If an authorized agent of the department has reasonable
2012 grounds to believe that a ~~any~~ delinquent child committed to the
2013 department has escaped from a residential commitment facility or
2014 in the course of lawful transportation to or from such facility
2015 ~~from being lawfully transported thereto or therefrom,~~ or has
2016 absconded from a nonresidential commitment facility, the agent
2017 shall notify law enforcement and, if the offense qualifies under
2018 chapter 960, notify the victim, and make every reasonable effort
2019 to locate the delinquent child. The child may be returned ~~take~~
2020 ~~the child into active custody and may deliver the child to the~~
2021 facility or, if it is closer, to a detention center for return
2022 to the facility. However, a child may not be held in detention
2023 more longer ~~longer~~ than 24 hours, excluding Saturdays, Sundays, and
2024 legal holidays, unless a special order so directing is made by
2025 the judge after a detention hearing resulting in a finding that
2026 detention is required based on the criteria in s. 985.255. The
2027 order must ~~shall~~ state the reasons for such finding. The reasons
2028 are ~~shall be~~ reviewable by appeal or in habeas corpus
2029 proceedings in the district court of appeal.

2030 Section 19. Paragraph (b) of subsection (4), paragraph (h)

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2031 of subsection (6), and paragraph (a) of subsection (7) of
2032 section 985.433, Florida Statutes, are amended to read:

2033 985.433 Disposition hearings in delinquency cases.—When a
2034 child has been found to have committed a delinquent act, the
2035 following procedures shall be applicable to the disposition of
2036 the case:

2037 (4) Before the court determines and announces the
2038 disposition to be imposed, it shall:

2039 (b) Discuss with the child his or her compliance with any
2040 predisposition ~~home-release~~ plan or other plan imposed since the
2041 date of the offense.

2042 (6) The first determination to be made by the court is a
2043 determination of the suitability or nonsuitability for
2044 adjudication and commitment of the child to the department. This
2045 determination shall include consideration of the recommendations
2046 of the department, which may include a predisposition report.
2047 The predisposition report shall include, whether as part of the
2048 child's multidisciplinary assessment, classification, and
2049 placement process components or separately, evaluation of the
2050 following criteria:

2051 (h) The child's educational status, including, but not
2052 limited to, the child's strengths, abilities, and unmet and
2053 special educational needs. The report must ~~shall~~ identify
2054 appropriate educational and career ~~vocational~~ goals for the
2055 child. Examples of appropriate goals include:

- 2056 1. Attainment of a high school diploma or its equivalent.
- 2057 2. Successful completion of literacy course(s).
- 2058 3. Successful completion of career and technical
2059 educational ~~vocational~~ course(s).

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2060 4. Successful attendance and completion of the child's
2061 current grade, or recovery of credits of classes the child
2062 previously failed, if enrolled in school.

2063 5. Enrollment in an apprenticeship or a similar program.
2064

2065 It is the intent of the Legislature that the criteria set forth
2066 in this subsection are general guidelines to be followed at the
2067 discretion of the court and not mandatory requirements of
2068 procedure. It is not the intent of the Legislature to provide
2069 for the appeal of the disposition made under this section.

2070 (7) If the court determines that the child should be
2071 adjudicated as having committed a delinquent act and should be
2072 committed to the department, such determination shall be in
2073 writing or on the record of the hearing. The determination shall
2074 include a specific finding of the reasons for the decision to
2075 adjudicate and to commit the child to the department, including
2076 any determination that the child was a member of a criminal
2077 gang.

2078 (a) The department ~~juvenile probation officer~~ shall
2079 recommend to the court the most appropriate placement and
2080 treatment plan, specifically identifying the restrictiveness
2081 level most appropriate for the child if commitment is
2082 recommended. If the court has determined that the child was a
2083 member of a criminal gang, that determination shall be given
2084 great weight in identifying the most appropriate restrictiveness
2085 level for the child. The court shall consider the department's
2086 recommendation in making its commitment decision.

2087 Section 20. Present subsections (4) through (6) of section
2088 985.435, Florida Statutes, are redesignated as subsections (5)

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2089 through (7), respectively, a new subsection (4) is added to that
2090 section, and subsection (3) and present subsection (4) of that
2091 section are amended, to read:

2092 985.435 Probation and postcommitment probation; community
2093 service.—

2094 (3) A probation program must also include a rehabilitative
2095 program component such as a requirement of participation in
2096 substance abuse treatment or in a school or career and technical
2097 ~~ether~~ educational program. The nonconsent of the child to
2098 treatment in a substance abuse treatment program does not
2099 preclude in no way precludes the court from ordering such
2100 treatment. Upon the recommendation of the department at the time
2101 of disposition, or subsequent to disposition pursuant to the
2102 filing of a petition alleging a violation of the child's
2103 conditions of postcommitment probation, the court may order the
2104 child to submit to random testing for the purpose of detecting
2105 and monitoring the use of alcohol or controlled substances.

2106 (4) A probation program may also include an alternative
2107 consequence component to address instances in which a child is
2108 noncompliant with technical conditions of his or her probation,
2109 but has not committed any new violations of law. The alternative
2110 consequence component shall be designed to provide swift and
2111 appropriate consequences to any noncompliance with technical
2112 conditions of probation. If the probation program includes this
2113 component, specific consequences that apply to noncompliance
2114 with specific technical conditions of probation must be detailed
2115 in the disposition order.

2116 (5)-(4) An evaluation of the youth's risk to reoffend A
2117 classification scale for levels of supervision shall be provided

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2118 by the department, taking into account the child's needs and
2119 risks relative to probation supervision requirements to
2120 reasonably ensure the public safety. Probation programs for
2121 children shall be supervised by the department or by any other
2122 person or agency specifically authorized by the court. These
2123 programs must include, but are not limited to, structured or
2124 restricted activities as described in this section and s.
2125 985.439, and shall be designed to encourage the child toward
2126 acceptable and functional social behavior.

2127 Section 21. Paragraph (a) of subsection (1) and subsection
2128 (4) of section 985.439, Florida Statutes, are amended to read:

2129 985.439 Violation of probation or postcommitment
2130 probation.—

2131 (1)(a) This section is applicable when the court has
2132 jurisdiction over a child on probation or postcommitment
2133 probation, regardless of adjudication ~~an adjudicated delinquent~~
2134 ~~child~~.

2135 (4) Upon the child's admission, or if the court finds after
2136 a hearing that the child has violated the conditions of
2137 probation or postcommitment probation, the court shall enter an
2138 order revoking, modifying, or continuing probation or
2139 postcommitment probation. In each such case, the court shall
2140 enter a new disposition order and, in addition to the sanctions
2141 set forth in this section, may impose any sanction the court
2142 could have imposed at the original disposition hearing. If the
2143 child is found to have violated the conditions of probation or
2144 postcommitment probation, the court may:

2145 (a) Place the child in a consequence unit in that judicial
2146 circuit, if available, for up to 5 days for a first violation

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2147 and up to 15 days for a second or subsequent violation.

2148 (b) Place the child on nonsecure ~~home~~ detention with
2149 electronic monitoring. However, this sanction may be used only
2150 if a residential consequence unit is not available.

2151 (c) Modify or continue the child's probation program or
2152 postcommitment probation program.

2153 (d) Revoke probation or postcommitment probation and commit
2154 the child to the department.

2155 (e) If the violation of probation is technical in nature
2156 and not a new violation of law, place the child in an
2157 alternative consequence program designed to provide swift and
2158 appropriate consequences for any further violations of
2159 probation.

2160 1. Alternative consequence programs shall be established at
2161 the local level in coordination with law enforcement agencies,
2162 the chief judge of the circuit, the state attorney, and the
2163 public defender.

2164 2. Alternative consequence programs may be operated by an
2165 entity such as a law enforcement agency, the department, a
2166 juvenile assessment center, a county or municipality, or another
2167 entity selected by the department.

2168 3. Upon placing a child in an alternative consequence
2169 program, the court must approve specific consequences for
2170 specific violations of the conditions of probation.

2171 Section 22. Subsection (2) of section 985.441, Florida
2172 Statutes, is amended to read:

2173 985.441 Commitment.—

2174 (2) Notwithstanding subsection (1), the court having
2175 jurisdiction over an adjudicated delinquent child whose

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2176 ~~underlying~~ offense is was a misdemeanor, or a child who is
2177 currently on probation for a misdemeanor, may not commit the
2178 child for any misdemeanor offense or any probation violation
2179 that is technical in nature and not a new violation of law at a
2180 restrictiveness level other than minimum-risk nonresidential
2181 ~~unless the probation violation is a new violation of law~~
2182 ~~constituting a felony~~. However, the court may commit such child
2183 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
2184 if:

2185 (a) The child has previously been adjudicated or had
2186 adjudication withheld for a felony offense;

2187 (b) The child has previously been adjudicated or had
2188 adjudication withheld for three or more misdemeanor offenses
2189 within the preceding 18 months;

2190 (c) The child is before the court for disposition for a
2191 violation of s. 800.03, s. 806.031, or s. 828.12; or

2192 (d) The court finds by a preponderance of the evidence that
2193 the protection of the public requires such placement or that the
2194 particular needs of the child would be best served by such
2195 placement. Such finding must be in writing.

