

By the Committees on Appropriations; and Judiciary; and Senators Bradley and Detert

576-04563-14

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1 A bill to be entitled
2 An act relating to juvenile justice; amending ss.
3 985.01 and 985.02, F.S.; revising legislative purposes
4 and intent; amending s. 985.03, F.S.; revising
5 definitions; amending s. 985.0301, F.S.; clarifying
6 jurisdictional age restrictions for children in the
7 juvenile justice system; restricting when cases may be
8 transferred to a different jurisdiction; amending s.
9 985.037, F.S.; providing for the placement of a child
10 in a secure detention facility for contempt of court;
11 providing due process to a child accused of direct
12 contempt; revising the procedure for reviewing a
13 child's placement in secure detention for contempt of
14 court; amending ss. 985.039, 985.045, and 985.101,
15 F.S.; conforming provisions; repealing s. 985.105,
16 F.S., relating to the creation, duties, and
17 qualifications of the youth custody officers in the
18 Department of Juvenile Justice; amending s. 985.11,
19 F.S.; revising when fingerprints must be submitted to
20 the Department of Law Enforcement; amending s. 985.14,
21 F.S.; revising the intake process; amending s.
22 985.145, F.S.; substituting "Department of Juvenile
23 Justice" for references to "juvenile probation
24 officer"; creating s. 985.17, F.S.; providing
25 legislative intent; requiring the department to
26 provide specialized services to minimize the
27 likelihood that youth will enter the juvenile justice
28 system; providing for the department to promote the
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30 prevention programs and services; providing for the
31 department to monitor state-funded programs, grants,
32 contracts, appropriations, and activities designed to
33 prevent juvenile crime and report annually on these
34 measures; limiting expenditure of funds to those
35 prevention services that are consistent with the law
36 and maximize public accountability; amending s.
37 985.24, F.S.; revising factors to determine if the use
38 of detention care is appropriate; authorizing the
39 department to establish nonsecure, nonresidential
40 evening reporting centers; conforming provisions;
41 amending s. 985.245, F.S.; conforming provisions;
42 amending s. 985.25, F.S.; requiring a child to be held
43 in secure detention under certain circumstances;
44 clarifying procedures for releasing a child before the
45 child's detention hearing; conforming provisions;
46 amending s. 985.255, F.S.; providing that a child
47 shall be given a detention hearing within 24 hours
48 after being taken into custody; clarifying when a
49 court may order continued detention care; revising
50 specified factors for ordering continued detention
51 care; clarifying when a child charged with domestic
52 violence can be held in secure detention; revising
53 written findings required to retain a child charged
54 with domestic violence in secure detention; deleting
55 obsolete provisions; amending s. 985.26, F.S.;
56 conforming terminology; amending s. 985.265, F.S.;
57 revising procedures for transferring a child to
58 another detention status; providing new notification

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59 requirements for when a child is released or
60 transferred from secure detention; revising the
61 frequency of physical observation checks for children
62 detained in jail facilities; amending s. 985.27, F.S.;
63 requiring a child to be held in secure detention
64 pending placement in a high-risk or maximum-risk
65 residential program; conforming provisions; amending
66 s. 985.275, F.S.; requiring the department to notify
67 specified parties when a child absconds from a
68 commitment program; requiring the department to make
69 every reasonable effort to locate the absconded child;
70 amending s. 985.433, F.S.; revising the content of a
71 predisposition report; conforming terminology;
72 amending s. 985.435, F.S.; authorizing a probation
73 program to include an alternative consequence
74 component that may be used to address noncompliance
75 with the technical conditions of probation; requiring
76 the department to identify a child's risk of
77 reoffending if the child is being placed on probation
78 or postcommitment probation; amending s. 985.439,
79 F.S.; authorizing the department to establish
80 alternative sanctions for violations of probation or
81 postcommitment probation; conforming terminology;
82 amending s. 985.441, F.S.; providing that a child on
83 probation for certain offenses may not be committed
84 for a probation violation that is technical in nature;
85 conforming terminology; amending s. 985.46, F.S.;
86 revising the definition of the term "conditional
87 release"; revising terminology; amending s. 985.461,

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

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117 requirement to submit to level 2 background
118 screenings; creating s. 985.6441, F.S.; providing
119 definitions; limiting the amount that the department
120 may pay a hospital or health care provider for health
121 care services based on a percentage of the Medicare
122 allowable rate; providing applicability; amending s.
123 985.66, F.S.; revising specified juvenile justice
124 staff development and training procedures; expanding
125 application of training requirements to contract
126 providers who care for children in the department's
127 custody; amending s. 985.664, F.S.; deleting obsolete
128 provisions relating to the initial selection of the
129 juvenile justice circuit advisory board chairs;
130 revising procedures for appointing juvenile justice
131 circuit advisory board chairs; providing that chairs
132 serve at the pleasure of the secretary; amending s.
133 985.672, F.S.; clarifying language concerning
134 expenditures of the direct-support organization's
135 funds; authorizing the direct-support organization to
136 use department personnel services; defining the term
137 "personnel services"; amending s. 985.682, F.S.;
138 deleting obsolete provisions regarding a comprehensive
139 study relating to the siting of facilities; amending
140 s. 985.69, F.S.; providing for the use of specified
141 funds for repair and maintenance; repealing s.
142 985.694, F.S., relating to the Juvenile Care and
143 Maintenance Trust Fund; amending s. 985.701, F.S.;
144 defining the term "juvenile offender" for purposes of
145 prohibiting sexual misconduct with juvenile offenders;

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

172

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

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

177 985.01 Purposes and intent.—

178 (1) The purposes of this chapter are:

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

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

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

196 (d)~~(e)~~ To ensure the protection of society, by providing
197 for a comprehensive standardized assessment of the child's needs
198 so that the most appropriate control, discipline, punishment,
199 and treatment can be administered consistent with the
200 seriousness of the act committed, the community's long-term need
201 for public safety, the prior record of the child, and the
202 specific rehabilitation needs of the child, while also
203 providing, whenever possible, restitution to the victim of the

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204 offense.

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

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

226 2. To assure that the sentencing and placement of a child
227 tried as an adult be appropriate and in keeping with the
228 seriousness of the offense and the child's need for
229 rehabilitative services, and that the proceedings and procedures
230 applicable to such sentencing and placement be applied within
231 the full framework of constitutional standards of fundamental
232 fairness and due process.

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

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

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

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

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

253 985.02 Legislative intent for the juvenile justice system.—

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

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

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

261 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that

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

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

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

287 (b) Develop and implement effective programs to prevent
288 delinquency, to divert children from the traditional juvenile
289 justice system, to intervene at an early stage of delinquency,
290 and to provide critically needed alternatives to

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291 institutionalization and deep-end commitment.

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

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

298

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

304 (4) DETENTION.—

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

318 (5) SITING OF FACILITIES.—

319 (a) The Legislature finds that timely siting and

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320 development of needed residential facilities for juvenile
321 offenders is critical to the public safety of the citizens of
322 this state and to the effective rehabilitation of juvenile
323 offenders.

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

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

341 (d) It is the intent of the Legislature that all other
342 departments and agencies of the state shall cooperate fully with
343 the Department of Juvenile Justice to accomplish the siting of
344 facilities for juvenile offenders.

345
346 The supervision, counseling, and rehabilitative treatment, ~~and~~
347 ~~punitive~~ efforts of the juvenile justice system should avoid the
348 inappropriate use of correctional programs and large

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349 ~~institutions. The Legislature finds that detention services~~
350 ~~should exceed the primary goal of providing safe and secure~~
351 ~~eustody pending adjudication and disposition.~~

352 (7) GENDER-SPECIFIC PROGRAMMING.—

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

362 (b) ~~Gender-specific programming refers to unique program~~
363 ~~models and services that comprehensively address the needs of a~~
364 ~~targeted gender group. Gender-specific services require the~~
365 ~~adherence to the principle of equity to ensure that the~~
366 ~~different interests of young women and men are recognized and~~
367 ~~varying needs are met, with equality as the desired outcome.~~
368 Gender-specific interventions focus programming focuses on the
369 differences between young females' and young males' social roles
370 and responsibilities, ~~positions in society,~~ access to and use of
371 resources, history of trauma, and reasons for interaction with
372 the juvenile justice system and social codes governing behavior.
373 Gender-specific programs increase the effectiveness of programs
374 by making interventions more appropriate to the specific needs
375 of young women and men and ensuring that these programs do not
376 unknowingly create, maintain, or reinforce gender roles or
377 relations that may be damaging.

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

390 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
391 that families and community support systems are critical to the
392 success of children and to ensure they are nondelinquent.
393 Therefore, when appropriate, children who can safely be held
394 accountable when served and treated in their homes and
395 communities should be diverted from more restrictive placements
396 within the juvenile justice system. There should be an emphasis
397 on strengthening the family and immersing the family members in
398 their community support system. The department should develop
399 customized plans that acknowledge the importance of family and
400 community support systems. The customized plans should recognize
401 a child's individual needs, capitalize on their strengths,
402 reduce their risks, and prepare them for a successful transition
403 to, and unification with, their family and community support
404 system. The child's family must be considered in the
405 department's process of assessing the needs, services and
406 treatment, and community connections of the children who are

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407 involved in the juvenile justice system or in danger of becoming
408 involved in the system.

409 Section 3. Section 985.03, Florida Statutes, is reordered
410 and amended to read:

411 985.03 Definitions.—As used in this chapter, the term:

412 (1) "Abscond" means to hide, conceal, or absent oneself
413 from the jurisdiction of the court or supervision of the
414 department to avoid prosecution or supervision.

415 (2)~~(1)~~ "Addictions receiving facility" means a substance
416 abuse service provider as defined in chapter 397.

417 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the court
418 to determine whether or not the facts support the allegations
419 stated in the petition, as is provided for under s. 985.35 in
420 delinquency cases.

421 (4)~~(3)~~ "Adult" means any natural person other than a child.

422 (5)~~(4)~~ "Arbitration" means a process whereby a neutral
423 third person or panel, called an arbitrator or an arbitration
424 panel, considers the facts and arguments presented by the
425 parties and renders a decision which may be binding or
426 nonbinding.

427 (6)~~(5)~~ "Authorized agent" or "designee" of the department
428 means a person or agency assigned or designated by the
429 department ~~or the Department of Children and Family Services, as~~
430 ~~appropriate,~~ to perform duties or exercise powers under this
431 chapter and includes contract providers and their employees ~~for~~
432 ~~purposes of providing services to and managing cases of children~~
433 ~~in need of services and families in need of services.~~

434 (7)~~(6)~~ "Child" or "juvenile" or "youth" means any ~~unmarried~~
435 person under the age of 18 ~~who has not been emancipated by order~~

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436 ~~of the court and who has been found or alleged to be dependent,~~
437 ~~in need of services, or from a family in need of services; or~~
438 ~~any married or unmarried person who is~~ alleged to have committed
439 ~~charged with~~ a violation of law occurring prior to the time that
440 person reached the age of 18 years.

441 (8) ~~(7)~~ "Child in need of services" has the same meaning as
442 provided in s. 984.03 ~~means a child for whom there is no pending~~
443 ~~investigation into an allegation or suspicion of abuse, neglect,~~
444 ~~or abandonment; no pending referral alleging the child is~~
445 ~~delinquent; or no current supervision by the department or the~~
446 ~~Department of Children and Family Services for an adjudication~~
447 ~~of dependency or delinquency. The child must also, under this~~
448 ~~chapter, be found by the court:~~

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

457 ~~(b) To be habitually truant from school, while subject to~~
458 ~~compulsory school attendance, despite reasonable efforts to~~
459 ~~remedy the situation under ss. 1003.26 and 1003.27 and through~~
460 ~~voluntary participation by the child's parents or legal~~
461 ~~custodians and by the child in family mediation, services, and~~
462 ~~treatment offered by the Department of Juvenile Justice or the~~
463 ~~Department of Children and Family Services; or~~

464 ~~(c) To have persistently disobeyed the reasonable and~~

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465 ~~lawful demands of the child's parents or legal custodians, and~~
466 ~~to be beyond their control despite efforts by the child's~~
467 ~~parents or legal custodians and appropriate agencies to remedy~~
468 ~~the conditions contributing to the behavior. Reasonable efforts~~
469 ~~may include such things as good faith participation in family or~~
470 ~~individual counseling.~~

471 (9)~~(8)~~ "Child who has been found to have committed a
472 delinquent act" means a child who, under this chapter, is found
473 by a court to have committed a violation of law or to be in
474 direct or indirect contempt of court, except that this
475 definition does not include an act constituting contempt of
476 court arising out of a dependency proceeding or a proceeding
477 concerning a child or family in need of services.

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

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

484 (11) "Comprehensive assessment" or "assessment" means the
485 gathering of information for the evaluation of a juvenile
486 offender's or a child's physical, psychological, educational,
487 career and technical education ~~vocational~~, and social condition
488 and family environment as they relate to the child's need for
489 rehabilitative and treatment services, including substance abuse
490 treatment services, mental health services, developmental
491 services, literacy services, medical services, family services,
492 and other specialized services, as appropriate.

493 (12) "Conditional release" means the care, treatment, help,

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

503 (13) "Court," ~~unless otherwise expressly stated,~~ means the
504 circuit court assigned to exercise jurisdiction under this
505 chapter, unless otherwise expressly stated.

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

520 (15) (a) "Delinquency program" means any intake, probation,
521 or similar program; regional detention center or facility; or
522 community-based program, whether owned and operated by or

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523 contracted by the department, or institution owned and operated
524 by or contracted by the department, which provides intake,
525 supervision, or custody and care of children who are alleged to
526 be or who have been found to be delinquent under this chapter.

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

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

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

539 (17) "Designated facility" or "designated treatment
540 facility" means any facility designated by the department to
541 provide treatment to juvenile offenders.

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

546 (a) "Secure detention" means temporary custody of the child
547 while the child is under the physical restriction of a secure
548 detention center or facility pending adjudication, disposition,
549 or placement.

550 ~~(b) "Nonsecure detention" means temporary custody of the~~
551 ~~child while the child is in a residential home in the community~~

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552 ~~in a physically nonrestrictive environment under the supervision~~
553 ~~of the Department of Juvenile Justice pending adjudication,~~
554 ~~disposition, or placement.~~

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

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

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

575 (21) "Disposition hearing" means a hearing in which the
576 court determines the most appropriate dispositional services in
577 the least restrictive available setting provided for under part
578 VII, in delinquency cases.

579 (22) "Family" means a collective of persons, consisting of
580 a child and a parent, guardian, adult custodian, or adult

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581 relative, in which:

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

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

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

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

595 ~~(b) Persistently disobeying reasonable and lawful demands~~
596 ~~of parents or legal custodians, and being beyond their control;~~
597 ~~or~~

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

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

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

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

609 ~~(b) Escalating activities to determine the cause, and to~~

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610 attempt the remediation, of the child's truant behavior under
611 ss. 1003.26 and 1003.27 have been completed.

612
613 If a child who is subject to compulsory school attendance is
614 responsive to the interventions described in ss. 1003.26 and
615 1003.27 and has completed the necessary requirements to pass the
616 current grade as indicated in the district pupil progression
617 plan, the child shall not be determined to be habitually truant
618 and shall be passed. If a child within the compulsory school
619 attendance age has 15 unexcused absences within 90 calendar days
620 or fails to enroll in school, the state attorney may file a
621 child-in-need-of-services petition. Before filing a petition,
622 the child must be referred to the appropriate agency for
623 evaluation. After consulting with the evaluating agency, the
624 state attorney may elect to file a child-in-need-of-services
625 petition.