2196 Section 23. Paragraph (a) of subsection (1) and subsection
2197 (5) of section 985.46, Florida Statutes, are amended to read:

2198 985.46 Conditional release.—

2199 (1) The Legislature finds that:

2200 (a) Conditional release is the care, treatment, help,
2201 provision of transition-to-adulthood services, and supervision
2202 provided to juveniles released from residential commitment
2203 programs to promote rehabilitation and prevent recidivism.

2204 (5) Participation in the educational program by students of

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2205 compulsory school attendance age pursuant to s. 1003.21(1) and
2206 (2)(a) is mandatory for juvenile justice youth on conditional
2207 release or postcommitment probation status. A student of
2208 noncompulsory school-attendance age who has not received a high
2209 school diploma or its equivalent must participate in an ~~the~~
2210 educational or career and technical educational program. A youth
2211 who has received a high school diploma or its equivalent and is
2212 not employed must participate in workforce development or other
2213 career or technical education or attend a community college or a
2214 university while in the program, subject to available funding.

2215 Section 24. Subsections (1) through (5) of section 985.461,
2216 Florida Statutes, are amended to read:

2217 985.461 Transition to adulthood.—

2218 (1) The Legislature finds that ~~older~~ youth are faced with
2219 the need to learn how to support themselves within legal means
2220 and overcome the stigma of being delinquent. In most cases,
2221 parents expedite this transition. It is the intent of the
2222 Legislature that the department provide ~~older~~ youth in its
2223 custody or under its supervision with opportunities for
2224 participating in transition-to-adulthood services while in the
2225 department's commitment programs or in probation or conditional
2226 release programs in the community. These services should be
2227 reasonable and appropriate for the youths' respective ages or
2228 special needs and provide activities that build life skills and
2229 increase the ability to live independently and become self-
2230 sufficient.

2231 (2) Youth served by the department who are in the custody
2232 of the Department of Children and Families ~~Family Services~~ and
2233 who entered juvenile justice placement from a foster care

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2234 placement, if otherwise eligible, may receive independent living
2235 transition services pursuant to s. 409.1451. Court-ordered
2236 commitment or probation with the department is not a barrier to
2237 eligibility for the array of services available to a youth who
2238 is in the dependency foster care system only.

2239 (3) For a dependent child in the foster care system,
2240 adjudication for delinquency does not, by itself, disqualify
2241 such child for eligibility in the Department of Children and
2242 Families' ~~Family Services'~~ independent living program.

2243 (4) As part of the child's treatment plan, the department
2244 may provide transition-to-adulthood services to children
2245 released from residential commitment. To support participation
2246 in transition-to-adulthood services and subject to
2247 appropriation, the department may:

2248 (a) Assess the child's skills and abilities to live
2249 independently and become self-sufficient. The specific services
2250 ~~to be~~ provided shall be determined using an assessment of his or
2251 her readiness for adult life.

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

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2263 management, and time management or organizational skills;
2264 educational support; employment training; and counseling.

2265 (c) Provide information related to social security
2266 insurance benefits and public assistance.

2267 (d) Request parental or guardian permission for the youth
2268 to participate in transition-to-adulthood services. Upon such
2269 consent, age-appropriate activities shall be incorporated into
2270 the youth's written case plan. This plan may include specific
2271 goals and objectives and shall be reviewed and updated at least
2272 quarterly. If the parent or guardian is cooperative, the plan
2273 may not interfere with the parent's or guardian's rights to
2274 nurture and train his or her child in ways that are otherwise in
2275 compliance with the law and court order.

2276 (e) Contract for transition-to-adulthood services that
2277 include residential services and assistance and allow the child
2278 to live independently of the daily care and supervision of an
2279 adult in a setting that is not licensed under s. 409.175. A
2280 child under the care or supervision of the department ~~who has~~
2281 ~~reached 17 years of age but is not yet 19 years of age~~ is
2282 eligible for such services if he or she does not pose a danger
2283 to the public and is able to demonstrate minimally sufficient
2284 skills and aptitude for living under decreased adult
2285 supervision, as determined by the department, using established
2286 procedures and assessments.

2287 (f) Assist the youth in building a portfolio of educational
2288 and vocational accomplishments, necessary identification,
2289 resumes, and cover letters in an effort to enhance the youth's
2290 employability.

2291 (g) Collaborate with school district contacts to facilitate

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2292 appropriate educational services based on the youth's identified
2293 needs.

2294 (5) For a child ~~who is 17 years of age or older,~~ under the
2295 department's care or supervision, and without benefit of parents
2296 or legal guardians capable of assisting the child in the
2297 transition to adult life, the department may provide an
2298 assessment to determine the child's skills and abilities to live
2299 independently and become self-sufficient. Based on the
2300 assessment and within existing resources, services and training
2301 may be provided in order to develop the necessary skills and
2302 abilities ~~before the child's 18th birthday.~~

2303 Section 25. Paragraph (b) of subsection (3) of section
2304 985.481, Florida Statutes, is amended to read:

2305 985.481 Sexual offenders adjudicated delinquent;
2306 notification upon release.-

2307 (3)

2308 (b) ~~No later than November 1, 2007,~~ The department shall
2309 ~~must~~ make the information described in subparagraph (a)1.
2310 available electronically to the Department of Law Enforcement in
2311 its database and in a format that is compatible with the
2312 requirements of the Florida Crime Information Center.

2313 Section 26. Subsection (5) of section 985.4815, Florida
2314 Statutes, is amended to read:

2315 985.4815 Notification to Department of Law Enforcement of
2316 information on juvenile sexual offenders.-

2317 (5) In addition to notification and transmittal
2318 requirements imposed by any other ~~provision of law,~~ the
2319 department shall compile information on any sexual offender and
2320 provide the information to the Department of Law Enforcement. ~~No~~

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2321 ~~later than November 1, 2007,~~ The department shall ~~must~~ make the
2322 information available electronically to the Department of Law
2323 Enforcement in its database in a format that is compatible with
2324 the requirements of the Florida Crime Information Center.

2325 Section 27. Subsection (2), paragraph (a) of subsection
2326 (3), and paragraph (a) of subsection (9) of section 985.601,
2327 Florida Statutes, are amended to read:

2328 985.601 Administering the juvenile justice continuum.—

2329 (2) The department shall develop and implement an
2330 appropriate continuum of care that provides individualized,
2331 multidisciplinary assessments, objective evaluations of relative
2332 risks, and the matching of needs with placements for all
2333 children under its care, and that uses a system of case
2334 management to facilitate each child being appropriately
2335 assessed, provided with services, and placed in a program that
2336 meets the child's needs. The Legislature recognizes that the
2337 purpose of the juvenile justice system is to increase public
2338 safety by reducing juvenile delinquency and recognizes the
2339 importance of ensuring that children who are assessed as low and
2340 moderate risk to reoffend are considered for placement in a
2341 nonresidential program.

2342 (3) (a) The department shall develop or contract for
2343 diversified and innovative programs to provide rehabilitative
2344 treatment, including early intervention and prevention,
2345 diversion, comprehensive intake, case management, diagnostic and
2346 classification assessments, trauma-informed care, individual and
2347 family counseling, family engagement resources and programs,
2348 gender-specific programming, shelter care, diversified detention
2349 care emphasizing alternatives to secure detention, diversified

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2350 probation, halfway houses, foster homes, community-based
 2351 substance abuse treatment services, community-based mental
 2352 health treatment services, community-based residential and
 2353 nonresidential programs, mother-infant programs, and
 2354 environmental programs. The department may pay expenses in
 2355 support of innovative programs and activities that address the
 2356 identified needs and well-being of children in the department's
 2357 care or under its supervision. Each program shall place
 2358 particular emphasis on reintegration and conditional release for
 2359 all children in the program.

2360 (9) (a) The department shall operate a statewide, regionally
 2361 administered system of detention services for children, in
 2362 accordance with a comprehensive plan for the regional
 2363 administration of all detention services in the state. The plan
 2364 must provide for the maintenance of adequate availability of
 2365 detention services for all counties. The plan must cover all the
 2366 department's operating circuits, with each operating circuit
 2367 having access to a secure facility and nonsecure ~~and home~~
 2368 ~~detention programs,~~ and The plan may be altered or modified by
 2369 the department ~~of Juvenile Justice~~ as necessary.

2370 Section 28. Section 985.605, Florida Statutes, is repealed.

2371 Section 29. Section 985.606, Florida Statutes, is repealed.

2372 Section 30. Section 985.61, Florida Statutes, is repealed.

2373 Section 31. Section 985.632, Florida Statutes, is reordered
 2374 and amended to read:

2375 985.632 Quality improvement ~~assurance~~ and cost-
 2376 effectiveness.-

2377 (2) (1) PERFORMANCE ACCOUNTABILITY.—It is the intent of the
 2378 Legislature that the department establish a performance

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2379 accountability system for each provider who contracts with the
2380 department for the delivery of services to children. The
2381 contract must include both output measures, such as the number
2382 of children served, and outcome measures, such as program
2383 completion and postcompletion recidivism. Each contractor shall
2384 report performance results to the department annually. The
2385 department's Bureau of Research and Planning shall summarize
2386 performance results from all contracts and report the
2387 information annually to the President of the Senate and the
2388 Speaker of the House of Representatives in the Comprehensive
2389 Accountability Report. The report must:

2390 (a) Ensure that information be provided to decisionmakers
2391 in a timely manner so that resources are allocated to programs
2392 that ~~of the department which~~ achieve desired performance levels.

2393 (b) Provide information about the cost of such programs and
2394 their differential effectiveness so that the quality of such
2395 programs can be compared and improvements made continually.

2396 (c) Provide information to aid in developing related policy
2397 issues and concerns.

2398 (d) Provide information to the public about the
2399 effectiveness of such programs in meeting established goals and
2400 objectives.

2401 (e) Provide a basis for a system of accountability so that
2402 each child ~~client~~ is afforded the best programs to meet his or
2403 her needs.

2404 (f) Improve service delivery to children through the use of
2405 technical assistance ~~clients~~.

2406 (g) Modify or eliminate activities or programs that are not
2407 effective.

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2408 (h) Collect and analyze available statistical data for the
2409 purpose of ongoing evaluation of all programs.

2410 (1)(2) DEFINITIONS.—As used in this section, the term:

2411 (a) "Program" means any facility, service, or program for
2412 children which is operated by the department or by a provider
2413 under contract with the department.

2414 ~~(a) "Client" means any person who is being provided~~
2415 ~~treatment or services by the department or by a provider under~~
2416 ~~contract with the department.~~

2417 (b) "Program component" means an aggregation of generally
2418 related objectives which, because of their special character,
2419 related workload, and interrelated output, can logically be
2420 considered an entity for purposes of organization, management,
2421 accounting, reporting, and budgeting.

2422 (c) "Program group" means a collection of programs with
2423 sufficient similarity of functions, services, and children to
2424 permit appropriate comparison among programs within the group.

2425 ~~(e) "Program effectiveness" means the ability of the~~
2426 ~~program to achieve desired client outcomes, goals, and~~
2427 ~~objectives.~~

2428 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in
2429 consultation with the Office of Economic and Demographic
2430 Research, the Office of Program Policy Analysis and Government
2431 Accountability, and contract service providers, shall develop
2432 and use a standard methodology for annually measuring,
2433 evaluating, and reporting program outputs and child outcomes for
2434 each program and program group. The standard methodology must:

2435 (a) Include common terminology and operational definitions
2436 for measuring the performance of system and program

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2437 administration, program outputs, and program outcomes.

2438 (b) Specify program outputs for each program and for each
2439 program group within the juvenile justice continuum.

2440 (c) Specify desired child outcomes and methods by which
2441 child outcomes may be measured for each program and program
2442 group.

2443 ~~(3) The department shall annually collect and report cost~~
2444 ~~data for every program operated or contracted by the department.~~
2445 ~~The cost data shall conform to a format approved by the~~
2446 ~~department and the Legislature. Uniform cost data shall be~~
2447 ~~reported and collected for state-operated and contracted~~
2448 ~~programs so that comparisons can be made among programs. The~~
2449 ~~department shall ensure that there is accurate cost accounting~~
2450 ~~for state-operated services including market equivalent rent and~~
2451 ~~other shared cost. The cost of the educational program provided~~
2452 ~~to a residential facility shall be reported and included in the~~
2453 ~~cost of a program. The department shall submit an annual cost~~
2454 ~~report to the President of the Senate, the Speaker of the House~~
2455 ~~of Representatives, the Minority Leader of each house of the~~
2456 ~~Legislature, the appropriate substantive and fiscal committees~~
2457 ~~of each house of the Legislature, and the Governor, no later~~
2458 ~~than December 1 of each year. Cost-benefit analysis for~~
2459 ~~educational programs will be developed and implemented in~~
2460 ~~collaboration with and in cooperation with the Department of~~
2461 ~~Education, local providers, and local school districts. Cost~~
2462 ~~data for the report shall include data collected by the~~
2463 ~~Department of Education for the purposes of preparing the annual~~
2464 ~~report required by s. 1003.52(19).~~

2465 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in

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2466 consultation with the Office of Economic and Demographic
2467 Research and contract service providers, shall develop a cost-
2468 effectiveness model and apply the model to each commitment
2469 program. ~~Program recidivism rates shall be a component of the~~
2470 ~~model.~~

2471 (a) The cost-effectiveness model must ~~shall~~ compare program
2472 costs to expected and actual child recidivism rates ~~client~~
2473 ~~outcomes and program outputs~~. It is the intent of the
2474 Legislature that continual development efforts take place to
2475 improve the validity and reliability of the cost-effectiveness
2476 model.

2477 (b) The department shall rank commitment programs based on
2478 the cost-effectiveness model, performance measures, and
2479 adherence to quality improvement standards and shall ~~submit a~~
2480 ~~report~~ this data in the annual Comprehensive Accountability
2481 Report ~~to the appropriate substantive and fiscal committees of~~
2482 ~~each house of the Legislature by December 31 of each year.~~

2483 (c) Based on reports of the department on child ~~client~~
2484 outcomes and program outputs and on the department's most recent
2485 cost-effectiveness rankings, the department may terminate a
2486 program operated by the department or a provider if the program
2487 has failed to achieve a minimum standard ~~threshold~~ of program
2488 effectiveness. This paragraph does not preclude the department
2489 from terminating a contract as provided under this section or as
2490 otherwise provided by law or contract, and does not limit the
2491 department's authority to enter into or terminate a contract.

2492 (d) In collaboration with the Office of Economic and
2493 Demographic Research, and contract service providers, the
2494 department shall develop a work plan to refine the cost-

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2495 effectiveness model so that the model is consistent with the
2496 performance-based program budgeting measures approved by the
2497 Legislature to the extent the department deems appropriate. The
2498 department shall notify the Office of Program Policy Analysis
2499 and Government Accountability of any meetings to refine the
2500 model.

2501 (e) Contingent upon specific appropriation, the department,
2502 in consultation with the Office of Economic and Demographic
2503 Research, ~~and contract service providers,~~ shall:

2504 1. Construct a profile of each commitment program that uses
2505 the results of the quality improvement ~~assurance~~ report required
2506 by this section, the cost-effectiveness report required in this
2507 subsection, and other reports available to the department.

2508 2. Target, for a more comprehensive evaluation, any
2509 commitment program that has achieved consistently high, low, or
2510 disparate ratings in the reports required under subparagraph 1.
2511 and target, for technical assistance, any commitment program
2512 that has achieved low or disparate ratings in the reports
2513 required under subparagraph 1.

2514 3. Identify the essential factors that contribute to the
2515 high, low, or disparate program ratings.

2516 4. Use the results of these evaluations in developing or
2517 refining juvenile justice programs or program models, child
2518 ~~client~~ outcomes and program outputs, provider contracts, quality
2519 improvement ~~assurance~~ standards, and the cost-effectiveness
2520 model.

2521 (5) QUALITY IMPROVEMENT; MINIMUM STANDARDS.—The department
2522 shall:

2523 (a) Establish a comprehensive quality improvement ~~assurance~~

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2524 system for each program operated by the department or operated
2525 by a provider under contract with the department. Each contract
2526 entered into by the department must provide for quality
2527 improvement assurance.

2528 (b) Provide operational definitions of and criteria for
2529 quality improvement assurance for each specific program
2530 component.

2531 (c) Establish quality improvement assurance goals and
2532 objectives for each specific program component.

2533 (d) Establish the information and specific data elements
2534 required for the quality improvement assurance program.

2535 (e) Develop a quality improvement assurance manual of
2536 specific, standardized terminology and procedures to be followed
2537 by each program.

2538 (f) Evaluate each program operated by the department or a
2539 provider under a contract with the department annually and
2540 establish minimum standards thresholds for each program
2541 component. If a provider fails to meet the established minimum
2542 standards thresholds, ~~such failure shall cause the department~~
2543 ~~shall to~~ cancel the provider's contract unless the provider
2544 complies achieves compliance with minimum standards thresholds
2545 within 6 months or unless there are documented extenuating
2546 circumstances. In addition, the department may not contract with
2547 the same provider for the canceled service for ~~a period of~~ 12
2548 months. If a department-operated program fails to meet the
2549 established minimum standards thresholds, the department must
2550 take necessary and sufficient steps to ensure, and document
2551 program changes to achieve, compliance with the established
2552 minimum standards thresholds. If the department-operated program

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2553 fails to achieve compliance with the established minimum
2554 standards ~~thresholds~~ within 6 months and ~~if~~ there are no
2555 documented extenuating circumstances, the department shall ~~must~~
2556 notify the Executive Office of the Governor and the Legislature
2557 of the corrective action taken. Appropriate corrective action
2558 may include, but is not limited to:

2559 1. Contracting out for the services provided in the
2560 program;

2561 2. Initiating appropriate disciplinary action against all
2562 employees whose conduct or performance is deemed to have
2563 materially contributed to the program's failure to meet
2564 established minimum thresholds;

2565 3. Redesigning the program; or

2566 4. Realigning the program.