626 (c) A school representative, designated according to school
627 board policy, and a juvenile probation officer of the department
628 have jointly investigated the truancy problem or, if that was
629 not feasible, have performed separate investigations to identify
630 conditions that could be contributing to the truant behavior;
631 and if, after a joint staffing of the case to determine the
632 necessity for services, such services were determined to be
633 needed, the persons who performed the investigations met jointly
634 with the family and child to discuss any referral to appropriate
635 community agencies for economic services, family or individual
636 counseling, or other services required to remedy the conditions
637 that are contributing to the truant behavior.

638 (d) The failure or refusal of the parent or legal guardian

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

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

651 ~~(24)~~(27) "Intake" means the initial acceptance and
652 screening by the department or juvenile assessment center
653 personnel of a complaint or a law enforcement report or probable
654 cause affidavit of delinquency, ~~family in need of services, or~~
655 ~~child in need of services~~ to determine the recommendation to be
656 taken in the best interests of the child, the family, and the
657 community. The emphasis of intake is on diversion and the least
658 restrictive available services. Consequently, intake includes
659 such alternatives as:

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

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

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

667 ~~(25)~~(28) "Judge" means the circuit judge exercising

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668 jurisdiction pursuant to this chapter.

669 (26)~~(29)~~ "Juvenile justice continuum" includes, but is not
670 limited to, ~~delinquency~~ prevention programs and services
671 designed for the purpose of preventing or reducing delinquent
672 acts, including criminal activity by criminal gangs, and
673 juvenile arrests, as well as programs and services targeted at
674 children who have committed delinquent acts, and children who
675 have previously been committed to residential treatment programs
676 for delinquents. The term includes children-in-need-of-services
677 and families-in-need-of-services programs under chapter 984;
678 conditional release; substance abuse and mental health programs;
679 educational and career programs; recreational programs;
680 community services programs; community service work programs;
681 mother-infant programs; and alternative dispute resolution
682 programs serving children at risk of delinquency and their
683 families, whether offered or delivered by state or local
684 governmental entities, public or private for-profit or not-for-
685 profit organizations, or religious or charitable organizations.

686 (27)~~(30)~~ "Juvenile probation officer" means the authorized
687 agent of the department who performs the intake, case
688 management, or supervision functions.

689 (28)~~(31)~~ "Legal custody or guardian" means a legal status
690 created by court order or letter of guardianship which vests in
691 a custodian of the person or guardian, whether an agency or an
692 individual, the right to have physical custody of the child and
693 the right and duty to protect, train, and discipline the child
694 and to provide him or her with food, shelter, education, and
695 ordinary medical, dental, psychiatric, and psychological care.

696 (29)~~(32)~~ "Licensed child-caring agency" means a person,

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697 society, association, or agency licensed by the Department of
698 Children and Families ~~Family Services~~ to care for, receive, and
699 board children.

700 (30)~~(33)~~ "Licensed health care professional" means a
701 physician licensed under chapter 458, an osteopathic physician
702 licensed under chapter 459, a nurse licensed under part I of
703 chapter 464, a physician assistant licensed under chapter 458 or
704 chapter 459, or a dentist licensed under chapter 466.

705 (31)~~(34)~~ "Likely to injure oneself" means that, as
706 evidenced by violent or other actively self-destructive
707 behavior, it is more likely than not that within a 24-hour
708 period the child will attempt to commit suicide or inflict
709 serious bodily harm on himself or herself.

710 (32)~~(35)~~ "Likely to injure others" means that it is more
711 likely than not that within a 24-hour period the child will
712 inflict serious and unjustified bodily harm on another person.

713 (33)~~(36)~~ "Mediation" means a process whereby a neutral
714 third person called a mediator acts to encourage and facilitate
715 the resolution of a dispute between two or more parties. It is
716 an informal and nonadversarial process with the objective of
717 helping the disputing parties reach a mutually acceptable and
718 voluntary agreement. In mediation, decisionmaking authority
719 rests with the parties. The role of the mediator includes, but
720 is not limited to, assisting the parties in identifying issues,
721 fostering joint problem solving, and exploring settlement
722 alternatives.

723 (34)~~(37)~~ "Mother-infant program" means a residential
724 program designed to serve the needs of juvenile mothers or
725 expectant juvenile mothers who are committed as delinquents,

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726 which is operated or contracted by the department. A mother-
727 infant program facility must be licensed as a child care
728 facility under s. 402.308 and must provide the services and
729 support necessary to enable each juvenile mother committed to
730 the facility to provide for the needs of her infants who, upon
731 agreement of the mother, may accompany her in the program.

732 (35)~~(38)~~ "Necessary medical treatment" means care which is
733 necessary within a reasonable degree of medical certainty to
734 prevent the deterioration of a child's condition or to alleviate
735 immediate pain of a child.

736 (36)~~(39)~~ "Next of kin" means an adult relative of a child
737 who is the child's brother, sister, grandparent, aunt, uncle, or
738 first cousin.

739 (37)~~(40)~~ "Ordinary medical care" means medical procedures
740 that are administered or performed on a routine basis and
741 include, but are not limited to, inoculations, physical
742 examinations, remedial treatment for minor illnesses and
743 injuries, preventive services, medication management, chronic
744 disease detection and treatment, and other medical procedures
745 that are administered or performed on a routine basis and do not
746 involve hospitalization, surgery, the use of general anesthesia,
747 or the provision of psychotropic medications.

748 (38)~~(41)~~ "Parent" means a woman who gives birth to a child
749 and a man whose consent to the adoption of the child would be
750 required under s. 63.062(1). If a child has been legally
751 adopted, the term "parent" means the adoptive mother or father
752 of the child. The term does not include an individual whose
753 parental relationship to the child has been legally terminated,
754 or an alleged or prospective parent, unless the parental status

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755 falls within the terms of either s. 39.503(1) or s. 63.062(1).

756 (39)~~(42)~~ "Preliminary screening" means the gathering of
757 preliminary information to be used in determining a child's need
758 for further evaluation or assessment or for referral for other
759 substance abuse services through means such as psychosocial
760 interviews; urine and breathalyzer screenings; and reviews of
761 available educational, delinquency, and dependency records of
762 the child.

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

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

777 (41)~~(44)~~ "Probation" means the legal status of probation
778 created by law and court order in cases involving a child who
779 has been found to have committed a delinquent act. Probation is
780 an individualized program in which the freedom of the child is
781 limited and the child is restricted to noninstitutional quarters
782 or restricted to the child's home in lieu of commitment to the
783 custody of the department. Youth on probation may be assessed

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784 and classified for placement in day-treatment probation programs
785 designed for youth who represent a minimum risk to themselves
786 and public safety and do not require placement and services in a
787 residential setting.

788 (42)~~(45)~~ "Relative" means a grandparent, great-grandparent,
789 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
790 niece, or nephew, whether related by the whole or half blood, by
791 affinity, or by adoption. The term does not include a
792 stepparent.

793 (44)~~(46)~~ "Restrictiveness level" means the level of
794 programming and security provided by programs that service the
795 supervision, custody, care, and treatment needs of committed
796 children. Sections 985.601(10) and 985.721 apply to children
797 placed in programs at any residential commitment level. The
798 restrictiveness levels of commitment are as follows:

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

811 ~~(b) *Low-risk residential.*—Programs or program models at~~
812 ~~this commitment level are residential but may allow youth to~~

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

828 ~~(b)(c)~~ Nonsecure Moderate-risk residential.—Programs or
829 program models at this commitment level are residential but may
830 allow youth to have supervised access to the community.
831 Facilities at this commitment level are either environmentally
832 secure, staff secure, or are hardware-secure with walls,
833 fencing, or locking doors. Residential facilities at this
834 commitment level shall have no more than 90 ~~165~~ beds each,
835 including campus-style programs, unless those campus-style
836 programs include more than one ~~level of restrictiveness, provide~~
837 ~~multilevel education and treatment~~ program programs using
838 different treatment protocols, and have facilities that coexist
839 separately in distinct locations on the same property.
840 Facilities at this commitment level shall provide 24-hour awake
841 supervision, custody, care, and treatment of residents. Youth

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842 assessed and classified for placement in programs at this
843 commitment level represent a low or moderate risk to public
844 safety and require close supervision. The staff at a facility at
845 this commitment level may seclude a child who is a physical
846 threat to himself or herself or others. Mechanical restraint may
847 also be used when necessary.

848 (c)~~(d)~~ *High-risk residential.*—Programs or program models at
849 this commitment level are residential and do not allow youth to
850 have access to the community, except that temporary release
851 providing community access for up to 72 continuous hours may be
852 approved by a court for a youth who has made successful progress
853 in his or her program in order for the youth to attend a family
854 emergency or, during the final 60 days of his or her placement,
855 to visit his or her home, enroll in school or a career and
856 technical education ~~vocational~~ program, complete a job
857 interview, or participate in a community service project. High-
858 risk residential facilities are hardware-secure with perimeter
859 fencing and locking doors. Residential facilities at this
860 commitment level shall have no more than 90 ~~165~~ beds each,
861 including campus-style programs, unless those campus-style
862 programs include more than one ~~level of restrictiveness, provide~~
863 ~~multilevel education and treatment program programs~~ using
864 different treatment protocols, and have facilities that coexist
865 separately in distinct locations on the same property.
866 Facilities at this commitment level shall provide 24-hour awake
867 supervision, custody, care, and treatment of residents. Youth
868 assessed and classified for this level of placement require
869 close supervision in a structured residential setting. Placement
870 in programs at this level is prompted by a concern for public

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871 safety that outweighs placement in programs at lower commitment
872 levels. The staff at a facility at this commitment level may
873 seclude a child who is a physical threat to himself or herself
874 or others. Mechanical restraint may also be used when necessary.
875 The facility may provide for single cell occupancy, except that
876 youth may be housed together during prerelease transition.

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

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900 level is prompted by a demonstrated need to protect the public.

901 (43)~~(47)~~ "Respite" means a placement that is available for
902 the care, custody, and placement of a youth charged with
903 domestic violence as an alternative to secure detention or for
904 placement of a youth when a shelter bed for a child in need of
905 services or a family in need of services is unavailable.

906 (45)~~(48)~~ "Secure detention center or facility" means a
907 physically restricting facility for the temporary care of
908 children, pending adjudication, disposition, or placement.

909 (46)~~(49)~~ "Shelter" means a place for the temporary care of
910 a child who is alleged to be or who has been found to be
911 delinquent.

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

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

923 (47)~~(52)~~ "Substance abuse" means using, without medical
924 reason, any psychoactive or mood-altering drug, including
925 alcohol, in such a manner as to induce impairment resulting in
926 dysfunctional social behavior.

927 (48)~~(53)~~ "Taken into custody" means the status of a child
928 immediately when temporary physical control over the child is

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929 attained by a person authorized by law, pending the child's
930 release, detention, placement, or other disposition as
931 authorized by law.

932 (49)~~(54)~~ "Temporary legal custody" means the relationship
933 that a juvenile court creates between a child and an adult
934 relative of the child, adult nonrelative approved by the court,
935 or other person until a more permanent arrangement is ordered.
936 Temporary legal custody confers upon the custodian the right to
937 have temporary physical custody of the child and the right and
938 duty to protect, train, and discipline the child and to provide
939 the child with food, shelter, and education, and ordinary
940 medical, dental, psychiatric, and psychological care, unless
941 these rights and duties are otherwise enlarged or limited by the
942 court order establishing the temporary legal custody
943 relationship.

944 (50)~~(55)~~ "Temporary release" means the terms and conditions
945 under which a child is temporarily released from a residential
946 commitment facility or allowed home visits. If the temporary
947 release is from a nonsecure ~~moderate-risk~~ residential facility,
948 a high-risk residential facility, or a maximum-risk residential
949 facility, the terms and conditions of the temporary release must
950 be approved by the child, the court, and the facility. ~~The term~~
951 ~~includes periods during which the child is supervised pursuant~~
952 ~~to a conditional release program or a period during which the~~
953 ~~child is supervised by a juvenile probation officer or other~~
954 ~~nonresidential staff of the department or staff employed by an~~
955 ~~entity under contract with the department.~~

956 (51)~~(56)~~ "Transition-to-adulthood services" means services
957 that are provided for youth in the custody of the department or

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958 under the supervision of the department and that have the
959 objective of instilling the knowledge, skills, and aptitudes
960 essential to a socially integrated, self-supporting adult life.
961 The services may include, but are not limited to:

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

964 (b) A plan for the youth to acquire the knowledge,
965 information, and counseling necessary to make a successful
966 transition to adulthood.

967 (c) Services that have proven effective toward achieving
968 the transition to adulthood.

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

975 (53)~~(57)~~ "Violation of law" or "delinquent act" means a
976 violation of any law of this state, the United States, or any
977 other state which is a misdemeanor or a felony or a violation of
978 a county or municipal ordinance which would be punishable by
979 incarceration if the violation were committed by an adult.

980 (54)~~(58)~~ "Waiver hearing" means a hearing provided for
981 under s. 985.556(4).

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

984 985.0301 Jurisdiction.—

985 (4) (a) Petitions alleging delinquency shall be filed in the
986 county where the delinquent act or violation of law occurred. 7

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987 ~~but~~ The circuit court for that county may transfer the case to
988 the circuit court of the circuit in which the child resides or
989 will reside at the time of detention or placement for
990 dispositional purposes. A child who has been detained may ~~shall~~
991 be transferred to the ~~appropriate~~ detention center or facility
992 in the circuit in which the child resides or will reside at the
993 time of detention ~~or other placement directed by the receiving~~
994 ~~court.~~

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

1006 (5) (a) Notwithstanding s. ss. 743.07, ~~985.43, 985.433,~~
1007 ~~985.435, 985.439, and 985.441,~~ and except as provided in ~~ss.~~
1008 ~~985.461 and 985.465~~ and paragraph (b) ~~(f)~~, when the jurisdiction
1009 of any child who is alleged to have committed a delinquent act
1010 or violation of law is obtained, the court shall retain
1011 jurisdiction to dispose a case, unless relinquished by its
1012 order, until the child reaches 19 years of age, with the same
1013 power over the child which the court had before the child became
1014 an adult. ~~For the purposes of s. 985.461, the court may retain~~
1015 ~~jurisdiction for an additional 365 days following the child's~~

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19th birthday if the child is participating in transition to adulthood services. The additional services do not extend involuntary court-sanctioned residential commitment and therefore require voluntary participation by the affected youth.