2567 (6) COMPREHENSIVE ACCOUNTABILITY REPORT; SUBMITTAL.—No
2568 later than February 1 of each year, the department shall submit
2569 the Comprehensive Accountability ~~an annual~~ Report to the
2570 Governor, the President of the Senate, the Speaker of the House
2571 of Representatives, the Minority Leader of each house of the
2572 Legislature, and the appropriate substantive and fiscal
2573 committees of each house of the Legislature, ~~and the Governor,~~
2574 ~~no later than February 1 of each year.~~ The Comprehensive
2575 Accountability ~~annual~~ Report must contain, at a minimum, for
2576 each specific program component: a comprehensive description of
2577 the population served by the program; a specific description of
2578 the services provided by the program; cost; a comparison of
2579 expenditures to federal and state funding; immediate and long-
2580 range concerns; and recommendations to maintain, expand,
2581 improve, modify, or eliminate each program component so that

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2582 changes in services lead to enhancement in program quality. The
2583 department shall ensure the reliability and validity of the
2584 information contained in the report.

2585 (7)~~(6)~~ ONGOING EVALUATION.—The department shall collect and
2586 analyze available statistical data for the purpose of ongoing
2587 evaluation of all programs. The department shall provide the
2588 Legislature with necessary information and reports to enable the
2589 Legislature to make informed decisions regarding the
2590 effectiveness of, and any needed changes in, services, programs,
2591 policies, and laws.

2592 Section 32. Paragraph (a) of subsection (1) and paragraph
2593 (b) of subsection (3) of section 985.644, Florida Statutes, are
2594 amended to read:

2595 985.644 Departmental contracting powers; personnel
2596 standards and screening.—

2597 (1) The department may contract with the Federal
2598 Government, other state departments and agencies, county and
2599 municipal governments and agencies, public and private agencies,
2600 and private individuals and corporations in carrying out the
2601 purposes of, and the responsibilities established in, this
2602 chapter.

2603 (a) Each contract entered into by the department for
2604 services delivered on an appointment or intermittent basis by a
2605 provider that does not have regular custodial responsibility for
2606 children, and each contract with a school for ~~before~~ or
2607 aftercare services, must ensure that all owners, operators, and
2608 personnel who have direct contact with children are subject to
2609 level 2 background screening pursuant to chapter 435.

2610 (3)

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2611 (b) Certified ~~Except for~~ law enforcement, correctional, and
 2612 correctional probation officers, pursuant to s. 943.13, are not
 2613 required to submit to level 2 screenings while employed by a law
 2614 enforcement agency or correctional facility. ~~to whom s.~~

2615 ~~943.13(5) applies,~~ The department shall electronically submit to
 2616 the Department of Law Enforcement:

2617 1. Fingerprint information obtained during the employment
 2618 screening required by subparagraph (a)1.

2619 2. Fingerprint information for all persons employed by the
 2620 department, or by a provider under contract with the department,
 2621 in delinquency facilities, services, or programs if such
 2622 fingerprint information has not ~~previously~~ been previously
 2623 electronically submitted pursuant to this section ~~to the~~
 2624 ~~Department of Law Enforcement under this paragraph.~~

2625 Section 33. Section 985.6441, Florida Statutes, is created
 2626 to read:

2627 985.6441 Health care services.-

2628 (1) As used in this section, the term:

2629 (a) "Hospital" means a hospital licensed under chapter 395.

2630 (b) "Health care provider" has the same meaning as provided
 2631 in s. 766.105.

2632 (2) The following reimbursement limitations apply to the
 2633 compensation of health care providers by the department:

2634 (a) If there is no contract between the department and a
 2635 hospital or a health care provider providing services at a
 2636 hospital, payments to such hospital or such health care provider
 2637 may not exceed 110 percent of the Medicare allowable rate for
 2638 any health care service provided.

2639 (b) If a contract has been executed between the department

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2640 and a hospital or a health care provider providing services at a
2641 hospital, the department may continue to make payments for
2642 health care services at the currently contracted rates through
2643 the current term of the contract; however, payments may not
2644 exceed 110 percent of the Medicare allowable rate after the
2645 current term of the contract expires or after the contract is
2646 renewed during the 2013-2014 fiscal year.

2647 (c) Payments may not exceed 110 percent of the Medicare
2648 allowable rate under a contract executed on or after July 1,
2649 2014, between the department and a hospital or a health care
2650 provider providing services at a hospital.

2651 (d) Notwithstanding paragraphs (a)-(c), the department may
2652 pay up to 125 percent of the Medicare allowable rate for health
2653 care services at a hospital that demonstrates or has
2654 demonstrated through hospital-audited financial data a negative
2655 operating margin for the previous fiscal year to the Agency for
2656 Health Care Administration.

2657 (e) The department may execute a contract for health care
2658 services at a hospital for rates other than rates based on a
2659 percentage of the Medicare allowable rate.

2660 Section 34. Section 985.66, Florida Statutes, is amended to
2661 read:

2662 985.66 Juvenile justice training ~~academies~~; staff
2663 development and training; Juvenile Justice Training Trust Fund.—

2664 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
2665 provide a systematic approach to staff development and training
2666 for judges, state attorneys, public defenders, law enforcement
2667 officers, school district personnel, and juvenile justice
2668 program staff which meets ~~that will meet~~ the needs of such

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2669 persons in ~~the their~~ discharge of their duties while at the same
2670 time meeting the requirements for the American Correction
2671 Association accreditation by the Commission on Accreditation for
2672 Corrections, it is the purpose of the Legislature to require the
2673 department to establish, maintain, and oversee the operation of
2674 juvenile justice training programs and courses ~~academies~~ in the
2675 state. The purpose of the Legislature in establishing staff
2676 development and training programs is to provide employees of the
2677 department or any private or public entity or contract providers
2678 who provide services or care for youth under the responsibility
2679 of the department with the knowledge and skills to appropriately
2680 interact with youth and provide such care ~~foster better staff~~
2681 ~~morale and reduce mistreatment and aggressive and abusive~~
2682 ~~behavior in delinquency programs;~~ to positively impact the
2683 recidivism of children in the juvenile justice system; and to
2684 afford greater protection of the public through an improved
2685 level of services delivered by a professionally trained juvenile
2686 justice program staff to children who are alleged to be or who
2687 have been found to be delinquent.

2688 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2689 (a) Designate the number and location of the training
2690 programs and courses ~~academies~~; assess, design, develop,
2691 implement, evaluate, maintain, and update the curriculum to be
2692 used in the training of juvenile justice ~~program~~ staff;
2693 establish timeframes for participation in and completion of
2694 training by juvenile justice ~~program~~ staff; develop, implement,
2695 score, analyze, maintain, and update job-related examinations;
2696 develop, implement, analyze, and update the types and
2697 frequencies of evaluations of the training programs, courses,

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2698 and instructors ~~academies; and manage approve, modify, or~~
2699 ~~disapprove~~ the budget and contracts for all the training
2700 deliverables ~~academies, and the contractor to be selected to~~
2701 ~~organize and operate the training academies and to provide the~~
2702 ~~training curriculum.~~

2703 (b) Establish uniform minimum job-related preservice and
2704 inservice training courses and examinations for juvenile justice
2705 ~~program~~ staff.

2706 (c) Consult and cooperate with the state or any political
2707 subdivision; any private entity or contractor; and with private
2708 and public universities, colleges, community colleges, and other
2709 educational institutions concerning the development of juvenile
2710 justice training and programs or courses of instruction,
2711 including, but not limited to, education and training in the
2712 areas of juvenile justice.

2713 (d) Enter into contracts and agreements with other
2714 agencies, organizations, associations, corporations,
2715 individuals, or federal agencies as necessary in the execution
2716 of the powers of the department or the performance of its
2717 duties.

2718 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
2719 establish a certifiable program for juvenile justice training
2720 pursuant to this section, ~~and all department program staff.~~ and
2721 Providers who deliver direct care services pursuant to contract
2722 with the department shall ~~be required to~~ participate in and
2723 successfully complete the department-approved program of
2724 training pertinent to their areas of responsibility. Judges,
2725 state attorneys, ~~and~~ public defenders, law enforcement officers,
2726 ~~and~~ school district personnel, and employees of contract

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2727 providers who provide services or care for youth under the
2728 responsibility of the department may participate in such a
2729 training program. For ~~the juvenile justice program~~ staff, ~~the~~
2730 ~~department shall~~, based on a job-task analysis:

2731 (a) The department shall design, implement, maintain,
2732 evaluate, and revise a basic training program, including a
2733 competency-based examination, for the purpose of providing
2734 minimum employment training qualifications for all juvenile
2735 justice personnel. All program staff of the department and
2736 providers who deliver direct-care services who are hired after
2737 October 1, 1999, shall, at a ~~must meet the following~~ minimum
2738 ~~requirements~~:

2739 1. Be at least 19 years of age.

2740 2. Be a high school graduate or its equivalent, as
2741 determined by the department.

2742 3. Not have been convicted of any felony or a misdemeanor
2743 involving perjury or a false statement, or have received a
2744 dishonorable discharge from any of the Armed Forces of the
2745 United States. A ~~Any~~ person who, after September 30, 1999,
2746 pleads guilty or nolo contendere to or is found guilty of any
2747 felony or a misdemeanor involving perjury or false statement is
2748 not eligible for employment, notwithstanding suspension of
2749 sentence or withholding of adjudication. Notwithstanding this
2750 subparagraph, a ~~any~~ person who pled nolo contendere to a
2751 misdemeanor involving a false statement before October 1, 1999,
2752 and ~~who~~ has had such record of that plea sealed or expunged is
2753 not ineligible for employment for that reason.

2754 4. Abide by ~~all the provisions of~~ s. 985.644(1) regarding
2755 fingerprinting, ~~and~~ and background investigations, and other

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2756 screening requirements ~~for personnel~~.

2757 5. Execute and submit to the department an affidavit-of-
2758 application form, approved ~~adopted~~ by the department, attesting
2759 to his or her compliance with subparagraphs 1.-4. The affidavit
2760 must be executed under oath and constitutes an official
2761 statement under s. 837.06. The affidavit must include a
2762 conspicuous statement ~~language~~ that the intentional false
2763 execution of the affidavit constitutes a misdemeanor of the
2764 second degree. The employing agency shall retain the affidavit.

2765 (b) The department shall design, implement, maintain,
2766 evaluate, and revise an advanced training program, including a
2767 competency-based examination for each training course, which is
2768 intended to enhance knowledge, skills, and abilities related to
2769 job performance.

2770 (c) The department shall design, implement, maintain,
2771 evaluate, and revise a career development training program,
2772 including a competency-based examination for each training
2773 course. Career development courses are intended to prepare
2774 personnel for promotion.

2775 (d) The department is encouraged to design, implement,
2776 maintain, evaluate, and revise juvenile justice training
2777 courses, or to enter into contracts for such training courses,
2778 that are intended to provide for the safety and well-being of
2779 both citizens and juvenile offenders.

2780 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

2781 (a) There is created within the State Treasury a Juvenile
2782 Justice Training Trust Fund to be used by the department for the
2783 purpose of funding the development and updating of a job-task
2784 analysis of juvenile justice personnel; the development,

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2785 implementation, and updating of job-related training courses and
2786 examinations; and the cost of juvenile justice training courses.

2787 (b) One dollar from every noncriminal traffic infraction
2788 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
2789 deposited into the Juvenile Justice Training Trust Fund.

2790 (c) In addition to the funds generated by paragraph (b),
2791 the trust fund may receive funds from any other public or
2792 private source.

2793 (d) Funds that are not expended by the end of the budget
2794 cycle or through a supplemental budget approved by the
2795 department shall revert to the trust fund.

2796 ~~(5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—~~
2797 ~~The number, location, and establishment of juvenile justice~~
2798 ~~training academies shall be determined by the department.~~

2799 (5) ~~(6)~~ SCHOLARSHIPS AND STIPENDS.—The department shall
2800 establish criteria to award scholarships or stipends to
2801 qualified juvenile justice personnel who are residents of the
2802 state and ~~who~~ want to pursue a bachelor's or associate in arts
2803 degree in juvenile justice or a related field. The department
2804 shall administer ~~handle the administration of~~ the scholarship or
2805 stipend. The Department of Education shall manage ~~handle~~ the
2806 notes issued for the payment of the scholarships or stipends.
2807 All scholarship and stipend awards shall be paid from the
2808 Juvenile Justice Training Trust Fund upon vouchers approved by
2809 the Department of Education and properly certified by the Chief
2810 Financial Officer. Before ~~Prior to~~ the award of a scholarship or
2811 stipend, the juvenile justice employee must agree in writing to
2812 practice her or his profession in juvenile justice or a related
2813 field for 1 month for each month of grant or to repay the full

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2814 amount of the scholarship or stipend together with interest at
2815 the rate of 5 percent per annum over a period of up to ~~not to~~
2816 ~~exceed~~ 10 years. Repayment is ~~shall be made~~ payable to the state
2817 for deposit into the Juvenile Justice Training Trust Fund.

2818 (6) ~~(7)~~ PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
2819 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
2820 Risk Management of the Department of Financial Services is
2821 authorized to insure a private agency, individual, or
2822 corporation operating a state-owned training school under a
2823 contract to carry out the purposes and responsibilities of any
2824 program of the department. The coverage authorized under this
2825 subsection is subject to ~~herein shall be under~~ the same general
2826 terms and conditions as the coverage afforded the department ~~is~~
2827 ~~insured for its responsibilities~~ under chapter 284.

2828 Section 35. Subsection (5) of section 985.664, Florida
2829 Statutes, is amended to read:

2830 985.664 Juvenile justice circuit advisory boards.—

2831 ~~(5) (a) To form the initial juvenile justice circuit~~
2832 ~~advisory board, the Secretary of Juvenile Justice, in~~
2833 ~~consultation with the juvenile justice county councils in~~
2834 ~~existence on October 1, 2013, shall appoint the chair of the~~
2835 ~~board, who must meet the board membership requirements in~~
2836 ~~subsection (4). Within 45 days after being appointed, the chair~~
2837 ~~shall appoint the remaining members to the juvenile justice~~
2838 ~~circuit advisory board and submit the appointments to the~~
2839 ~~department for approval.~~

2840 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2841 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2842 the juvenile justice circuit advisory board, shall appoint a new

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2843 chair, who must meet the board membership requirements in
2844 subsection (4). The chair shall appoint members to vacant seats
2845 within 45 days after the vacancy and submit the appointments to
2846 the department for approval. The chair serves at the pleasure of
2847 the Secretary of Juvenile Justice.

2848 Section 36. Subsections (1) and (4) of section 985.672,
2849 Florida Statutes, are amended to read:

2850 985.672 Direct-support organization; definition; use of
2851 property; board of directors; audit.—

2852 (1) DEFINITION.—As used in this section, the term “direct-
2853 support organization” means an organization whose sole purpose
2854 is to support the juvenile justice system and which is:

2855 (a) A corporation not-for-profit incorporated under chapter
2856 617 and ~~which is~~ approved by the Department of State;

2857 (b) Organized and operated to conduct programs and
2858 activities; to raise funds; to request and receive grants,
2859 gifts, and bequests of moneys; to acquire, receive, hold,
2860 invest, and administer, in its own name, securities, funds,
2861 objects of value, or other ~~property,~~ real or personal property;
2862 and to make expenditures to or for the direct or indirect
2863 benefit of the Department of Juvenile Justice or the juvenile
2864 justice system operated by a county commission or a circuit
2865 board;

2866 (c) Determined by the Department of Juvenile Justice to be
2867 consistent with the goals of the juvenile justice system, in the
2868 best interest of the state, and in accordance with the adopted
2869 goals and mission of the Department of Juvenile Justice.

2870
2871 Expenditures of the organization shall be ~~expressly~~ used for the

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2872 prevention and amelioration of ~~to prevent and ameliorate~~
2873 juvenile delinquency. Such funds ~~The expenditures of the direct-~~
2874 ~~support organization~~ may not be used for the purpose of lobbying
2875 as defined in s. 11.045.

2876 (4) USE OF PROPERTY.—The department may allow ~~permit~~,
2877 without charge, appropriate use of fixed property, and
2878 facilities, and personnel services of the juvenile justice
2879 system by the direct-support organization, subject to the
2880 provisions of this section. For the purposes of this subsection,
2881 the term "personnel services" includes full-time or part-time
2882 personnel as well as payroll processing services.

2883 (a) The department may prescribe any condition with which
2884 the direct-support organization must comply in order to use
2885 fixed property or facilities of the juvenile justice system.

2886 (b) The department may not permit the use of any fixed
2887 property or facilities of the juvenile justice system by the
2888 direct-support organization if it does not provide equal
2889 membership and employment opportunities to all persons
2890 regardless of race, color, religion, sex, age, or national
2891 origin.

2892 (c) The department shall adopt rules prescribing the
2893 procedures by which the direct-support organization is governed
2894 and any conditions with which a direct-support organization must
2895 comply to use property or facilities of the department.