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

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

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

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

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

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1045 ~~21 years of age.~~

1046 ~~(d) The court may retain jurisdiction over a child~~
1047 ~~committed to the department for placement in a juvenile prison~~
1048 ~~or in a high-risk or maximum-risk residential commitment program~~
1049 ~~to allow the child to participate in a juvenile conditional~~
1050 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
1051 ~~court may not be retained after the child's 22nd birthday.~~
1052 ~~However, if the child is not successful in the conditional~~
1053 ~~release program, the department may use the transfer procedure~~
1054 ~~under s. 985.441(4).~~

1055 ~~(e) The court may retain jurisdiction over a child~~
1056 ~~committed to the department for placement in an intensive~~
1057 ~~residential treatment program for 10-year-old to 13-year-old~~
1058 ~~offenders, in the residential commitment program in a juvenile~~
1059 ~~prison or in a residential sex offender program until the child~~
1060 ~~reaches the age of 21. If the court exercises this jurisdiction~~
1061 ~~retention, it shall do so solely for the purpose of the child~~
1062 ~~completing the intensive residential treatment program for 10-~~
1063 ~~year-old to 13-year-old offenders, in the residential commitment~~
1064 ~~program in a juvenile prison, or in a residential sex offender~~
1065 ~~program. Such jurisdiction retention does not apply for other~~
1066 ~~programs, other purposes, or new offenses.~~

1067 ~~(f) The court may retain jurisdiction over a child~~
1068 ~~committed to a juvenile correctional facility or a juvenile~~
1069 ~~prison until the child reaches the age of 21 years, specifically~~
1070 ~~for the purpose of allowing the child to complete such program.~~

1071 ~~(g) The court may retain jurisdiction over a juvenile~~
1072 ~~sexual offender who has been placed in a program or facility for~~
1073 ~~juvenile sexual offenders until the juvenile sexual offender~~

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1074 ~~reaches the age of 21, specifically for the purpose of~~
1075 ~~completing the program.~~

1076 (d)~~(h)~~ The court may retain jurisdiction over a child and
1077 the child's parent or legal guardian whom the court has ordered
1078 to pay restitution until the restitution order is satisfied. To
1079 retain jurisdiction, the court shall enter a restitution order,
1080 which is separate from any disposition or order of commitment,
1081 on or prior to the date that the court's jurisdiction would
1082 cease under this section. The contents of the restitution order
1083 shall be limited to the child's name and address, the name and
1084 address of the parent or legal guardian, the name and address of
1085 the payee, the case number, the date and amount of restitution
1086 ordered, any amount of restitution paid, the amount of
1087 restitution due and owing, and a notation that costs, interest,
1088 penalties, and attorney fees may also be due and owing. The
1089 terms of the restitution order are subject to s. 775.089(5).

1090 (e)~~(i)~~ This subsection does not prevent the exercise of
1091 jurisdiction by any court having jurisdiction of the child if
1092 the child, after becoming an adult, commits a violation of law.

1093 Section 5. Subsections (2) and (4) of section 985.037,
1094 Florida Statutes, are amended to read:

1095 985.037 Punishment for contempt of court; alternative
1096 sanctions.—

1097 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
1098 be placed in a secure detention facility for purposes of
1099 punishment for contempt of court if alternative sanctions are
1100 unavailable or inappropriate, or if the child has already been
1101 ordered to serve an alternative sanction but failed to comply
1102 with the sanction. A delinquent child who has been held in

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1103 direct or indirect contempt may be placed in a secure detention
1104 facility not to exceed 5 days for a first offense and not to
1105 exceed 15 days for a second or subsequent offense.

1106 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
1107 PROCESS.—

1108 (a) If a child is charged with direct contempt of court,
1109 including traffic court, the court may impose an authorized
1110 sanction immediately. The court must hold a hearing to determine
1111 if the child committed direct contempt. Due process must be
1112 afforded to the child during this hearing.

1113 (b) If a child is charged with indirect contempt of court,
1114 the court must hold a hearing within 24 hours to determine
1115 whether the child committed indirect contempt of a valid court
1116 order. At the hearing, the following due process rights must be
1117 provided to the child:

1118 1. Right to a copy of the order to show cause alleging
1119 facts supporting the contempt charge.

1120 2. Right to an explanation of the nature and the
1121 consequences of the proceedings.

1122 3. Right to legal counsel and the right to have legal
1123 counsel appointed by the court if the juvenile is indigent,
1124 under s. 985.033.

1125 4. Right to confront witnesses.

1126 5. Right to present witnesses.

1127 6. Right to have a transcript or record of the proceeding.

1128 7. Right to appeal to an appropriate court.

1129

1130 The child's parent or guardian may address the court regarding
1131 the due process rights of the child. Upon motion by the defense

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1132 attorney or state attorney, the court shall review the placement
1133 of the child ~~every 72 hours~~ to determine whether it is
1134 appropriate for the child to remain in the facility.

1135 (c) The court may not order that a child be placed in a
1136 secure detention facility for punishment for contempt unless the
1137 court determines that an alternative sanction is inappropriate
1138 or unavailable or that the child was initially ordered to an
1139 alternative sanction and did not comply with the alternative
1140 sanction. The court is encouraged to order a child to perform
1141 community service, up to the maximum number of hours, where
1142 appropriate before ordering that the child be placed in a secure
1143 detention facility as punishment for contempt of court.

1144 (d) In addition to any other sanction imposed under this
1145 section, the court may direct the Department of Highway Safety
1146 and Motor Vehicles to withhold issuance of, or suspend, a
1147 child's driver ~~driver's~~ license or driving privilege. The court
1148 may order that a child's driver ~~driver's~~ license or driving
1149 privilege be withheld or suspended for up to 1 year for a first
1150 offense of contempt and up to 2 years for a second or subsequent
1151 offense. If the child's driver ~~driver's~~ license or driving
1152 privilege is suspended or revoked for any reason at the time the
1153 sanction for contempt is imposed, the court shall extend the
1154 period of suspension or revocation by the additional period
1155 ordered under this paragraph. If the child's driver ~~driver's~~
1156 license is being withheld at the time the sanction for contempt
1157 is imposed, the period of suspension or revocation ordered under
1158 this paragraph shall begin on the date on which the child is
1159 otherwise eligible to drive.

1160 Section 6. Paragraph (a) of subsection (1) of section

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1161 985.039, Florida Statutes, is amended to read:

1162 985.039 Cost of supervision; cost of care.—

1163 (1) Except as provided in subsection (3) or subsection (4):

1164 (a) When any child is placed into nonsecure ~~home~~ detention,
1165 probation, or other supervision status with the department, or
1166 is committed to the minimum-risk nonresidential restrictiveness
1167 level, the court shall order the parent of such child to pay to
1168 the department a fee for the cost of the supervision of such
1169 child in the amount of \$1 per day for each day that the child is
1170 in such status.

1171 Section 7. Subsection (5) of section 985.045, Florida
1172 Statutes, is amended to read:

1173 985.045 Court records.—

1174 (5) This chapter does not prohibit a circuit court from
1175 providing a restitution order containing the information
1176 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
1177 court or a private collection agency for the sole purpose of
1178 collecting unpaid restitution ordered in a case in which the
1179 circuit court has retained jurisdiction over the child and the
1180 child's parent or legal guardian. The collection court or
1181 private collection agency shall maintain the confidential status
1182 of the information to the extent such confidentiality is
1183 provided by law.

1184 Section 8. Paragraph (d) of subsection (1) and subsection
1185 (3) of section 985.101, Florida Statutes, are amended to read:

1186 985.101 Taking a child into custody.—

1187 (1) A child may be taken into custody under the following
1188 circumstances:

1189 (d) By a law enforcement officer who has probable cause to

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1190 believe that the child is in violation of the conditions of the
1191 child's probation, nonsecure ~~home~~ detention, postcommitment
1192 probation, or conditional release supervision; has absconded
1193 from nonresidential commitment; or has escaped from residential
1194 commitment.

1195
1196 Nothing in this subsection shall be construed to allow the
1197 detention of a child who does not meet the detention criteria in
1198 part V.

1199 (3) When a child is taken into custody as provided in this
1200 section, the person taking the child into custody shall attempt
1201 to notify the parent, guardian, or legal custodian of the child.
1202 The person taking the child into custody shall continue such
1203 attempt until the parent, guardian, or legal custodian of the
1204 child is notified or the child is delivered to the department ~~a~~
1205 ~~juvenile probation officer~~ under ss. 985.14 and 985.145,
1206 whichever occurs first. If the child is delivered to the
1207 department ~~a juvenile probation officer~~ before the parent,
1208 guardian, or legal custodian is notified, the department
1209 ~~juvenile probation officer~~ shall continue the attempt to notify
1210 until the parent, guardian, or legal custodian of the child is
1211 notified. Following notification, the parent or guardian must
1212 provide identifying information, including name, address, date
1213 of birth, social security number, and driver ~~driver's~~ license
1214 number or identification card number of the parent or guardian
1215 to the person taking the child into custody or the department
1216 ~~juvenile probation officer~~.

1217 Section 9. Section 985.105, Florida Statutes, is repealed.

1218 Section 10. Paragraph (b) of subsection (1) of section

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1219 985.11, Florida Statutes, is amended to read:
1220 985.11 Fingerprinting and photographing.—
1221 (1)
1222 (b) Unless the child is issued a civil citation or is
1223 participating in a similar diversion program pursuant to s.
1224 985.12, a child who is charged with or found to have committed
1225 one of the following offenses shall be fingerprinted, and the
1226 fingerprints shall be submitted to the Department of Law
1227 Enforcement as provided in s. 943.051(3) (b):
1228 1. Assault, as defined in s. 784.011.
1229 2. Battery, as defined in s. 784.03.
1230 3. Carrying a concealed weapon, as defined in s. 790.01(1).
1231 4. Unlawful use of destructive devices or bombs, as defined
1232 in s. 790.1615(1).
1233 5. Neglect of a child, as defined in s. 827.03(1) (e).
1234 6. Assault on a law enforcement officer, a firefighter, or
1235 other specified officers, as defined in s. 784.07(2) (a).
1236 7. Open carrying of a weapon, as defined in s. 790.053.
1237 8. Exposure of sexual organs, as defined in s. 800.03.
1238 9. Unlawful possession of a firearm, as defined in s.
1239 790.22(5).
1240 10. Petit theft, as defined in s. 812.014.
1241 11. Cruelty to animals, as defined in s. 828.12(1).
1242 12. Arson, resulting in bodily harm to a firefighter, as
1243 defined in s. 806.031(1).
1244 13. Unlawful possession or discharge of a weapon or firearm
1245 at a school-sponsored event or on school property as defined in
1246 s. 790.115.
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1248 A law enforcement agency may fingerprint and photograph a child
1249 taken into custody upon probable cause that such child has
1250 committed any other violation of law, as the agency deems
1251 appropriate. Such fingerprint records and photographs shall be
1252 retained by the law enforcement agency in a separate file, and
1253 these records and all copies thereof must be marked "Juvenile
1254 Confidential." These records are not available for public
1255 disclosure and inspection under s. 119.07(1) except as provided
1256 in ss. 943.053 and 985.04(2), but shall be available to other
1257 law enforcement agencies, criminal justice agencies, state
1258 attorneys, the courts, the child, the parents or legal
1259 custodians of the child, their attorneys, and any other person
1260 authorized by the court to have access to such records. In
1261 addition, such records may be submitted to the Department of Law
1262 Enforcement for inclusion in the state criminal history records
1263 and used by criminal justice agencies for criminal justice
1264 purposes. These records may, in the discretion of the court, be
1265 open to inspection by anyone upon a showing of cause. The
1266 fingerprint and photograph records shall be produced in the
1267 court whenever directed by the court. Any photograph taken
1268 pursuant to this section may be shown by a law enforcement
1269 officer to any victim or witness of a crime for the purpose of
1270 identifying the person who committed such crime.

1271 Section 11. Subsection (2) of section 985.14, Florida
1272 Statutes, is amended to read:

1273 985.14 Intake and case management system.—

1274 (2) The intake process shall be performed by the department
1275 or juvenile assessment center personnel through a case
1276 management system. The purpose of the intake process is to

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

1297 Section 12. Section 985.145, Florida Statutes, is amended
1298 to read:

1299 985.145 Responsibilities of the department juvenile
1300 ~~probation officer~~ during intake; screenings and assessments.—

1301 (1) The department juvenile probation officer shall serve
1302 as the primary case manager for the purpose of managing,
1303 coordinating, and monitoring the services provided to the child.
1304 Each program administrator within the Department of Children and
1305 Families Family Services shall cooperate with the primary case

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1306 manager in carrying out the duties and responsibilities
1307 described in this section. In addition to duties specified in
1308 other sections and through departmental rules, the department
1309 ~~assigned juvenile probation officer~~ shall be responsible for the
1310 following:

1311 (a) *Reviewing probable cause affidavit.*—The department
1312 ~~juvenile probation officer~~ shall make a preliminary
1313 determination as to whether the report, affidavit, or complaint
1314 is complete, consulting with the state attorney as may be
1315 necessary. A report, affidavit, or complaint alleging that a
1316 child has committed a delinquent act or violation of law shall
1317 be made to the intake office operating in the county in which
1318 the child is found or in which the delinquent act or violation
1319 of law occurred. Any person or agency having knowledge of the
1320 facts may make such a written report, affidavit, or complaint
1321 and shall furnish to the intake office facts sufficient to
1322 establish the jurisdiction of the court and to support a finding
1323 by the court that the child has committed a delinquent act or
1324 violation of law.

1325 (b) *Notification concerning apparent insufficiencies in*
1326 *probable cause affidavit.*—In any case where the department
1327 ~~juvenile probation officer~~ or the state attorney finds that the
1328 report, affidavit, or complaint is insufficient by the standards
1329 for a probable cause affidavit, the department ~~juvenile~~
1330 ~~probation officer~~ or state attorney shall return the report,
1331 affidavit, or complaint, without delay, to the person or agency
1332 originating the report, affidavit, or complaint or having
1333 knowledge of the facts or to the appropriate law enforcement
1334 agency having investigative jurisdiction of the offense, and

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1335 shall request, and the person or agency shall promptly furnish,
1336 additional information in order to comply with the standards for
1337 a probable cause affidavit.

1338 (c) *Screening.*—During the intake process, the department
1339 ~~juvenile probation officer~~ shall screen each child or shall
1340 cause each child to be screened in order to determine:

1341 1. Appropriateness for release; referral to a diversionary
1342 program, including, but not limited to, a teen court program;
1343 referral for community arbitration; or referral to some other
1344 program or agency for the purpose of nonofficial or nonjudicial
1345 handling.

1346 2. The presence of medical, psychiatric, psychological,
1347 substance abuse, educational, or career and technical education
1348 ~~vocational~~ problems, or other conditions that may have caused
1349 the child to come to the attention of law enforcement or the
1350 department. The child shall also be screened to determine
1351 whether the child poses a danger to himself or herself or others
1352 in the community. The results of this screening shall be made
1353 available to the court and to court officers. In cases where
1354 such conditions are identified and a nonjudicial handling of the
1355 case is chosen, the department ~~juvenile probation officer~~ shall
1356 attempt to refer the child to a program or agency, together with
1357 all available and relevant assessment information concerning the
1358 child's precipitating condition.

1359 (d) *Completing risk assessment instrument.*—The department
1360 ~~juvenile probation officer~~ shall ensure that a risk assessment
1361 instrument establishing the child's eligibility for detention
1362 has been accurately completed and that the appropriate
1363 recommendation was made to the court.

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1364 (e) *Rights.*—The department ~~juvenile probation officer~~ shall
1365 inquire as to whether the child understands his or her rights to
1366 counsel and against self-incrimination.

1367 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~
1368 ~~probation officer~~ shall coordinate the multidisciplinary
1369 assessment when required, which includes the classification and
1370 placement process that determines the child's priority needs,
1371 risk classification, and treatment plan. When sufficient
1372 evidence exists to warrant a comprehensive assessment and the
1373 child fails to voluntarily participate in the assessment
1374 efforts, the department ~~juvenile probation officer~~ shall inform
1375 the court of the need for the assessment and the refusal of the
1376 child to participate in such assessment. This assessment,
1377 classification, and placement process shall develop into the
1378 predisposition report.

1379 (g) *Comprehensive assessment.*—The department ~~juvenile~~
1380 ~~probation officer~~, pursuant to uniform procedures established by
1381 the department and upon determining that the report, affidavit,
1382 or complaint is complete, shall:

1383 1. Perform the preliminary screening and make referrals for
1384 a comprehensive assessment regarding the child's need for
1385 substance abuse treatment services, mental health services,
1386 intellectual disability services, literacy services, or other
1387 educational or treatment services.

1388 2. If indicated by the preliminary screening, provide for a
1389 comprehensive assessment of the child and family for substance
1390 abuse problems, using community-based licensed programs with
1391 clinical expertise and experience in the assessment of substance
1392 abuse problems.

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1393 3. If indicated by the preliminary screening, provide for a
1394 comprehensive assessment of the child and family for mental
1395 health problems, using community-based psychologists,
1396 psychiatrists, or other licensed mental health professionals who
1397 have clinical expertise and experience in the assessment of
1398 mental health problems.

1399 (h) *Referrals for services.*—The department ~~juvenile~~
1400 ~~probation officer~~ shall make recommendations for services and
1401 facilitate the delivery of those services to the child,
1402 including any mental health services, educational services,
1403 family counseling services, family assistance services, and
1404 substance abuse services.

1405 (i) *Recommendation concerning a petition.*—Upon determining
1406 that the report, affidavit, or complaint complies with the
1407 standards of a probable cause affidavit and that the interests
1408 of the child and the public will be best served, the department
1409 ~~juvenile probation officer~~ may recommend that a delinquency
1410 petition not be filed. If such a recommendation is made, the
1411 department ~~juvenile probation officer~~ shall advise in writing
1412 the person or agency making the report, affidavit, or complaint,
1413 the victim, if any, and the law enforcement agency having
1414 investigative jurisdiction over the offense of the
1415 recommendation; the reasons therefor; and that the person or
1416 agency may submit, within 10 days after the receipt of such
1417 notice, the report, affidavit, or complaint to the state
1418 attorney for special review. The state attorney, upon receiving
1419 a request for special review, shall consider the facts presented
1420 by the report, affidavit, or complaint, and by the department
1421 ~~juvenile probation officer~~ who made the recommendation that no

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1422 petition be filed, before making a final decision as to whether
1423 a petition or information should or should not be filed.

1424 (j) *Completing intake report.*—Subject to the interagency
1425 agreement authorized under this paragraph, the department
1426 ~~juvenile probation officer for each case in which a child is~~
1427 ~~alleged to have committed a violation of law or delinquent act~~
1428 ~~and is not detained~~ shall submit a written report to the state
1429 attorney for each case in which a child is alleged to have
1430 committed a violation of law or delinquent act and is not
1431 detained. The report shall be submitted within 20 days after the
1432 date the child is taken into custody and include,~~including~~ the
1433 original police report, complaint, or affidavit, or a copy
1434 thereof, and including a copy of the child's prior juvenile
1435 record, ~~within 20 days after the date the child is taken into~~
1436 ~~eustody~~. In cases in which the child is in detention, the intake
1437 office report must be submitted within 24 hours after the child
1438 is placed into detention. The intake office report may include a
1439 recommendation that a petition or information be filed or that
1440 no petition or information be filed and may set forth reasons
1441 for the recommendation. The state attorney and the department
1442 may, on a district-by-district basis, enter into interagency
1443 agreements denoting the cases that will require a recommendation
1444 and those for which a recommendation is unnecessary.

1445 (2) Prior to requesting that a delinquency petition be
1446 filed or prior to filing a dependency petition, the department
1447 ~~juvenile probation officer~~ may request the parent or legal
1448 guardian of the child to attend a course of instruction in
1449 parenting skills, training in conflict resolution, and the
1450 practice of nonviolence; to accept counseling; or to receive

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

1464 (3) When indicated by the comprehensive assessment, the
1465 department is authorized to contract within appropriated funds
1466 for services with a local nonprofit community mental health or
1467 substance abuse agency licensed or authorized under chapter 394
1468 or chapter 397 or other authorized nonprofit social service
1469 agency providing related services. The determination of mental
1470 health or substance abuse services shall be conducted in
1471 coordination with existing programs providing mental health or
1472 substance abuse services in conjunction with the intake office.

1473 (4) Client information resulting from the screening and
1474 evaluation shall be documented under rules of the department and
1475 shall serve to assist the department ~~juvenile probation officer~~
1476 in providing the most appropriate services and recommendations
1477 in the least intrusive manner. Such client information shall be
1478 used in the multidisciplinary assessment and classification of
1479 the child, but such information, and any information obtained

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1480 directly or indirectly through the assessment process, is
1481 inadmissible in court prior to the disposition hearing, unless
1482 the child's written consent is obtained. At the disposition
1483 hearing, documented client information shall serve to assist the
1484 court in making the most appropriate custody, adjudicatory, and
1485 dispositional decision.

1486 (5) If the screening and assessment indicate that the
1487 interests of the child and the public will be best served, the
1488 department juvenile probation officer, with the approval of the
1489 state attorney, may refer the child for care, diagnostic, and
1490 evaluation services; substance abuse treatment services; mental
1491 health services; intellectual disability services; a
1492 diversionary, arbitration, or mediation program; community
1493 service work; or other programs or treatment services
1494 voluntarily accepted by the child and the child's parents or
1495 legal guardian. If a child volunteers to participate in any work
1496 program under this chapter or volunteers to work in a specified
1497 state, county, municipal, or community service organization
1498 supervised work program or to work for the victim, the child is
1499 considered an employee of the state for the purposes of
1500 liability. In determining the child's average weekly wage,
1501 unless otherwise determined by a specific funding program, all
1502 remuneration received from the employer is considered a
1503 gratuity, and the child is not entitled to any benefits
1504 otherwise payable under s. 440.15 regardless of whether the
1505 child may be receiving wages and remuneration from other
1506 employment with another employer and regardless of the child's
1507 future wage-earning capacity.

1508 (6) The victim, if any, and the law enforcement agency that

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1509 investigated the offense shall be notified immediately by the
1510 state attorney of the action taken under subsection (5).

1511 Section 13. Section 985.17, Florida Statutes, is created to
1512 read:

1513 985.17 Prevention services.-

1514 (1) The Legislature finds that prevention services decrease
1515 recidivism by addressing the needs of at-risk youth and their
1516 families, preventing further involvement of such youth in the
1517 juvenile justice system, protecting the safety of the public,
1518 and facilitating successful reentry of at-risk youth into the
1519 community. To assist with decreasing recidivism, the
1520 department's prevention services shall strengthen protective
1521 factors and reduce risk factors using tested and effective
1522 approaches.

1523 (2) A goal of the department's prevention services shall be
1524 to develop the capacity for local communities to serve their
1525 youth.

1526 (a) The department shall engage faith and community-based
1527 organizations to provide a full range of voluntary programs and
1528 services to prevent and reduce juvenile delinquency, including,
1529 but not limited to, chaplaincy services, crisis intervention
1530 counseling, mentoring, and tutoring.

1531 (b) The department shall establish volunteer coordinators
1532 in each circuit and encourage the recruitment of volunteers to
1533 serve as mentors for youth in department services.

1534 (c) The department shall promote the sale of the Invest in
1535 Children license plate to help fund programs and services to
1536 prevent juvenile delinquency. The department shall allocate
1537 money for programs and services within each county based on that

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1538 county's proportionate share of the license plate annual use
1539 fees collected by the county.

1540 (3) The department's prevention services for youth at risk
1541 of becoming delinquent should:

1542 (a) Focus on preventing initial or further involvement of
1543 such youth in the juvenile justice system by including services
1544 such as literacy services, gender-specific programming,
1545 recreational services, and after-school services, and should
1546 include targeted services to troubled, truant, ungovernable,
1547 abused, trafficked, or runaway youth. To decrease the likelihood
1548 that a youth will commit a delinquent act, the department should
1549 use mentoring and may provide specialized services addressing
1550 the strengthening of families, job training, and substance
1551 abuse.

1552 (b) Address the multiple needs of such youth in order to
1553 decrease the prevalence of disproportionate minority
1554 representation in the juvenile justice system.

1555 (4) The department shall expend funds related to the
1556 prevention services in a manner consistent with the policies
1557 expressed in ss. 984.02 and 985.01 and in a manner that
1558 maximizes accountability to the public and ensures the
1559 documentation of outcomes.

1560 (a) As a condition of receipt of state funds, all entities
1561 that receive or use state moneys to fund prevention services
1562 through contracts with the department or grants from any entity
1563 dispersed by the department shall:

1564 1. Design the programs providing such services to further
1565 one or more of the following strategies:

1566 a. Encouraging youth to attend and succeed in school, which

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1567 may include special assistance and tutoring to address
1568 deficiencies in academic performance and collecting outcome data
1569 to reveal the number of days youth attended school while
1570 participating in the program.

1571 b. Engaging youth in productive and wholesome activities
1572 during nonschool hours that build positive character, instill
1573 positive values, and enhance educational experiences.

1574 c. Encouraging youth to avoid the use of violence.

1575 d. Assisting youth in acquiring the skills needed to find
1576 meaningful employment, which may include assisting the youth in
1577 finding a suitable employer.

1578 2. Provide the department with demographic information,
1579 dates of services, and types of interventions received by each
1580 youth.

1581 (b) The department shall monitor output and outcome
1582 measures for each program strategy in paragraph (a) and annually
1583 report the outputs and outcomes in the Comprehensive
1584 Accountability Report as provided in s. 985.632.

1585 (c) The department shall monitor all state-funded programs
1586 that receive or use state moneys to fund the prevention services
1587 through contracts or grants with the department for compliance
1588 with all provisions in the contracts and grants.

1589 Section 14. Section 985.24, Florida Statutes, is amended to
1590 read:

1591 985.24 Use of detention; prohibitions.—

1592 (1) All determinations and court orders regarding the use
1593 of ~~secure, nonsecure, or home~~ detention care shall be based
1594 primarily upon findings that the child:

1595 (a) Presents a substantial risk of not appearing at a

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1596 subsequent hearing;

1597 (b) Presents a substantial risk of inflicting bodily harm
1598 on others as evidenced by recent behavior, including the illegal
1599 possession of a firearm;

1600 (c) Presents a history of committing a property offense
1601 prior to adjudication, disposition, or placement;

1602 (d) Has committed contempt of court by:

1603 1. Intentionally disrupting the administration of the
1604 court;

1605 2. Intentionally disobeying a court order; or

1606 3. Engaging in a punishable act or speech in the court's
1607 presence which shows disrespect for the authority and dignity of
1608 the court; or

1609 (e) Requests protection from imminent bodily harm.

1610 (2) A child alleged to have committed a delinquent act or
1611 violation of law may not be placed into secure or, nonsecure, ~~or~~
1612 ~~home~~ detention care for any of the following reasons:

1613 (a) To allow a parent to avoid his or her legal
1614 responsibility.

1615 (b) To permit more convenient administrative access to the
1616 child.

1617 (c) To facilitate further interrogation or investigation.

1618 (d) Due to a lack of more appropriate facilities.

1619 (3) A child alleged to be dependent under chapter 39 may
1620 not, under any circumstances, be placed into secure detention
1621 care.

1622 (4) The department may, within its existing resources,
1623 develop nonsecure, nonresidential evening reporting centers as
1624 an alternative to placing a child in secure detention. Evening

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1625 reporting centers may be collocated with a juvenile assessment
1626 center. If established, evening reporting centers shall serve
1627 children and families who are awaiting a child's court hearing
1628 and, at a minimum, operate during the afternoon and evening
1629 hours to provide a highly structured program of supervision.
1630 Evening reporting centers may also provide academic tutoring,
1631 counseling, family engagement programs, and other activities.

1632 (5)~~(4)~~ The department shall continue to identify
1633 alternatives to secure detention care and shall develop such
1634 alternatives and annually submit them to the Legislature for
1635 authorization and appropriation.

1636 Section 15. Paragraph (b) of subsection (2) and subsection
1637 (4) of section 985.245, Florida Statutes, are amended to read:

1638 985.245 Risk assessment instrument.—

1639 (2)

1640 (b) The risk assessment instrument shall take into
1641 consideration, but need not be limited to, prior history of
1642 failure to appear, prior offenses, offenses committed pending
1643 adjudication, any unlawful possession of a firearm, theft of a
1644 motor vehicle or possession of a stolen motor vehicle, and
1645 probation status at the time the child is taken into custody.
1646 The risk assessment instrument shall also take into
1647 consideration appropriate aggravating and mitigating
1648 circumstances, and shall be designed to target a narrower
1649 population of children than s. 985.255. The risk assessment
1650 instrument shall also include any information concerning the
1651 child's history of abuse and neglect. The risk assessment shall
1652 indicate whether detention care is warranted, and, if detention
1653 care is warranted, whether the child should be placed into

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1654 secure or, nonsecure, ~~or home~~ detention care.

1655 (4) For a child who is under the supervision of the
1656 department through probation, ~~home detention~~, nonsecure
1657 detention, conditional release, postcommitment probation, or
1658 commitment and who is charged with committing a new offense, the
1659 risk assessment instrument may be completed and scored based on
1660 the underlying charge for which the child was placed under the
1661 supervision of the department and the new offense.

1662 Section 16. Subsection (1) of section 985.25, Florida
1663 Statutes, is amended to read:

1664 985.25 Detention intake.—

1665 (1) The department ~~juvenile probation officer~~ shall receive
1666 custody of a child who has been taken into custody from the law
1667 enforcement agency or court and shall review the facts in the
1668 law enforcement report or probable cause affidavit and make such
1669 further inquiry as may be necessary to determine whether
1670 detention care is appropriate ~~required~~.

1671 (a) During the period of time from the taking of the child
1672 into custody to the date of the detention hearing, the initial
1673 decision as to the child's placement into secure ~~detention care~~,
1674 or nonsecure detention care, ~~or home detention care~~ shall be
1675 made by the department ~~juvenile probation officer~~ under ss.
1676 985.24 and 985.245(1).

1677 (b) The department ~~juvenile probation officer~~ shall base
1678 the decision whether ~~or not~~ to place the child into secure
1679 ~~detention care, home detention care~~, or nonsecure detention care
1680 on an assessment of risk in accordance with the risk assessment
1681 instrument and procedures developed by the department under s.
1682 985.245. However, a child charged with possessing or discharging

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1683 a firearm on school property in violation of s. 790.115 shall be
1684 placed in secure detention care. A child who has been taken into
1685 custody on three or more separate occasions within a 60-day
1686 period shall be placed in secure detention care until the
1687 child's detention hearing.

1688 (c) If the final score on the child's risk assessment
1689 instrument indicates ~~juvenile probation officer determines that~~
1690 ~~a child who is eligible for detention care is appropriate, but~~
1691 the department otherwise determines the child based upon the
1692 ~~results of the risk assessment instrument~~ should be released,
1693 the department ~~juvenile probation officer~~ shall contact the
1694 state attorney, who may authorize release.

1695 (d) If the final score on the risk assessment instrument
1696 indicates detention is not appropriate ~~authorized~~, the child may
1697 be released by the department ~~juvenile probation officer~~ in
1698 accordance with ss. 985.115 and 985.13.

1699
1700 Under no circumstances shall the department ~~juvenile probation~~
1701 ~~officer~~ or the state attorney or law enforcement officer
1702 authorize the detention of any child in a jail or other facility
1703 intended or used for the detention of adults, without an order
1704 of the court.

1705 Section 17. Subsections (1) and (2) and paragraphs (a) and
1706 (c) of subsection (3) of section 985.255, Florida Statutes, are
1707 amended to read:

1708 985.255 Detention criteria; detention hearing.—

1709 (1) Subject to s. 985.25(1), a child taken into custody and
1710 placed into secure or nonsecure ~~or home~~ detention care shall be
1711 given a hearing within 24 hours after being taken into custody.

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1712 At the hearing, the court may order continued detention or
1713 ~~detained in secure detention care prior to a detention hearing~~
1714 ~~may continue to be detained by the court if:~~

1715 (a) The child is alleged to be an escapee from a
1716 residential commitment program; or an absconder from a
1717 nonresidential commitment program, a probation program, or
1718 conditional release supervision; or is alleged to have escaped
1719 while being lawfully transported to or from a residential
1720 commitment program.