2896 Section 37. Section 985.682, Florida Statutes, is amended
2897 to read:

2898 985.682 Siting of facilities; ~~study; criteria.~~—

2899 ~~(1) The department is directed to conduct or contract for a~~
2900 ~~statewide comprehensive study to determine current and future~~

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2901 ~~needs for all types of facilities for children committed to the~~
2902 ~~custody, care, or supervision of the department under this~~
2903 ~~chapter.~~

2904 ~~(2) The study shall assess, rank, and designate appropriate~~
2905 ~~sites, and shall be reflective of the different purposes and~~
2906 ~~uses for all facilities, based upon the following criteria:~~

2907 ~~(a) Current and future estimates of children originating~~
2908 ~~from each county;~~

2909 ~~(b) Current and future estimates of types of delinquent~~
2910 ~~acts committed in each county;~~

2911 ~~(c) Geographic location of existing facilities;~~

2912 ~~(d) Availability of personnel within the local labor~~
2913 ~~market;~~

2914 ~~(e) Current capacity of facilities in the area;~~

2915 ~~(f) Total usable and developable acreage of various sites~~
2916 ~~based upon the use and purpose of the facility;~~

2917 ~~(g) Accessibility of each site to existing utility,~~
2918 ~~transportation, law enforcement, health care, fire protection,~~
2919 ~~refuse collection, water, and sewage disposal services;~~

2920 ~~(h) Susceptibility of each site to flooding hazards or~~
2921 ~~other adverse natural environmental consequences;~~

2922 ~~(i) Site location in relation to desirable and undesirable~~
2923 ~~proximity to other public facilities, including schools;~~

2924 ~~(j) Patterns of residential growth and projected population~~
2925 ~~growth; and~~

2926 ~~(k) Such other criteria as the department, in conjunction~~
2927 ~~with local governments, deems appropriate.~~

2928 ~~(3) The department shall recommend certification of the~~
2929 ~~study by the Governor and Cabinet within 2 months after its~~

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2930 receipt.

2931 ~~(4) Upon certification of the study by the Governor and~~
2932 ~~Cabinet, the department shall notify those counties designated~~
2933 ~~as being in need of a facility.~~

2934 (1)~~(5)~~ When the department or a contracted provider
2935 proposes a site for a juvenile justice facility, the department
2936 or provider shall request that the local government having
2937 jurisdiction over such proposed site determine whether ~~or not~~
2938 the proposed site is appropriate for public use under local
2939 government comprehensive plans, local land use ordinances, local
2940 zoning ordinances or regulations, and other local ordinances in
2941 effect at the time of such request. If no such determination is
2942 made within 90 days after the request, it is ~~shall be~~ presumed
2943 that the proposed site is in compliance with such plans,
2944 ordinances, or regulations.

2945 (2)~~(6)~~ If the local government determines within 90 days
2946 after the request that construction of a facility on the
2947 proposed site does not comply with any such plan, ordinance, or
2948 regulation, the department may request a modification of such
2949 plan, ordinance, or regulation without having an ownership
2950 interest in such property. For the purposes of this section,
2951 modification includes, but is not limited to, a variance,
2952 rezoning, special exception, or any other action of the local
2953 government having jurisdiction over the proposed site which
2954 would authorize siting of a facility.

2955 (3)~~(7)~~ Upon receipt of a request for modification from the
2956 department, the local government may recommend and hold a public
2957 hearing on the request for modification in the same manner as
2958 for a rezoning as provided under the appropriate special or

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2959 local law or ordinance, except that such proceeding shall be
2960 recorded by tape or by a certified court reporter and made
2961 available for transcription at the expense of any interested
2962 party.

2963 (4)~~(8)~~ If ~~When~~ the department requests such a modification
2964 and it is denied by the local government, the local government
2965 or the department shall initiate the dispute resolution process
2966 established under s. 186.509 to reconcile differences on the
2967 siting of correctional facilities between the department, local
2968 governments, and private citizens. If the regional planning
2969 council has not established a dispute resolution process
2970 pursuant to s. 186.509, the department shall establish, by rule,
2971 procedures for dispute resolution. The dispute resolution
2972 process must ~~shall~~ require the parties to commence meetings to
2973 reconcile their differences. If the parties fail to resolve
2974 their differences within 30 days after the denial, they ~~the~~
2975 ~~parties~~ shall engage in voluntary mediation or a similar
2976 process. If the parties fail to resolve their differences by
2977 mediation within 60 days after the denial, or if no action is
2978 taken on the department's request within 90 days after the
2979 request, the department must appeal the decision of the local
2980 government on the requested modification of local plans,
2981 ordinances, or regulations to the Governor and Cabinet. A ~~Any~~
2982 dispute resolution process initiated under this section must
2983 conform to the time limitations set forth in this subsection
2984 ~~herein~~. However, upon agreement of all parties, the time limits
2985 may be extended, but ~~in no event may~~ the dispute resolution
2986 process may not extend beyond ~~over~~ 180 days.

2987 (5)~~(9)~~ The Governor and Cabinet shall consider the

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2988 following when determining whether to grant the appeal from the
 2989 decision of the local government on the requested modification:

2990 (a) The record of the proceedings before the local
 2991 government.

2992 (b) Reports and studies by any other agency relating to
 2993 matters within the jurisdiction of such agency which may be
 2994 potentially affected by the proposed site.

2995 (c) ~~The statewide study, as established in subsection (1);~~
 2996 ~~other~~ Existing studies; reports and information maintained by
 2997 the department as the Governor and Cabinet may request
 2998 addressing the feasibility and availability of alternative sites
 2999 in the general area; and the need for a facility in the area
 3000 based on the average number of petitions, commitments, and
 3001 transfers into the criminal court from the county to state
 3002 facilities for the 3 most recent ~~3~~ calendar years.

3003 ~~(6)-(10)~~ The Governor and Cabinet, upon determining that the
 3004 local government has not recommended a ~~no~~ feasible alternative
 3005 site and that the interests of the state in providing facilities
 3006 outweigh the concerns of the local government, shall authorize
 3007 construction and operation of a facility on the proposed site
 3008 notwithstanding any local plan, ordinance, or regulation.

3009 ~~(7)-(11)~~ The Governor and Cabinet may adopt rules ~~of~~
 3010 ~~procedure~~ to govern these proceedings in accordance with ~~the~~
 3011 ~~provisions of~~ s. 120.54.

3012 ~~(8)-(12)~~ Actions taken by the department or the Governor and
 3013 Cabinet pursuant to this section are not ~~shall not be~~ subject to
 3014 ~~the provisions of~~ ss. 120.56, 120.569, and 120.57. The decision
 3015 by the Governor and Cabinet is ~~shall be~~ subject to judicial
 3016 review pursuant to s. 120.68 in the District Court of Appeal,

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3017 First District.

3018 (9)~~(13)~~ All other departments and agencies of the state
3019 shall cooperate fully with the department to accomplish the
3020 siting of facilities for juvenile offenders.

3021 (10)~~(14)~~ It is the intent of the Legislature to expedite
3022 the siting of, acquisition of land for, and construction by the
3023 Department of Juvenile Justice of state juvenile justice
3024 facilities operated by the department or a private vendor under
3025 contract with the department. Other agencies shall cooperate
3026 with the department and expeditiously fulfill their
3027 responsibilities to avoid unnecessary delay in the siting of,
3028 acquisition of land for, and construction of state juvenile
3029 justice facilities. This section and all other laws of the state
3030 shall be construed to accomplish this intent. This section takes
3031 ~~shall take~~ precedence over any other law ~~to the contrary~~.

3032 (11)~~(15)~~ (a) The department shall acquire land and erect
3033 juvenile justice facilities necessary to accommodate children
3034 committed to the custody, care, or supervision of the
3035 department, and shall make additional alterations to facilities
3036 to accommodate any increase in the number of children. The
3037 department shall establish adequate accommodations for staff of
3038 the department who are required to reside continuously within
3039 the facilities.

3040 (b) Notwithstanding s. 255.25(1) and contingent upon
3041 available funds, the department may enter into lease-purchase
3042 agreements to provide juvenile justice facilities for housing
3043 committed youths, ~~contingent upon available funds~~. The
3044 facilities provided through such agreements must meet the
3045 program plan and specifications of the department. The

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3046 department may enter into such lease agreements with private
3047 corporations and other governmental entities. However, with the
3048 exception of contracts entered into with other governmental
3049 entities, and notwithstanding s. 255.25(3)(a), a lease agreement
3050 may not be entered into except upon advertisement for the
3051 receipt of competitive bids and award to the lowest and best
3052 bidder ~~except if contracting with other governmental entities.~~

3053 (c) A lease-purchase agreement that is for a term extending
3054 beyond the end of a fiscal year is subject to ~~the provisions of~~
3055 s. 216.311.

3056 (12) ~~(16)~~ (a) Notwithstanding s. 253.025 or s. 287.057, if
3057 ~~when~~ the department finds it necessary for timely site
3058 acquisition, it may contract, without using the competitive
3059 selection procedure, with an appraiser whose name is on the list
3060 of approved appraisers maintained by the Division of State Lands
3061 of the Department of Environmental Protection under s.
3062 253.025(6)(b). If ~~When~~ the department directly contracts for
3063 appraisal services, it must contract with an approved appraiser
3064 who is not employed by the same appraisal firm for review
3065 services.