1721 (b) The child is wanted in another jurisdiction for an
1722 offense which, if committed by an adult, would be a felony.

1723 (c) The child is charged with a delinquent act or violation
1724 of law and requests in writing through legal counsel to be
1725 detained for protection from an imminent physical threat to his
1726 or her personal safety.

1727 (d) The child is charged with committing an offense of
1728 domestic violence as defined in s. 741.28 and is detained as
1729 provided in subsection (2).

1730 (e) The child is charged with possession of or discharging
1731 a firearm on school property in violation of s. 790.115 or the
1732 illegal possession of a firearm.

1733 (f) The child is charged with a capital felony, a life
1734 felony, a felony of the first degree, a felony of the second
1735 degree that does not involve a violation of chapter 893, or a
1736 felony of the third degree that is also a crime of violence,
1737 including any such offense involving the use or possession of a
1738 firearm.

1739 (g) The child is charged with any second degree or third
1740 degree felony involving a violation of chapter 893 or any third

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1741 degree felony that is not also a crime of violence, and the
1742 child:

- 1743 1. Has a record of failure to appear at court hearings
1744 after being properly notified in accordance with the Rules of
1745 Juvenile Procedure;
- 1746 2. Has a record of law violations prior to court hearings;
- 1747 3. Has already been detained or has been released and is
1748 awaiting final disposition of the case;
- 1749 4. Has a record of violent conduct resulting in physical
1750 injury to others; or
- 1751 5. Is found to have been in possession of a firearm.

1752 (h) The child is alleged to have violated the conditions of
1753 the child's probation or conditional release supervision.
1754 However, a child detained under this paragraph may be held only
1755 in a consequence unit as provided in s. 985.439. If a
1756 consequence unit is not available, the child shall be placed on
1757 nonsecure home detention with electronic monitoring.

1758 (i) The child is detained on a judicial order for failure
1759 to appear and has previously willfully failed to appear, after
1760 proper notice:⁷

- 1761 1. For an adjudicatory hearing on the same case regardless
1762 of the results of the risk assessment instrument; or
- 1763 2. At two or more court hearings of any nature on the same
1764 case regardless of the results of the risk assessment
1765 instrument.

1766

1767 A child may be held in secure detention for up to 72 hours in
1768 advance of the next scheduled court hearing pursuant to this
1769 paragraph. The child's failure to keep the clerk of court and

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1770 defense counsel informed of a current and valid mailing address
1771 where the child will receive notice to appear at court
1772 proceedings does not provide an adequate ground for excusal of
1773 the child's nonappearance at the hearings.

1774 ~~(j) The child is detained on a judicial order for failure~~
1775 ~~to appear and has previously willfully failed to appear, after~~
1776 ~~proper notice, at two or more court hearings of any nature on~~
1777 ~~the same case regardless of the results of the risk assessment~~
1778 ~~instrument. A child may be held in secure detention for up to 72~~
1779 ~~hours in advance of the next scheduled court hearing pursuant to~~
1780 ~~this paragraph. The child's failure to keep the clerk of court~~
1781 ~~and defense counsel informed of a current and valid mailing~~
1782 ~~address where the child will receive notice to appear at court~~
1783 ~~proceedings does not provide an adequate ground for excusal of~~
1784 ~~the child's nonappearance at the hearings.~~

1785 (2) A child who is charged with committing an offense that
1786 is classified as an act of domestic violence as defined in s.
1787 741.28 and whose risk assessment instrument indicates secure
1788 detention is not appropriate ~~who does not meet detention~~
1789 ~~eriteria~~ may be held in secure detention if the court makes
1790 specific written findings that:

- 1791 (a) Respite care for the child is not available; or
1792 (b) It is necessary to place the child in secure detention
1793 in order to protect the victim from injury.

1794
1795 The child may not be held in secure detention under this
1796 subsection for more than 48 hours unless ordered by the court.
1797 After 48 hours, the court shall hold a hearing if the state
1798 attorney or victim requests that secure detention be continued.

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1799 The child may continue to be held in detention care if the court
1800 makes a specific, written finding that respite care is
1801 unavailable or it ~~detention care~~ is necessary to protect the
1802 victim from injury. However, the child may not be held in
1803 detention care beyond the time limits set forth in this section
1804 or s. 985.26.

1805 (3) (a) ~~A child who meets any of the criteria in subsection~~
1806 ~~(1) and who is ordered to be detained under that subsection~~
1807 ~~shall be given a hearing within 24 hours after being taken into~~
1808 ~~custody.~~ The purpose of the detention hearing required under
1809 subsection (1) is to determine the existence of probable cause
1810 that the child has committed the delinquent act or violation of
1811 law that he or she is charged with and the need for continued
1812 detention. Unless a child is detained under paragraph (1) (d) or
1813 paragraph (1) (e), the court shall use the results of the risk
1814 assessment performed by the department ~~juvenile probation~~
1815 ~~officer~~ and, based on the criteria in subsection (1), shall
1816 determine the need for continued detention. ~~A child placed into~~
1817 ~~secure, nonsecure, or home detention care may continue to be so~~
1818 ~~detained by the court.~~

1819 (c) Except as provided in s. 790.22(8) or in s. 985.27,
1820 when a child is placed into secure or nonsecure detention care,
1821 or into a respite home or other placement pursuant to a court
1822 order following a hearing, the court order must include specific
1823 instructions that direct the release of the child from such
1824 placement no later than 5 p.m. on the last day of the detention
1825 period specified in s. 985.26 or s. 985.27, whichever is
1826 applicable, unless the requirements of such applicable provision
1827 have been met or an order of continuance has been granted under

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1828 s. 985.26(4). If the court order does not include a release
1829 date, the release date shall be requested from the court on the
1830 same date that the child is placed in detention care. If a
1831 subsequent hearing is needed to provide additional information
1832 to the court for safety planning, the initial order placing the
1833 child in detention care shall reflect the next detention review
1834 hearing, which shall be held within 3 calendar days after the
1835 child's initial detention placement.

1836 Section 18. Subsections (1), (2), and (3) of section
1837 985.26, Florida Statutes, are amended to read:

1838 985.26 Length of detention.—

1839 (1) A child may not be placed into or held in secure or
1840 ~~nonsecure, or home~~ detention care for longer than 24 hours
1841 unless the court orders such detention care, and the order
1842 includes specific instructions that direct the release of the
1843 child from such detention care, in accordance with s. 985.255.
1844 The order shall be a final order, reviewable by appeal under s.
1845 985.534 and the Florida Rules of Appellate Procedure. Appeals of
1846 such orders shall take precedence over other appeals and other
1847 pending matters.

1848 (2) A child may not be held in secure or, ~~nonsecure, or~~
1849 ~~home~~ detention care under a special detention order for more
1850 than 21 days unless an adjudicatory hearing for the case has
1851 been commenced in good faith by the court. However, upon good
1852 cause being shown that the nature of the charge requires
1853 additional time for the prosecution or defense of the case, the
1854 court may extend the length of detention for an additional 9
1855 days if the child is charged with an offense that would be, if
1856 committed by an adult, a capital felony, a life felony, a felony

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1857 of the first degree, or a felony of the second degree involving
1858 violence against any individual.

1859 (3) Except as provided in subsection (2), a child may not
1860 be held in secure or, nonsecure, ~~or home~~ detention care for more
1861 than 15 days following the entry of an order of adjudication.

1862 Section 19. Section 985.265, Florida Statutes, is amended
1863 to read:

1864 985.265 Detention transfer and release; education; adult
1865 jails.—

1866 (1) If a child is detained under this part, the department
1867 may transfer the child from nonsecure ~~or home~~ detention care to
1868 secure detention care only if significantly changed
1869 circumstances warrant such transfer.

1870 (2) If a child is on release status and not detained under
1871 this part, the child may be placed into secure or, nonsecure, ~~or~~
1872 ~~home~~ detention care only pursuant to a court hearing in which
1873 the original risk assessment instrument and the, ~~rescored based~~
1874 ~~on~~ newly discovered evidence or changed circumstances are
1875 introduced into evidence with a rescored risk assessment
1876 instrument with the results recommending detention, is
1877 ~~introduced into evidence.~~

1878 (3) (a) When a juvenile sexual offender is placed in
1879 detention, detention staff shall provide appropriate monitoring
1880 and supervision to ensure the safety of other children in the
1881 facility.

1882 (b) When a juvenile ~~sexual offender, under this subsection,~~
1883 is released from secure detention or transferred to ~~home~~
1884 ~~detention or~~ nonsecure detention, detention staff shall
1885 immediately notify the appropriate law enforcement agency, and ~~and~~

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1886 school personnel, and victim if the juvenile is charged with
1887 committing any of the following offenses or attempting to commit
1888 any of the following offenses:

- 1889 1. Murder, under s. 782.04;
- 1890 2. Sexual battery, under chapter 794;
- 1891 3. Stalking, under s. 784.048; or
- 1892 4. Domestic violence, as defined in s. 741.28.

1893 (4) (a) While a child who is currently enrolled in school is
1894 in nonsecure ~~or home~~ detention care, the child shall continue to
1895 attend school unless otherwise ordered by the court.

1896 (b) While a child is in secure detention care, the child
1897 shall receive education commensurate with his or her grade level
1898 and educational ability.

1899 (5) The court shall order the delivery of a child to a jail
1900 or other facility intended or used for the detention of adults:

1901 (a) When the child has been transferred or indicted for
1902 criminal prosecution as an adult under part X, except that the
1903 court may not order or allow a child alleged to have committed a
1904 misdemeanor who is being transferred for criminal prosecution
1905 pursuant to either s. 985.556 or s. 985.557 to be detained or
1906 held in a jail or other facility intended or used for the
1907 detention of adults; however, such child may be held temporarily
1908 in a detention facility; or

1909 (b) When a child taken into custody in this state is wanted
1910 by another jurisdiction for prosecution as an adult.

1911
1912 The child shall be housed separately from adult inmates to
1913 prohibit a child from having regular contact with incarcerated
1914 adults, including trustees. "Regular contact" means sight and

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

1926 Section 20. Section 985.27, Florida Statutes, is amended to
1927 read:

1928 985.27 Postdisposition ~~Postcommitment~~ detention while
1929 awaiting commitment placement.-

1930 (1) The court must place all children who are adjudicated
1931 and awaiting placement in a commitment program in detention
1932 care. Children who are in ~~home detention care~~ or nonsecure
1933 detention care may be placed on electronic monitoring.

1934 ~~(a) A child who is awaiting placement in a low-risk~~
1935 ~~residential program must be removed from detention within 5~~
1936 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1937 ~~child held in secure detention during the 5 days must meet~~
1938 ~~detention admission criteria under this part. A child who is~~
1939 ~~placed in home detention care, nonsecure detention care, or home~~
1940 ~~or nonsecure detention care with electronic monitoring, while~~
1941 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
1942 ~~held in secure detention care for 5 days, if the child violates~~
1943 ~~the conditions of the home detention care, the nonsecure~~

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1944 ~~detention care, or the electronic monitoring agreement. For any~~
1945 ~~subsequent violation, the court may impose an additional 5 days~~
1946 ~~in secure detention care.~~

1947 ~~(a)-(b)~~ A child who is awaiting placement in a nonsecure
1948 ~~moderate-risk~~ residential program must be removed from detention
1949 within 5 days, excluding Saturdays, Sundays, and legal holidays.
1950 Any child held in secure detention during the 5 days must meet
1951 detention admission criteria under this part. The department may
1952 seek an order from the court authorizing continued detention for
1953 a specific period of time necessary for the appropriate
1954 residential placement of the child. However, such continued
1955 detention in secure detention care may not exceed 15 days after
1956 entry of the commitment order, excluding Saturdays, Sundays, and
1957 legal holidays, and except as otherwise provided in this
1958 section. A child who is placed in ~~home detention care,~~ nonsecure
1959 detention care, ~~or home or~~ nonsecure detention care with
1960 electronic monitoring, while awaiting placement in a nonsecure
1961 residential ~~moderate-risk~~ program, may be held in secure
1962 detention care for 5 days, if the child violates the conditions
1963 of the ~~home detention care,~~ the nonsecure detention care, ~~or the~~
1964 electronic monitoring agreement. For any subsequent violation,
1965 the court may impose an additional 5 days in secure detention
1966 care.

1967 ~~(b)-(e)~~ If the child is committed to a high-risk residential
1968 program, the child must be held in secure detention care until
1969 placement or commitment is accomplished.

1970 ~~(c)-(d)~~ If the child is committed to a maximum-risk
1971 residential program, the child must be held in secure detention
1972 care until placement or commitment is accomplished.

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1973 (2) Regardless of detention status, a child being
1974 transported by the department to a residential commitment
1975 facility of the department may be placed in secure detention
1976 overnight, not to exceed a 24-hour period, for the specific
1977 purpose of ensuring the safe delivery of the child to his or her
1978 residential commitment program, court, appointment, transfer, or
1979 release.

1980 Section 21. Subsection (1) of section 985.275, Florida
1981 Statutes, is amended to read:

1982 985.275 Detention of escapee or absconder on authority of
1983 the department.—

1984 (1) If an authorized agent of the department has reasonable
1985 grounds to believe that any delinquent child committed to the
1986 department has escaped from a residential commitment facility or
1987 from being lawfully transported thereto or therefrom, or has
1988 absconded from a nonresidential commitment facility, the agent
1989 shall notify law enforcement and, if the offense would require
1990 notification under chapter 960, notify the victim. The agent
1991 shall make every reasonable effort as permitted within existing
1992 resources provided to the department to locate the delinquent
1993 child and the child may be returned to the facility ~~take the~~
1994 ~~child into active custody and may deliver the child to the~~
1995 ~~facility~~ or, if it is closer, to a detention center for return
1996 to the facility. However, a child may not be held in detention
1997 longer than 24 hours, excluding Saturdays, Sundays, and legal
1998 holidays, unless a special order so directing is made by the
1999 judge after a detention hearing resulting in a finding that
2000 detention is required based on the criteria in s. 985.255. The
2001 order shall state the reasons for such finding. The reasons

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2002 shall be reviewable by appeal or in habeas corpus proceedings in
2003 the district court of appeal.

2004 Section 22. Paragraph (b) of subsection (4), paragraph (h)
2005 of subsection (6), and paragraph (a) of subsection (7) of
2006 section 985.433, Florida Statutes, are amended to read:

2007 985.433 Disposition hearings in delinquency cases.—When a
2008 child has been found to have committed a delinquent act, the
2009 following procedures shall be applicable to the disposition of
2010 the case:

2011 (4) Before the court determines and announces the
2012 disposition to be imposed, it shall:

2013 (b) Discuss with the child his or her compliance with any
2014 predisposition ~~home release~~ plan or other plan imposed since the
2015 date of the offense.

2016 (6) The first determination to be made by the court is a
2017 determination of the suitability or nonsuitability for
2018 adjudication and commitment of the child to the department. This
2019 determination shall include consideration of the recommendations
2020 of the department, which may include a predisposition report.
2021 The predisposition report shall include, whether as part of the
2022 child's multidisciplinary assessment, classification, and
2023 placement process components or separately, evaluation of the
2024 following criteria:

2025 (h) The child's educational status, including, but not
2026 limited to, the child's strengths, abilities, and unmet and
2027 special educational needs. The report shall identify appropriate
2028 educational and career ~~vocational~~ goals for the child. Examples
2029 of appropriate goals include:

2030 1. Attainment of a high school diploma or its equivalent.

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2031 2. Successful completion of literacy courses ~~course(s)~~.

2032 3. Successful completion of career and technical education
2033 courses ~~vocational course(s)~~.