3066 (b) Notwithstanding s. 253.025(6), the department may
3067 negotiate and enter into an option contract before an appraisal
3068 is obtained. The option contract must state that the final
3069 purchase price may not exceed the maximum value allowed by law.
3070 The consideration for such an option contract may not exceed 10
3071 percent of the estimate obtained by the department or 10 percent
3072 of the value of the parcel, whichever amount is greater.

3073 (c) This subsection applies only to a purchase or
3074 acquisition of land for juvenile justice facilities. This

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3075 subsection does not modify the authority of the Board of
3076 Trustees of the Internal Improvement Trust Fund or the Division
3077 of State Lands of the Department of Environmental Protection to
3078 approve any contract for purchase of state lands as provided by
3079 law or to require policies and procedures to obtain clear legal
3080 title to parcels purchased for state purposes.

3081 (13)~~(17)~~ The department may sell, to the best possible
3082 advantage, any detached parcels of land belonging to the bodies
3083 of land purchased for the state juvenile justice facilities. The
3084 department may purchase any parcel of land contiguous with the
3085 lands purchased for state juvenile justice facilities.

3086 (14)~~(18)~~ The department may begin preliminary site
3087 preparation and obtain the appropriate permits for the
3088 construction of a juvenile justice facility after approval of
3089 the lease-purchase agreement or option contract by the Board of
3090 Trustees of the Internal Improvement Trust Fund ~~of the lease~~
3091 ~~purchase agreement or option contract~~ if, in the department
3092 determines that ~~department's discretion~~, commencing construction
3093 is in the best interests of the state.

3094 (15)~~(19)~~ If ~~Insofar as the provisions of this section~~ is
3095 ~~are~~ inconsistent with ~~the provisions of any other~~ general,
3096 special, or local law, ~~general, special, or local,~~ the
3097 ~~provisions of this section~~ is ~~are~~ controlling. Additionally, the
3098 criteria and procedures established under ~~set forth in~~ this
3099 section supersede and are in lieu of any review and approval
3100 required by s. 380.06.

3101 Section 38. Section 985.69, Florida Statutes, is amended to
3102 read:

3103 985.69 Repair and maintenance ~~One-time startup~~ funding for

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3104 juvenile justice purposes.—Funds from juvenile justice
3105 appropriations may be used ~~utilized as one-time startup funding~~
3106 for juvenile justice purposes that include, but are not limited
3107 to, remodeling or renovation of existing facilities,
3108 construction costs, leasing costs, purchase of equipment and
3109 furniture, site development, and other necessary and reasonable
3110 costs associated with the repair and maintenance ~~startup~~ of
3111 facilities or programs.

3112 Section 39. Section 985.694, Florida Statutes, is repealed.

3113 Section 40. Paragraph (a) of subsection (1) of section
3114 985.701, Florida Statutes, is reordered and amended to read:

3115 985.701 Sexual misconduct prohibited; reporting required;
3116 penalties.—

3117 (1) (a) 1. As used in this section ~~subsection~~, the term:

3118 c.a. "Sexual misconduct" means fondling the genital area,
3119 groin, inner thighs, buttocks, or breasts of a person; the oral,
3120 anal, or vaginal penetration by or union with the sexual organ
3121 of another; or the anal or vaginal penetration of another by any
3122 other object. The term does not include an act done for a bona
3123 fide medical purpose or an internal search conducted in the
3124 lawful performance of duty by an employee of the department or
3125 an employee of a provider under contract with the department.

3126 a.b. "Employee" means a ~~includes~~ paid staff member ~~members~~,
3127 a volunteer ~~volunteers~~, or an intern ~~and interns~~ who works ~~work~~
3128 in a department program or a program operated by a provider
3129 under a contract.

3130 b. "Juvenile offender" means a person of any age who is
3131 detained or supervised by, or committed to the custody of, the
3132 department.

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3133 2. An employee who engages in sexual misconduct with a
3134 juvenile offender ~~detained or supervised by, or committed to the~~
3135 ~~eustody of, the department~~ commits a felony of the second
3136 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3137 775.084. An employee may be found guilty of violating this
3138 subsection without having committed the crime of sexual battery.

3139 3. The consent of the juvenile offender to any act of
3140 sexual misconduct is not a defense to prosecution under this
3141 subsection.

3142 4. This subsection does not apply to an employee of the
3143 department, ~~or an employee~~ of a provider under contract with the
3144 department, who:

3145 a. Is legally married to a juvenile offender who is
3146 detained or supervised by, or committed to the custody of, the
3147 department.

3148 b. Has no reason to believe that the person with whom the
3149 employee engaged in sexual misconduct is a juvenile offender
3150 ~~detained or supervised by, or committed to the custody of, the~~
3151 ~~department.~~

3152 Section 41. Section 985.702, Florida Statutes, is created
3153 to read:

3154 985.702 Willful and malicious neglect of a juvenile
3155 offender prohibited; reporting required; penalties.-

3156 (1) As used in this section, the term:

3157 (a) "Employee" means a paid staff member, volunteer, or
3158 intern who works in a department program or a program operated
3159 by a provider under a contract with the department.

3160 (b) "Juvenile offender" means a person of any age who is
3161 detained by, or committed to the custody of, the department.

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3162 (c) "Neglect" means:

3163 1. An employee's failure or omission to provide a juvenile
3164 offender with the proper level of care, supervision, and
3165 services necessary to maintain the juvenile offender's physical
3166 and mental health, including, but not limited to, adequate food,
3167 nutrition, clothing, shelter, supervision, medicine, and medical
3168 services; or

3169 2. An employee's failure to make a reasonable effort to
3170 protect a juvenile offender from abuse, neglect, or exploitation
3171 by another person.

3172 (2) (a) An employee who willfully and maliciously neglects a
3173 juvenile offender without causing great bodily harm, permanent
3174 disability, or permanent disfigurement to a juvenile offender,
3175 commits a felony of the third degree, punishable as provided in
3176 s. 775.082, s. 775.083, or s. 775.084.

3177 (b) An employee who willfully and maliciously neglects a
3178 juvenile offender and in so doing causes great bodily harm,
3179 permanent disability, or permanent disfigurement to a juvenile
3180 offender, commits a felony of the second degree, punishable as
3181 provided in s. 775.082, s. 775.083, or s. 775.084.

3182 (c) Notwithstanding prosecution, any violation of paragraph
3183 (a) or paragraph (b), as determined by the Public Employees
3184 Relations Commission, constitutes sufficient cause under s.
3185 110.227 for dismissal from employment with the department, and a
3186 person who commits such violation may not again be employed in
3187 any capacity in connection with the juvenile justice system.

3188 (3) An employee who witnesses the neglect of a juvenile
3189 offender shall immediately report the incident to the
3190 department's incident hotline and prepare, date, and sign an

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3191 independent report that specifically describes the nature of the
3192 incident, the location and time of the incident, and the persons
3193 involved. The employee shall deliver the report to the
3194 employee's supervisor or program director, who must provide
3195 copies to the department's inspector general and the circuit
3196 juvenile justice manager. The inspector general shall
3197 immediately conduct an appropriate administrative investigation,
3198 and, if there is probable cause to believe that a violation of
3199 subsection (2) has occurred, the inspector general shall notify
3200 the state attorney in the circuit in which the incident
3201 occurred.

3202 (4) (a) A person who is required to prepare a report under
3203 this section and who knowingly or willfully fails to do so, or
3204 who knowingly or willfully prevents another person from doing
3205 so, commits a misdemeanor of the first degree, punishable as
3206 provided in s. 775.082 or s. 775.083.

3207 (b) A person who knowingly or willfully submits inaccurate,
3208 incomplete, or untruthful information with respect to a report
3209 required under this section commits a misdemeanor of the first
3210 degree, punishable as provided in s. 775.082 or s. 775.083.

3211 (c) A person who knowingly or willfully coerces or
3212 threatens any other person with the intent to alter testimony or
3213 a written report regarding the neglect of a juvenile offender
3214 commits a felony of the third degree, punishable as provided in
3215 s. 775.082, s. 775.083, or s. 775.084.

3216 Section 42. Paragraphs (c) and (f) of subsection (3) of
3217 section 943.0582, Florida Statutes, are amended to read:

3218 943.0582 Prearrest, postarrest, or teen court diversion
3219 program expunction.—

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3220 (3) The department shall expunge the nonjudicial arrest
3221 record of a minor who has successfully completed a prearrest or
3222 postarrest diversion program if that minor:

3223 (c) Submits to the department, with the application, an
3224 official written statement from the state attorney for the
3225 county in which the arrest occurred certifying that he or she
3226 has successfully completed that county's prearrest or postarrest
3227 diversion program, that his or her participation in the program
3228 was based on an arrest for a nonviolent misdemeanor, and that he
3229 or she has not otherwise been charged by the state attorney with
3230 or found to have committed any criminal offense or comparable
3231 ordinance violation.