2034 4. Successful attendance and completion of the child's
2035 current grade or recovery of credits of classes the child
2036 previously failed, if enrolled in school.

2037 5. Enrollment in an apprenticeship or a similar program.
2038

2039 It is the intent of the Legislature that the criteria set forth
2040 in this subsection are general guidelines to be followed at the
2041 discretion of the court and not mandatory requirements of
2042 procedure. It is not the intent of the Legislature to provide
2043 for the appeal of the disposition made under this section.

2044 (7) If the court determines that the child should be
2045 adjudicated as having committed a delinquent act and should be
2046 committed to the department, such determination shall be in
2047 writing or on the record of the hearing. The determination shall
2048 include a specific finding of the reasons for the decision to
2049 adjudicate and to commit the child to the department, including
2050 any determination that the child was a member of a criminal
2051 gang.

2052 (a) The department ~~juvenile probation officer~~ shall
2053 recommend to the court the most appropriate placement and
2054 treatment plan, specifically identifying the restrictiveness
2055 level most appropriate for the child if commitment is
2056 recommended. If the court has determined that the child was a
2057 member of a criminal gang, that determination shall be given
2058 great weight in identifying the most appropriate restrictiveness
2059 level for the child. The court shall consider the department's

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2060 recommendation in making its commitment decision.

2061 Section 23. Subsections (4) through (6) of section 985.435,
2062 Florida Statutes, are renumbered as subsections (5) through (7),
2063 respectively, subsection (3) and present subsection (4) of that
2064 section are amended, and a new subsection (4) is added to that
2065 section, to read:

2066 985.435 Probation and postcommitment probation; community
2067 service.—

2068 (3) A probation program must also include a rehabilitative
2069 program component such as a requirement of participation in
2070 substance abuse treatment or in a school or career and technical
2071 education ~~other educational~~ program. The nonconsent of the child
2072 to treatment in a substance abuse treatment program in no way
2073 precludes the court from ordering such treatment. Upon the
2074 recommendation of the department at the time of disposition, or
2075 subsequent to disposition pursuant to the filing of a petition
2076 alleging a violation of the child's conditions of postcommitment
2077 probation, the court may order the child to submit to random
2078 testing for the purpose of detecting and monitoring the use of
2079 alcohol or controlled substances.

2080 (4) A probation program may also include an alternative
2081 consequence component to address instances in which a child is
2082 noncompliant with technical conditions of his or her probation,
2083 but has not committed any new violations of law. The alternative
2084 consequence component is designed to provide swift and
2085 appropriate consequences to any noncompliance with technical
2086 conditions of probation. If the probation program includes this
2087 component, specific consequences that apply to noncompliance
2088 with specific technical conditions of probation must be detailed

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2089 in the disposition order.

2090 (5)(4) An identification of the child's risk of reoffending
2091 ~~A classification scale for levels of supervision~~ shall be
2092 provided by the department, taking into account the child's
2093 needs and risks relative to probation supervision requirements
2094 to reasonably ensure the public safety. Probation programs for
2095 children shall be supervised by the department or by any other
2096 person or agency specifically authorized by the court. These
2097 programs must include, but are not limited to, structured or
2098 restricted activities as described in this section and s.
2099 985.439, and shall be designed to encourage the child toward
2100 acceptable and functional social behavior.

2101 Section 24. Subsections (1) and (4) of section 985.439,
2102 Florida Statutes, are amended to read:

2103 985.439 Violation of probation or postcommitment
2104 probation.—

2105 (1) (a) This section is applicable when the court has
2106 jurisdiction over a child on probation or postcommitment
2107 probation, regardless of adjudication ~~an adjudicated delinquent~~
2108 ~~child.~~

2109 (b) If the conditions of the probation program or the
2110 postcommitment probation program are violated, the department or
2111 the state attorney may bring the child before the court on a
2112 petition alleging a violation of the program. A ~~Any~~ child who
2113 violates the conditions of probation or postcommitment probation
2114 must be brought before the court if sanctions are sought.

2115 (4) Upon the child's admission, or if the court finds after
2116 a hearing that the child has violated the conditions of
2117 probation or postcommitment probation, the court shall enter an

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2118 order revoking, modifying, or continuing probation or
2119 postcommitment probation. In each such case, the court shall
2120 enter a new disposition order and, in addition to the sanctions
2121 set forth in this section, may impose any sanction the court
2122 could have imposed at the original disposition hearing. If the
2123 child is found to have violated the conditions of probation or
2124 postcommitment probation, the court may:

2125 (a) Place the child in a consequence unit in that judicial
2126 circuit, if available, for up to 5 days for a first violation
2127 and up to 15 days for a second or subsequent violation.

2128 (b) Place the child in nonsecure ~~on home~~ detention with
2129 electronic monitoring. However, this sanction may be used only
2130 if a residential consequence unit is not available.

2131 (c) If the violation of probation is technical in nature
2132 and not a new violation of law, place the child in an
2133 alternative consequence program designed to provide swift and
2134 appropriate consequences to any further violations of probation.

2135 1. Alternative consequence programs shall be established,
2136 within existing resources, at the local level in coordination
2137 with law enforcement agencies, the chief judge of the circuit,
2138 the state attorney, and the public defender.

2139 2. Alternative consequence programs may be operated by an
2140 entity such as a law enforcement agency, the department, a
2141 juvenile assessment center, a county or municipality, or another
2142 entity selected by the department.

2143 3. Upon placing a child in an alternative consequence
2144 program, the court must approve specific consequences for
2145 specific violations of the conditions of probation.

2146 (d) ~~(e)~~ Modify or continue the child's probation program or

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2147 postcommitment probation program.

2148 (e)~~(d)~~ Revoke probation or postcommitment probation and
2149 commit the child to the department.

2150 Section 25. Subsection (2) of section 985.441, Florida
2151 Statutes, is amended to read:

2152 985.441 Commitment.—

2153 (2) Notwithstanding subsection (1), the court having
2154 jurisdiction over an adjudicated delinquent child whose
2155 ~~underlying~~ offense is was a misdemeanor, or a child who is
2156 currently on probation for a misdemeanor, may not commit the
2157 child for any misdemeanor offense or any probation violation
2158 that is technical in nature and not a new violation of law at a
2159 restrictiveness level other than minimum-risk nonresidential
2160 unless the probation violation is a new violation of law
2161 constituting a felony. However, the court may commit such child
2162 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
2163 if:

2164 (a) The child has previously been adjudicated or had
2165 adjudication withheld for a felony offense;

2166 (b) The child has previously been adjudicated or had
2167 adjudication withheld for three or more misdemeanor offenses
2168 within the previous 18 months;

2169 (c) The child is before the court for disposition for a
2170 violation of s. 800.03, s. 806.031, or s. 828.12; or

2171 (d) The court finds by a preponderance of the evidence that
2172 the protection of the public requires such placement or that the
2173 particular needs of the child would be best served by such
2174 placement. Such finding must be in writing.

2175 Section 26. Paragraph (a) of subsection (1) and subsection

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2176 (5) of section 985.46, Florida Statutes, are amended to read:

2177 985.46 Conditional release.—

2178 (1) The Legislature finds that:

2179 (a) Conditional release is the care, treatment, help, ~~and~~
2180 supervision, and provision of transition-to-adulthood services
2181 to ~~provided~~ juveniles released from residential commitment
2182 programs to promote rehabilitation and prevent recidivism.

2183 (5) Participation in the educational program by students of
2184 compulsory school attendance age pursuant to s. 1003.21(1) and
2185 (2) (a) is mandatory for juvenile justice youth on conditional
2186 release or postcommitment probation status. A student of
2187 noncompulsory school-attendance age who has not received a high
2188 school diploma or its equivalent must participate in an the
2189 educational program or career and technical education course. A
2190 youth who has received a high school diploma or its equivalent
2191 and is not employed must participate in workforce development or
2192 other career or technical education or attend a community
2193 college or a university while in the program, subject to
2194 available funding.

2195 Section 27. Subsections (1) through (5) of section 985.461,
2196 Florida Statutes, are amended to read:

2197 985.461 Transition to adulthood.—

2198 (1) The Legislature finds that ~~elder~~ youth are faced with
2199 the need to learn how to support themselves within legal means
2200 and overcome the stigma of being delinquent. In most cases,
2201 parents expedite this transition. It is the intent of the
2202 Legislature that the department provide ~~elder~~ youth in its
2203 custody or under its supervision with opportunities for
2204 participating in transition-to-adulthood services while in the

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2205 department's commitment programs or in probation or conditional
2206 release programs in the community. These services should be
2207 reasonable and appropriate for the youths' respective ages or
2208 special needs and provide activities that build life skills and
2209 increase the ability to live independently and become self-
2210 sufficient.

2211 (2) Youth served by the department who are in the custody
2212 of the Department of Children and Families ~~Family Services~~ and
2213 who entered juvenile justice placement from a foster care
2214 placement, if otherwise eligible, may receive independent living
2215 transition services pursuant to s. 409.1451. Court-ordered
2216 commitment or probation with the department is not a barrier to
2217 eligibility for the array of services available to a youth who
2218 is in the dependency foster care system only.

2219 (3) For a dependent child in the foster care system,
2220 adjudication for delinquency does not, by itself, disqualify
2221 such child for eligibility in the Department of Children and
2222 Families' ~~Family Services'~~ independent living program.

2223 (4) As part of the child's treatment plan, the department
2224 may provide transition-to-adulthood services to children
2225 released from residential commitment. To support participation
2226 in transition-to-adulthood services and subject to
2227 appropriation, the department may:

2228 (a) Assess the child's skills and abilities to live
2229 independently and become self-sufficient. The specific services
2230 to be provided shall be determined using an assessment of his or
2231 her readiness for adult life.

2232 (b) Use community reentry teams to assist in the
2233 development of ~~Develop~~ a list of age-appropriate activities and

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2234 responsibilities to be incorporated in the child's written case
2235 plan for any youth ~~17 years of age or older~~ who is under the
2236 custody or supervision of the department. Community reentry
2237 teams may include representatives from school districts, law
2238 enforcement, workforce development services, community-based
2239 service providers, and the youth's family. Such community
2240 reentry teams must be created within existing resources provided
2241 to the department. Activities may include, but are not limited
2242 to, life skills training, including training to develop banking
2243 and budgeting skills, interviewing and career planning skills,
2244 parenting skills, personal health management, and time
2245 management or organizational skills; educational support;
2246 employment training; and counseling.

2247 (c) Provide information related to social security
2248 insurance benefits and public assistance.

2249 (d) Request parental or guardian permission for the youth
2250 to participate in transition-to-adulthood services. Upon such
2251 consent, age-appropriate activities shall be incorporated into
2252 the youth's written case plan. This plan may include specific
2253 goals and objectives and shall be reviewed and updated at least
2254 quarterly. If the parent or guardian is cooperative, the plan
2255 may not interfere with the parent's or guardian's rights to
2256 nurture and train his or her child in ways that are otherwise in
2257 compliance with the law and court order.

2258 (e) Contract for transition-to-adulthood services that
2259 include residential services and assistance and allow the child
2260 to live independently of the daily care and supervision of an
2261 adult in a setting that is not licensed under s. 409.175. A
2262 child under the care or supervision of the department ~~who has~~

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2263 ~~reached 17 years of age but is not yet 19 years of age is~~
2264 eligible for such services if he or she does not pose a danger
2265 to the public and is able to demonstrate minimally sufficient
2266 skills and aptitude for living under decreased adult
2267 supervision, as determined by the department, using established
2268 procedures and assessments.

2269 (f) Assist the child in building a portfolio of educational
2270 and vocational accomplishments, necessary identification,
2271 resumes, and cover letters in an effort to enhance the child's
2272 employability.

2273 (g) Collaborate with school district contacts to facilitate
2274 appropriate educational services based on the child's identified
2275 needs.

2276 (5) For a child ~~who is 17 years of age or older,~~ under the
2277 department's care or supervision, and without benefit of parents
2278 or legal guardians capable of assisting the child in the
2279 transition to adult life, the department may provide an
2280 assessment to determine the child's skills and abilities to live
2281 independently and become self-sufficient. Based on the
2282 assessment and within existing resources, services and training
2283 may be provided in order to develop the necessary skills and
2284 abilities ~~before the child's 18th birthday.~~

2285 Section 28. Paragraph (b) of subsection (3) of section
2286 985.481, Florida Statutes, is amended to read:

2287 985.481 Sexual offenders adjudicated delinquent;
2288 notification upon release.—

2289 (3)

2290 (b) ~~No later than November 1, 2007,~~ The department must
2291 make the information described in subparagraph (a)1. available

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2292 electronically to the Department of Law Enforcement in its
2293 database and in a format that is compatible with the
2294 requirements of the Florida Crime Information Center.

2295 Section 29. Subsection (5) of section 985.4815, Florida
2296 Statutes, is amended to read:

2297 985.4815 Notification to Department of Law Enforcement of
2298 information on juvenile sexual offenders.—

2299 (5) In addition to notification and transmittal
2300 requirements imposed by any other provision of law, the
2301 department shall compile information on any sexual offender and
2302 provide the information to the Department of Law Enforcement. ~~No~~
2303 ~~later than November 1, 2007,~~ The department must make the
2304 information available electronically to the Department of Law
2305 Enforcement in its database in a format that is compatible with
2306 the requirements of the Florida Crime Information Center.

2307 Section 30. Subsection (1) of section 985.514, Florida
2308 Statutes, is amended to read:

2309 985.514 Responsibility for cost of care; fees.—

2310 (1) When any child is placed into secure or nonsecure ~~home~~
2311 detention care or into other placement for the purpose of being
2312 supervised by the department pursuant to a court order following
2313 a detention hearing, the court shall order the child's parents
2314 to pay fees to the department as provided in s. 985.039.

2315 Section 31. Paragraph (a) of subsection (3) and paragraph
2316 (a) of subsection (9) of section 985.601, Florida Statutes, are
2317 amended to read:

2318 985.601 Administering the juvenile justice continuum.—

2319 (3) (a) The department shall develop or contract for
2320 diversified and innovative programs to provide rehabilitative

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2321 treatment, including early intervention and prevention,
2322 diversion, comprehensive intake, case management, diagnostic and
2323 classification assessments, trauma-informed care, individual and
2324 family counseling, family engagement resources and programs,
2325 gender-specific programming, shelter care, diversified detention
2326 care emphasizing alternatives to secure detention, diversified
2327 probation, halfway houses, foster homes, community-based
2328 substance abuse treatment services, community-based mental
2329 health treatment services, community-based residential and
2330 nonresidential programs, mother-infant programs, and
2331 environmental programs. The department may pay expenses in
2332 support of innovative programs and activities that address
2333 identified needs and the well-being of children in the
2334 department's care or under its supervision, subject to the
2335 requirements of chapters 215, 216, and 287. Each program shall
2336 place particular emphasis on reintegration and conditional
2337 release for all children in the program.

2338 (9) (a) The department shall operate a statewide, regionally
2339 administered system of detention services for children, in
2340 accordance with a comprehensive plan for the regional
2341 administration of all detention services in the state. The plan
2342 must provide for the maintenance of adequate availability of
2343 detention services for all counties. The plan must cover all the
2344 department's operating circuits, with each operating circuit
2345 having access to a secure facility and nonsecure ~~and home~~
2346 detention programs, and the plan may be altered or modified by
2347 the Department of Juvenile Justice as necessary.

2348 Section 32. Sections 985.605, 985.606, and 985.61, Florida
2349 Statutes, are repealed.

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2350 Section 33. Section 985.632, Florida Statutes, is amended
2351 to read:

2352 985.632 Quality improvement assurance and cost-
2353 effectiveness; Comprehensive Accountability Report.—

2354 (1) INTENT.—It is the intent of the Legislature that the
2355 department establish a performance accountability system for
2356 each provider who contracts with the department for the delivery
2357 of services to children. The contract shall include both output
2358 measures, such as the number of children served, and outcome
2359 measures, including program completion and postcompletion
2360 recidivism. Each contractor shall report performance results to
2361 the department annually. The department's Bureau of Research and
2362 Planning shall summarize performance results from all contracts
2363 and report the information to the Legislature annually in the
2364 Comprehensive Accountability Report. The report shall:

2365 (a) Ensure that information be provided to decisionmakers
2366 in a timely manner so that resources are allocated to programs
2367 that of the department which achieve desired performance levels.

2368 (b) Provide information about the cost of such programs and
2369 their differential effectiveness so that the quality of such
2370 programs can be compared and improvements made continually.

2371 (c) Provide information to aid in developing related policy
2372 issues and concerns.

2373 (d) Provide information to the public about the
2374 effectiveness of such programs in meeting established goals and
2375 objectives.

2376 (e) Provide a basis for a system of accountability so that
2377 each child client ~~client~~ is afforded the best programs to meet his or
2378 her needs.

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2379 (f) Improve service delivery to children through the use of
2380 technical assistance ~~clients~~.

2381 (g) Modify or eliminate activities or programs that are not
2382 effective.

2383 (h) Collect and analyze available statistical data for the
2384 purpose of ongoing evaluation of all programs.

2385 (2) DEFINITIONS.-As used in this section, the term:

2386 ~~(a) "Client" means any person who is being provided~~
2387 ~~treatment or services by the department or by a provider under~~
2388 ~~contract with the department.~~

2389 (a) "Program" means any facility or service for youth that
2390 is operated by the department or by a provider under contract
2391 with the department.

2392 (b) "Program component" means an aggregation of generally
2393 related objectives which, because of their special character,
2394 related workload, and interrelated output, can logically be
2395 considered an entity for purposes of organization, management,
2396 accounting, reporting, and budgeting.

2397 ~~(c) "Program effectiveness" means the ability of the~~
2398 ~~program to achieve desired client outcomes, goals, and~~
2399 ~~objectives.~~

2400 (c) "Program group" means a collection of programs with
2401 sufficient similarity of functions, services, and youth to
2402 permit appropriate comparison amongst programs within the group.

2403 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.-The department, in
2404 consultation with contract service providers, shall develop and
2405 use a standard methodology for annually measuring, evaluating,
2406 and reporting program outputs and youth outcomes for each
2407 program and program group. The standard methodology must:

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2408 (a) Include common terminology and operational definitions
2409 for measuring the performance of system and program
2410 administration, program outputs, and program outcomes.

2411 (b) Specify program outputs for each program and for each
2412 program group within the juvenile justice continuum.

2413 (c) Specify desired child outcomes and methods by which to
2414 measure child outcomes for each program and program group
2415 ~~annually collect and report cost data for every program operated~~
2416 ~~or contracted by the department. The cost data shall conform to~~
2417 ~~a format approved by the department and the Legislature. Uniform~~
2418 ~~cost data shall be reported and collected for state operated and~~
2419 ~~contracted programs so that comparisons can be made among~~
2420 ~~programs. The department shall ensure that there is accurate~~
2421 ~~cost accounting for state operated services including market-~~
2422 ~~equivalent rent and other shared cost. The cost of the~~
2423 ~~educational program provided to a residential facility shall be~~
2424 ~~reported and included in the cost of a program. The department~~
2425 ~~shall submit an annual cost report to the President of the~~
2426 ~~Senate, the Speaker of the House of Representatives, the~~
2427 ~~Minority Leader of each house of the Legislature, the~~
2428 ~~appropriate substantive and fiscal committees of each house of~~
2429 ~~the Legislature, and the Governor, no later than December 1 of~~
2430 ~~each year. Cost benefit analysis for educational programs will~~
2431 ~~be developed and implemented in collaboration with and in~~
2432 ~~cooperation with the Department of Education, local providers,~~
2433 ~~and local school districts. Cost data for the report shall~~
2434 ~~include data collected by the Department of Education for the~~
2435 ~~purposes of preparing the annual report required by s.~~
2436 ~~1003.52(19).~~

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2437 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in
2438 consultation with the Office of Economic and Demographic
2439 Research and contract service providers, shall develop a cost-
2440 effectiveness model and apply the model to each commitment
2441 program. ~~Program recidivism rates shall be a component of the~~
2442 ~~model.~~

2443 (a) The cost-effectiveness model shall compare program
2444 costs to expected and actual child recidivism rates ~~client~~
2445 ~~outcomes and program outputs~~. It is the intent of the
2446 Legislature that continual development efforts take place to
2447 improve the validity and reliability of the cost-effectiveness
2448 model.

2449 (b) The department shall rank commitment programs based on
2450 the cost-effectiveness model, performance measures, and
2451 adherence to quality improvement standards and shall ~~submit a~~
2452 report this data in the annual Comprehensive Accountability
2453 Report to the appropriate substantive and fiscal committees of
2454 ~~each house of the Legislature by December 31 of each year.~~

2455 (c) Based on reports of the department on child client
2456 ~~outcomes and program outputs~~ and on the department's most recent
2457 cost-effectiveness rankings, the department may terminate a
2458 program operated by the department or a provider if the program
2459 has failed to achieve a minimum standard threshold ~~threshold~~ of program
2460 effectiveness. This paragraph does not preclude the department
2461 from terminating a contract as provided under this section or as
2462 otherwise provided by law or contract, and does not limit the
2463 department's authority to enter into or terminate a contract.

2464 (d) In collaboration with the Office of Economic and
2465 Demographic Research, and contract service providers, the

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2466 department shall develop a work plan to refine the cost-
2467 effectiveness model so that the model is consistent with the
2468 performance-based program budgeting measures approved by the
2469 Legislature to the extent the department deems appropriate. The
2470 department shall notify the Office of Program Policy Analysis
2471 and Government Accountability of any meetings to refine the
2472 model.

2473 (e) Contingent upon specific appropriation, the department,
2474 in consultation with the Office of Economic and Demographic
2475 Research, and contract service providers, shall:

2476 1. Construct a profile of each commitment program that uses
2477 the results of the quality improvement data portion of the
2478 Comprehensive Accountability ~~assurance~~ Report required by this
2479 section, the cost-effectiveness data portion of the
2480 Comprehensive Accountability Report required in this subsection,
2481 and other reports available to the department.

2482 2. Target, for a more comprehensive evaluation, any
2483 commitment program that has achieved consistently high, low, or
2484 disparate ratings in the reports required under subparagraph 1.
2485 and target, for technical assistance, any commitment program
2486 that has achieved low or disparate ratings in the reports
2487 required under subparagraph 1.

2488 3. Identify the essential factors that contribute to the
2489 high, low, or disparate program ratings.

2490 4. Use the results of these evaluations in developing or
2491 refining juvenile justice programs or program models, child
2492 client outcomes and program outputs, provider contracts, quality
2493 improvement ~~assurance~~ standards, and the cost-effectiveness
2494 model.

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- 2495 (5) QUALITY IMPROVEMENT.—The department shall:
- 2496 (a) Establish a comprehensive quality improvement ~~assurance~~
- 2497 system for each program operated by the department or operated
- 2498 by a provider under contract with the department. Each contract
- 2499 entered into by the department must provide for quality
- 2500 improvement ~~assurance~~.
- 2501 (b) Provide operational definitions of and criteria for
- 2502 quality improvement ~~assurance~~ for each specific program
- 2503 component.
- 2504 (c) Establish quality improvement ~~assurance~~ goals and
- 2505 objectives for each specific program component.
- 2506 (d) Establish the information and specific data elements
- 2507 required for the quality improvement ~~assurance~~ program.
- 2508 (e) Develop a quality improvement ~~assurance~~ manual of
- 2509 specific, standardized terminology and procedures to be followed
- 2510 by each program.
- 2511 (f) Evaluate each program operated by the department or a
- 2512 provider under a contract with the department annually and
- 2513 establish minimum standards ~~thresholds~~ for each program
- 2514 component. If a provider fails to meet the established minimum
- 2515 standards ~~thresholds~~, such failure shall cause the department to
- 2516 cancel the provider's contract unless the provider achieves
- 2517 compliance with minimum standards ~~thresholds~~ within 6 months or
- 2518 unless there are documented extenuating circumstances. In
- 2519 addition, the department may not contract with the same provider
- 2520 for the canceled service for a period of 12 months. If a
- 2521 department-operated program fails to meet the established
- 2522 minimum standards ~~thresholds~~, the department must take necessary
- 2523 and sufficient steps to ensure and document program changes to

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2524 achieve compliance with the established minimum standards
2525 ~~thresholds~~. If the department-operated program fails to achieve
2526 compliance with the established minimum standards ~~thresholds~~
2527 within 6 months and if there are no documented extenuating
2528 circumstances, the department must notify the Executive Office
2529 of the Governor and the Legislature of the corrective action
2530 taken. Appropriate corrective action may include, but is not
2531 limited to:

- 2532 1. Contracting out for the services provided in the
2533 program;
- 2534 2. Initiating appropriate disciplinary action against all
2535 employees whose conduct or performance is deemed to have
2536 materially contributed to the program's failure to meet
2537 established minimum standards ~~thresholds~~;
- 2538 3. Redesigning the program; or
- 2539 4. Realigning the program.

2540 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The
2541 department shall submit the Comprehensive Accountability Report
2542 ~~an annual report~~ to the President of the Senate, the Speaker of
2543 the House of Representatives, the Minority Leader of each house
2544 of the Legislature, the appropriate substantive and fiscal
2545 committees of each house of the Legislature, and the Governor,
2546 no later than February 1 of each year. The Comprehensive
2547 Accountability Report ~~annual report~~ must contain, at a minimum,
2548 for each specific program component: a comprehensive description
2549 of the population served by the program; a specific description
2550 of the services provided by the program; cost; a comparison of
2551 expenditures to federal and state funding; immediate and long-
2552 range concerns; and recommendations to maintain, expand,

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2553 improve, modify, or eliminate each program component so that
2554 changes in services lead to enhancement in program quality. The
2555 department shall ensure the reliability and validity of the
2556 information contained in the report.

2557 (7) (6) ONGOING EVALUATIONS; REPORTS.—The department shall
2558 collect and analyze available statistical data for the purpose
2559 of ongoing evaluation of all programs. The department shall
2560 provide the Legislature with necessary information and reports
2561 to enable the Legislature to make informed decisions regarding
2562 the effectiveness of, and any needed changes in, services,
2563 programs, policies, and laws.

2564 Section 34. Paragraph (a) of subsection (1) and paragraph
2565 (b) of subsection (3) of section 985.644, Florida Statutes, are
2566 amended to read:

2567 985.644 Departmental contracting powers; personnel
2568 standards and investigation screening.—

2569 (1) The department may contract with the Federal
2570 Government, other state departments and agencies, county and
2571 municipal governments and agencies, public and private agencies,
2572 and private individuals and corporations in carrying out the
2573 purposes of, and the responsibilities established in, this
2574 chapter.

2575 (a) Each contract entered into by the department for
2576 services delivered on an appointment or intermittent basis by a
2577 provider that does not have regular custodial responsibility for
2578 children and each contract with a school for ~~before or after~~care
2579 services must ensure that all owners, operators, and personnel
2580 who have direct contact with children are subject to level 2
2581 background screening pursuant to chapter 435.

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2582 (3)

2583 (b) ~~Except for~~ Law enforcement, correctional, and
2584 correctional probation officers, certified pursuant to s.
2585 943.13, are not required to submit to level 2 screenings as long
2586 as they are currently employed by a law enforcement agency or
2587 correctional facility. ~~to whom s. 943.13(5) applies,~~ The
2588 department shall electronically submit to the Department of Law
2589 Enforcement:

2590 1. Fingerprint information obtained during the employment
2591 screening required by subparagraph (a)1.

2592 2. Fingerprint information for all persons employed by the
2593 department, or by a provider under contract with the department,
2594 in delinquency facilities, services, or programs if such
2595 fingerprint information has not previously been ~~electronically~~
2596 submitted pursuant to this section ~~to the Department of Law~~
2597 ~~Enforcement under this paragraph.~~

2598 Section 35. Section 985.6441, Florida Statutes, is created
2599 to read:

2600 985.6441 Health care services.—

2601 (1) As used in this section, the term:

2602 (a) "Health care provider" has the same meaning as provided
2603 in s. 766.105.

2604 (b) "Hospital" means a hospital licensed under chapter 395.

2605 (2) When compensating health care providers, the department
2606 must comply with the following reimbursement limitations:

2607 (a) Payments to a hospital or a health care provider may
2608 not exceed 110 percent of the Medicare allowable rate for any
2609 health care services provided if there is no contract between
2610 the department and the hospital or the health care provider

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2611 providing services at a hospital.

2612 (b)1. The department may continue to make payments for
2613 health care services at the contracted rates for contracts
2614 executed before July 1, 2014, through the current term of the
2615 contract if a contract has been executed between the department
2616 and a hospital or a health care provider providing services at a
2617 hospital.

2618 2. Payments may not exceed 110 percent of the Medicare
2619 allowable rate after the current term of the contract expires or
2620 after the contract is renewed during the 2013-2014 fiscal year.

2621 (c) Payments may not exceed 110 percent of the Medicare
2622 allowable rate under a contract executed on or after July 1,
2623 2014, between the department and a hospital or a health care
2624 provider providing services at a hospital.

2625 (d) Notwithstanding paragraphs (a)-(c), the department may
2626 pay up to 125 percent of the Medicare allowable rate for health
2627 care services at a hospital that reports, or has reported, a
2628 negative operating margin for the previous fiscal year to the
2629 Agency for Health Care Administration through hospital-audited
2630 financial data.

2631 Section 36. Subsections (1), (2), and (3) of section
2632 985.66, Florida Statutes, are amended to read:

2633 985.66 Juvenile justice training ~~academies~~; staff
2634 development and training; Juvenile Justice Training Trust Fund.—

2635 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
2636 provide a systematic approach to staff development and training
2637 for judges, state attorneys, public defenders, law enforcement
2638 officers, school district personnel, and juvenile justice
2639 program staff that will meet the needs of such persons in their

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2640 discharge of duties while at the same time meeting the
2641 requirements for the American Correction Association
2642 accreditation by the Commission on Accreditation for
2643 Corrections, it is the purpose of the Legislature to require the
2644 department to establish, maintain, and oversee the operation of
2645 juvenile justice training, programs, and courses ~~academies~~ in
2646 the state. The purpose of the Legislature in establishing staff
2647 development and training programs is to provide employees of the
2648 department, any private or public entity, or contract providers
2649 who provide services or care for children under the
2650 responsibility of the department with the knowledge and skills
2651 needed to appropriately interact with children and provide such
2652 care and services ~~foster better staff morale and reduce~~
2653 ~~mistreatment and aggressive and abusive behavior in delinquency~~
2654 ~~programs~~; to positively impact the recidivism of children in the
2655 juvenile justice system; and to afford greater protection of the
2656 public through an improved level of services delivered by a
2657 professionally trained juvenile justice ~~program~~ staff to
2658 children who are alleged to be or who have been found to be
2659 delinquent.