3232 (f) Has never, prior to filing the application for
3233 expunction, been charged by the state attorney with or been
3234 found to have committed any criminal offense or comparable
3235 ordinance violation.

3236 Section 43. Section 945.75, Florida Statutes, is repealed.

3237 Section 44. Paragraphs (e) through (i) of subsection (2),
3238 paragraphs (g) and (k) of subsection (3), paragraph (b) of
3239 subsection (5), paragraph (d) of subsection (8), and paragraph
3240 (c) of subsection (10) of section 121.0515, Florida Statutes,
3241 are amended to read:

3242 121.0515 Special Risk Class.—

3243 (2) MEMBERSHIP.—

3244 ~~(c) Effective July 1, 2001, "special risk member" includes~~
3245 ~~any member who is employed as a youth custody officer by the~~
3246 ~~Department of Juvenile Justice and meets the special criteria~~
3247 ~~set forth in paragraph (3)(g).~~

3248 (e) ~~(f)~~ Effective October 1, 2005, through June 30, 2008,

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3249 the member must be employed by a law enforcement agency or
3250 medical examiner's office in a forensic discipline and meet the
3251 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3252 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
3253 by the Department of Law Enforcement in the crime laboratory or
3254 by the Division of State Fire Marshal in the forensic laboratory
3255 and meet the special criteria set forth in paragraph (3) (h)
3256 ~~(3) (i)~~.

3257 (g)~~(h)~~ Effective July 1, 2008, the member must be employed
3258 by a local government law enforcement agency or medical
3259 examiner's office and meet the special criteria set forth in
3260 paragraph (3) (i) ~~(3) (j)~~.

3261 (h)~~(i)~~ Effective August 1, 2008, "special risk member"
3262 includes any member who meets the special criteria for continued
3263 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3264 (3) CRITERIA.—A member, to be designated as a special risk
3265 member, must meet the following criteria:

3266 ~~(g) Effective July 1, 2001, the member must be employed as
3267 a youth custody officer and be certified, or required to be
3268 certified, in compliance with s. 943.1395. In addition, the
3269 member's primary duties and responsibilities must be the
3270 supervised custody, surveillance, control, investigation,
3271 apprehension, arrest, and counseling of assigned juveniles
3272 within the community;~~

3273 (j)~~(k)~~ The member must have already qualified for and be
3274 actively participating in special risk membership under
3275 paragraph (a), paragraph (b), or paragraph (c), must have
3276 suffered a qualifying injury as defined in this paragraph, must
3277 not be receiving disability retirement benefits as provided in

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3278 s. 121.091(4), and must satisfy the requirements of this
3279 paragraph.

3280 1. The ability to qualify for the class of membership
3281 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
3282 medical physicians, one of whom is a primary treating physician
3283 of the member, certify the existence of the physical injury and
3284 medical condition that constitute a qualifying injury as defined
3285 in this paragraph and that the member has reached maximum
3286 medical improvement after August 1, 2008. The certifications
3287 from the licensed medical physicians must include, at a minimum,
3288 that the injury to the special risk member has resulted in a
3289 physical loss, or loss of use, of at least two of the following:
3290 left arm, right arm, left leg, or right leg; and:

3291 a. That this physical loss or loss of use is total and
3292 permanent, except if the loss of use is due to a physical injury
3293 to the member's brain, in which event the loss of use is
3294 permanent with at least 75 percent loss of motor function with
3295 respect to each arm or leg affected.

3296 b. That this physical loss or loss of use renders the
3297 member physically unable to perform the essential job functions
3298 of his or her special risk position.

3299 c. That, notwithstanding this physical loss or loss of use,
3300 the individual can perform the essential job functions required
3301 by the member's new position, as provided in subparagraph 3.

3302 d. That use of artificial limbs is not possible or does not
3303 alter the member's ability to perform the essential job
3304 functions of the member's position.

3305 e. That the physical loss or loss of use is a direct result
3306 of a physical injury and not a result of any mental,

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3307 psychological, or emotional injury.

3308 2. For the purposes of this paragraph, "qualifying injury"
3309 means an injury sustained in the line of duty, as certified by
3310 the member's employing agency, by a special risk member that
3311 does not result in total and permanent disability as defined in
3312 s. 121.091(4)(b). An injury is a qualifying injury if the injury
3313 is a physical injury to the member's physical body resulting in
3314 a physical loss, or loss of use, of at least two of the
3315 following: left arm, right arm, left leg, or right leg.

3316 Notwithstanding any other provision of this section, an injury
3317 that would otherwise qualify as a qualifying injury is not
3318 considered a qualifying injury if and when the member ceases
3319 employment with the employer for whom he or she was providing
3320 special risk services on the date the injury occurred.

3321 3. The new position, as described in sub-subparagraph 1.c.,
3322 that is required for qualification as a special risk member
3323 under this paragraph is not required to be a position with
3324 essential job functions that entitle an individual to special
3325 risk membership. Whether a new position as described in sub-
3326 subparagraph 1.c. exists and is available to the special risk
3327 member is a decision to be made solely by the employer in
3328 accordance with its hiring practices and applicable law.

3329 4. This paragraph does not grant or create additional
3330 rights for any individual to continued employment or to be hired
3331 or rehired by his or her employer that are not already provided
3332 within the Florida Statutes, the State Constitution, the
3333 Americans with Disabilities Act, if applicable, or any other
3334 applicable state or federal law.

3335 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

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3336 (b) Any member who is a special risk member on July 1,
3337 2008, and who became eligible to participate under paragraph
3338 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
3339 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
3340 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
3341 designation removed and thereafter shall be a Regular Class
3342 member and earn only Regular Class membership credit. The
3343 department may review the special risk designation of members to
3344 determine whether or not those members continue to meet the
3345 criteria for Special Risk Class membership.

3346 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3347 (d) Notwithstanding any other provision of this subsection,
3348 this subsection does not apply to any special risk member who
3349 qualifies for continued membership pursuant to paragraph (3) (j)
3350 ~~(3) (k)~~.

3351 (10) CREDIT FOR UPGRADED SERVICE.—

3352 (c) Any member of the Special Risk Class who has earned
3353 creditable service through June 30, 2008, in another membership
3354 class of the Florida Retirement System in a position with the
3355 Department of Law Enforcement or the Division of State Fire
3356 Marshal and became covered by the Special Risk Class as
3357 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
3358 law enforcement agency or medical examiner's office and became
3359 covered by the Special Risk Class as described in paragraph
3360 (3) (i) ~~(3) (j)~~, which service is within the purview of the
3361 Special Risk Class, and is employed in such position on or after
3362 July 1, 2008, may purchase additional retirement credit to
3363 upgrade such service to Special Risk Class service, to the
3364 extent of the percentages of the member's average final

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3365 compensation provided in s. 121.091(1)(a)2. The cost for such
3366 credit must be an amount representing the actuarial accrued
3367 liability for the difference in accrual value during the
3368 affected period of service. The cost shall be calculated using
3369 the discount rate and other relevant actuarial assumptions that
3370 were used to value the Florida Retirement System Pension Plan
3371 liabilities in the most recent actuarial valuation. The division
3372 shall ensure that the transfer sum is prepared using a formula
3373 and methodology certified by an enrolled actuary. The cost must
3374 be paid immediately upon notification by the division. The local
3375 government employer may purchase the upgraded service credit on
3376 behalf of the member if the member has been employed by that
3377 employer for at least 3 years.

3378 Section 45. Subsection (5) of section 985.045, Florida
3379 Statutes, is amended to read:

3380 985.045 Court records.—

3381 (5) This chapter does not prohibit a circuit court from
3382 providing a restitution order containing the information
3383 prescribed in s. 985.0301(5)(e) ~~s. 985.0301(5)(h)~~ to a
3384 collection court or a private collection agency for the sole
3385 purpose of collecting unpaid restitution ordered in a case in
3386 which the circuit court has retained jurisdiction over the child
3387 and the child's parent or legal guardian. The collection court
3388 or private collection agency shall maintain the confidential
3389 status of the information to the extent such confidentiality is
3390 provided by law.

3391 Section 46. Section 985.721, Florida Statutes, is amended
3392 to read:

3393 985.721 Escapes from secure detention or residential

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3394 commitment facility.—An escape from:

3395 (1) Any secure detention facility maintained for the
3396 temporary detention of children, pending adjudication,
3397 disposition, or placement;

3398 (2) Any residential commitment facility described in s.
3399 985.03(41) ~~s. 985.03(46)~~, maintained for the custody, treatment,
3400 punishment, or rehabilitation of children found to have
3401 committed delinquent acts or violations of law; or

3402 (3) Lawful transportation to or from any such secure
3403 detention facility or residential commitment facility,

3404
3405 constitutes escape within the intent and meaning of s. 944.40
3406 and is a felony of the third degree, punishable as provided in
3407 s. 775.082, s. 775.083, or s. 775.084.

3408 Section 47. This act shall take effect July 1, 2014.