2660 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2661 (a) Designate the number and location of the training
2662 programs and courses; assess, design, ~~academies,~~ develop,
2663 implement, evaluate, maintain, and update the curriculum to be
2664 used in the training of juvenile justice ~~program~~ staff;
2665 establish timeframes for participation in and completion of
2666 training by juvenile justice ~~program~~ staff; develop, implement,
2667 score, analyze, maintain, and update job-related examinations;
2668 develop, implement, analyze, and update the types and

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2669 frequencies ~~for~~ of evaluations of the training programs,
2670 courses, and instructors ~~academies;~~ and manage ~~approve, modify,~~
2671 ~~or disapprove~~ the budget and contracts for all the training
2672 deliverables ~~academies,~~ and the contractor to be selected to
2673 ~~organize and operate the training academies and to provide the~~
2674 ~~training curriculum.~~

2675 (b) Establish uniform minimum job-related preservice and
2676 inservice training courses and examinations for juvenile justice
2677 program staff.

2678 (c) Consult and cooperate with the state or any political
2679 subdivision; any private entity or contractor; and with private
2680 and public universities, colleges, community colleges, and other
2681 educational institutions concerning the development of juvenile
2682 justice training and programs or courses of instruction,
2683 including, but not limited to, education and training in the
2684 areas of juvenile justice.

2685 (d) Enter into contracts and agreements with other
2686 agencies, organizations, associations, corporations,
2687 individuals, or federal agencies as necessary in the execution
2688 of the powers of the department or the performance of its
2689 duties.

2690 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
2691 establish a certifiable program for juvenile justice training
2692 pursuant to this section, and all department program staff and
2693 providers who deliver direct care services pursuant to contract
2694 with the department shall be required to participate in and
2695 successfully complete the department-approved program of
2696 training pertinent to their areas of responsibility. Judges,
2697 state attorneys, and public defenders, law enforcement officers,

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2698 ~~and~~ school district personnel, and employees of contract
2699 providers who provide services or care for children under the
2700 responsibility of the department may participate in such
2701 training program. For the juvenile justice program staff, the
2702 department shall, based on a job-task analysis:

2703 (a) Design, implement, maintain, evaluate, and revise a
2704 basic training program, including a competency-based
2705 examination, for the purpose of providing minimum employment
2706 training qualifications for all juvenile justice personnel. All
2707 program staff of the department and providers who deliver
2708 direct-care services who are hired after October 1, 1999, must
2709 meet the following minimum requirements:

2710 1. Be at least 19 years of age.

2711 2. Be a high school graduate or its equivalent as
2712 determined by the department.

2713 3. Not have been convicted of any felony or a misdemeanor
2714 involving perjury or a false statement, or have received a
2715 dishonorable discharge from any of the Armed Forces of the
2716 United States. Any person who, after September 30, 1999, pleads
2717 guilty or nolo contendere to or is found guilty of any felony or
2718 a misdemeanor involving perjury or false statement is not
2719 eligible for employment, notwithstanding suspension of sentence
2720 or withholding of adjudication. Notwithstanding this
2721 subparagraph, any person who pled nolo contendere to a
2722 misdemeanor involving a false statement before October 1, 1999,
2723 and who has had such record of that plea sealed or expunged is
2724 not ineligible for employment for that reason.

2725 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding
2726 fingerprinting and background investigations and other screening

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2727 requirements for personnel.

2728 5. Execute and submit to the department an affidavit-of-
2729 application form, adopted by the department, attesting to his or
2730 her compliance with subparagraphs 1.-4. The affidavit must be
2731 executed under oath and constitutes an official statement under
2732 s. 837.06. The affidavit must include conspicuous language that
2733 the intentional false execution of the affidavit constitutes a
2734 misdemeanor of the second degree. The employing agency shall
2735 retain the affidavit.

2736 (b) Design, implement, maintain, evaluate, and revise an
2737 advanced training program, including a competency-based
2738 examination for each training course, which is intended to
2739 enhance knowledge, skills, and abilities related to job
2740 performance.

2741 (c) Design, implement, maintain, evaluate, and revise a
2742 career development training program, including a competency-
2743 based examination for each training course. Career development
2744 courses are intended to prepare personnel for promotion.

2745 (d) The department is encouraged to design, implement,
2746 maintain, evaluate, and revise juvenile justice training
2747 courses, or to enter into contracts for such training courses,
2748 that are intended to provide for the safety and well-being of
2749 both citizens and juvenile offenders.

2750 Section 37. Subsection (5) of section 985.664, Florida
2751 Statutes, is amended to read:

2752 985.664 Juvenile justice circuit advisory boards.—

2753 (5) ~~(a) To form the initial juvenile justice circuit~~
2754 ~~advisory board, the Secretary of Juvenile Justice, in~~
2755 ~~consultation with the juvenile justice county councils in~~

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2756 ~~existence on October 1, 2013, shall appoint the chair of the~~
2757 ~~board, who must meet the board membership requirements in~~
2758 ~~subsection (4). Within 45 days after being appointed, the chair~~
2759 ~~shall appoint the remaining members to the juvenile justice~~
2760 ~~circuit advisory board and submit the appointments to the~~
2761 ~~department for approval.~~

2762 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2763 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2764 the juvenile justice circuit advisory board, shall appoint a new
2765 chair, who must meet the board membership requirements in
2766 subsection (4). The chair shall appoint members to vacant seats
2767 within 45 days after the vacancy and submit the appointments to
2768 the department for approval. The chair shall serve at the
2769 pleasure of the Secretary of Juvenile Justice.

2770 Section 38. Subsections (1) and (4) of section 985.672,
2771 Florida Statutes, are amended to read:

2772 985.672 Direct-support organization; definition; use of
2773 property; board of directors; audit.—

2774 (1) DEFINITION.—As used in this section, the term "direct-
2775 support organization" means an organization whose sole purpose
2776 is to support the juvenile justice system and which is:

2777 (a) A corporation not-for-profit incorporated under chapter
2778 617 and which is approved by the Department of State;

2779 (b) Organized and operated to conduct programs and
2780 activities; to raise funds; to request and receive grants,
2781 gifts, and bequests of moneys; to acquire, receive, hold,
2782 invest, and administer, in its own name, securities, funds,
2783 objects of value, or other property, real or personal; and to
2784 make expenditures to or for the direct or indirect benefit of

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2785 the Department of Juvenile Justice or the juvenile justice
2786 system operated by a county commission or a circuit board;

2787 (c) Determined by the Department of Juvenile Justice to be
2788 consistent with the goals of the juvenile justice system, in the
2789 best interest of the state, and in accordance with the adopted
2790 goals and mission of the Department of Juvenile Justice.

2791
2792 Expenditures of the organization shall be ~~expressly~~ used for the
2793 prevention to prevent and amelioration of ~~ameliorate~~ juvenile
2794 delinquency. The expenditures of the direct-support organization
2795 may not be used for the purpose of lobbying as defined in s.
2796 11.045.

2797 (4) USE OF PROPERTY.—The department may permit, without
2798 charge, appropriate use of fixed property, and facilities, and
2799 personnel services of the juvenile justice system by the direct-
2800 support organization, subject to ~~the provisions of~~ this section.
2801 For the purposes of this subsection, the term "personnel
2802 services" includes full-time or part-time personnel, as well as
2803 payroll processing services.

2804 (a) The department may prescribe any condition with which
2805 the direct-support organization must comply in order to use
2806 fixed property or facilities of the juvenile justice system.

2807 (b) The department may not permit the use of any fixed
2808 property or facilities of the juvenile justice system by the
2809 direct-support organization if it does not provide equal
2810 membership and employment opportunities to all persons
2811 regardless of race, color, religion, sex, age, or national
2812 origin.

2813 (c) The department shall adopt rules prescribing the

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2814 procedures by which the direct-support organization is governed
2815 and any conditions with which a direct-support organization must
2816 comply to use property or facilities of the department.

2817 Section 39. Subsections (1) through (4) and subsection (9)
2818 of section 985.682, Florida Statutes, are amended to read:

2819 985.682 Siting of facilities; study; criteria.—

2820 ~~(1) The department is directed to conduct or contract for a~~
2821 ~~statewide comprehensive study to determine current and future~~
2822 ~~needs for all types of facilities for children committed to the~~
2823 ~~eustody, care, or supervision of the department under this~~
2824 ~~chapter.~~

2825 ~~(2) The study shall assess, rank, and designate appropriate~~
2826 ~~sites, and shall be reflective of the different purposes and~~
2827 ~~uses for all facilities, based upon the following criteria:~~

2828 ~~(a) Current and future estimates of children originating~~
2829 ~~from each county;~~

2830 ~~(b) Current and future estimates of types of delinquent~~
2831 ~~acts committed in each county;~~

2832 ~~(c) Geographic location of existing facilities;~~

2833 ~~(d) Availability of personnel within the local labor~~
2834 ~~market;~~

2835 ~~(e) Current capacity of facilities in the area;~~

2836 ~~(f) Total usable and developable acreage of various sites~~
2837 ~~based upon the use and purpose of the facility;~~

2838 ~~(g) Accessibility of each site to existing utility,~~
2839 ~~transportation, law enforcement, health care, fire protection,~~
2840 ~~refuse collection, water, and sewage disposal services;~~

2841 ~~(h) Susceptibility of each site to flooding hazards or~~
2842 ~~other adverse natural environmental consequences;~~

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2843 ~~(i) Site location in relation to desirable and undesirable~~
2844 ~~proximity to other public facilities, including schools;~~
2845 ~~(j) Patterns of residential growth and projected population~~
2846 ~~growth; and~~
2847 ~~(k) Such other criteria as the department, in conjunction~~
2848 ~~with local governments, deems appropriate.~~
2849 ~~(3) The department shall recommend certification of the~~
2850 ~~study by the Governor and Cabinet within 2 months after its~~
2851 ~~receipt.~~
2852 ~~(4) Upon certification of the study by the Governor and~~
2853 ~~Cabinet, the department shall notify those counties designated~~
2854 ~~as being in need of a facility.~~
2855 (5)~~(9)~~ The Governor and Cabinet shall consider the
2856 following when determining whether to grant the appeal from the
2857 decision of the local government on the requested modification:
2858 (a) The record of the proceedings before the local
2859 government.
2860 (b) Reports and studies by any other agency relating to
2861 matters within the jurisdiction of such agency which may be
2862 potentially affected by the proposed site.
2863 (c) Existing ~~The statewide study, as established in~~
2864 ~~subsection (1); other existing studies,~~† reports and information
2865 maintained by the department as the Governor and Cabinet may
2866 request addressing the feasibility and availability of
2867 alternative sites in the general area,† and the need for a
2868 facility in the area based on the average number of petitions,
2869 commitments, and transfers into the criminal court from the
2870 county to state facilities for the most recent 3 calendar years.
2871 Section 40. Section 985.69, Florida Statutes, is amended to

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2872 read:

2873 985.69 Repair and maintenance ~~One-time startup~~ funding for
2874 juvenile justice purposes.—Funds from juvenile justice
2875 appropriations may be used ~~utilized~~ as ~~one-time startup~~ funding
2876 for juvenile justice purposes that include, but are not limited
2877 to, remodeling or renovation of existing facilities,
2878 ~~construction costs, leasing costs,~~ purchase of equipment and
2879 furniture, site development, and other necessary and reasonable
2880 costs associated with the repair and maintenance ~~startup~~ of
2881 facilities or programs.

2882 Section 41. Section 985.694, Florida Statutes, is repealed.

2883 Section 42. Paragraph (a) of subsection (1) of section
2884 985.701, Florida Statutes, is amended to read:

2885 985.701 Sexual misconduct prohibited; reporting required;
2886 penalties.—

2887 (1)(a)1. As used in this section ~~subsection~~, the term:

2888 a. "Sexual misconduct" means fondling the genital area,
2889 groin, inner thighs, buttocks, or breasts of a person; the oral,
2890 anal, or vaginal penetration by or union with the sexual organ
2891 of another; or the anal or vaginal penetration of another by any
2892 other object. The term does not include an act done for a bona
2893 fide medical purpose or an internal search conducted in the
2894 lawful performance of duty by an employee of the department or
2895 an employee of a provider under contract with the department.

2896 b. "Employee" includes paid staff members, volunteers, and
2897 interns who work in a department program or a program operated
2898 by a provider under a contract.

2899 c. "Juvenile offender" means any person of any age who is
2900 detained or supervised by, or committed to the custody of, the

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2901 department.

2902 2. An employee who engages in sexual misconduct with a
2903 juvenile offender ~~detained or supervised by, or committed to the~~
2904 ~~custody of, the department~~ commits a felony of the second
2905 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2906 775.084. An employee may be found guilty of violating this
2907 subsection without having committed the crime of sexual battery.

2908 3. The consent of the juvenile offender to any act of
2909 sexual misconduct is not a defense to prosecution under this
2910 subsection.

2911 4. This subsection does not apply to an employee of the
2912 department, or an employee of a provider under contract with the
2913 department, who:

2914 a. Is legally married to a juvenile offender who is
2915 detained or supervised by, or committed to the custody of, the
2916 department.

2917 b. Has no reason to believe that the person with whom the
2918 employee engaged in sexual misconduct is a juvenile offender
2919 ~~detained or supervised by, or committed to the custody of, the~~
2920 ~~department.~~

2921 Section 43. Effective October, 1, 2014, Section 985.702,
2922 Florida Statutes, is created to read:

2923 985.702 Willful and malicious neglect of a juvenile
2924 offender prohibited; reporting required; penalties.-

2925 (1) As used in this section, the term:

2926 (a) "Employee" means a paid staff member, volunteer, or
2927 intern who works in a department program or a program operated
2928 by a provider under a contract with the department.

2929 (b) "Juvenile offender" means any person of any age who is

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2930 detained by or committed to the custody of the department.

2931 (c) "Neglect" means:

2932 1. An employee's failure or omission to provide a juvenile
2933 offender with the proper level of care, supervision, and
2934 services necessary to maintain the juvenile offender's physical
2935 and mental health, including, but not limited to, adequate food,
2936 nutrition, clothing, shelter, supervision, medicine, and medical
2937 services; or

2938 2. An employee's failure to make a reasonable effort to
2939 protect a juvenile offender from abuse, neglect, or exploitation
2940 by another person.

2941 (2) (a) An employee who willfully and maliciously neglects a
2942 juvenile offender without causing great bodily harm, permanent
2943 disability, or permanent disfigurement commits a felony of the
2944 third degree, punishable as provided in s. 775.082, s. 775.083,
2945 or s. 775.084.

2946 (b) An employee who willfully and maliciously neglects a
2947 juvenile offender and in so doing causes great bodily harm,
2948 permanent disability, or permanent disfigurement commits a
2949 felony of the second degree, punishable as provided in s.
2950 775.082, s. 775.083, or s. 775.084.

2951 (c) Notwithstanding prosecution, any violation of paragraph
2952 (a) or paragraph (b), as determined by the Public Employees
2953 Relations Commission, constitutes sufficient cause under s.
2954 110.227 for dismissal from employment with the department, and
2955 such person may not again be employed in any capacity in the
2956 juvenile justice system.

2957 (3) An employee who witnesses the infliction of neglect
2958 upon a juvenile offender shall immediately report the incident

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2959 to the department's incident hotline and prepare, date, and sign
2960 an independent report that specifically describes the nature of
2961 the incident, the location and time of the incident, and the
2962 persons involved in the incident. The employee shall deliver the
2963 report to the employee's supervisor or program director, who
2964 must provide copies to the department's inspector general and
2965 the circuit juvenile justice manager. The inspector general
2966 shall immediately conduct an appropriate administrative
2967 investigation, and, if there is probable cause to believe that a
2968 violation of subsection (2) has occurred, the inspector general
2969 shall notify the state attorney in the circuit in which the
2970 incident occurred.

2971 (4) (a) A person who is required to prepare a report under
2972 this section who knowingly or willfully fails to do so, or who
2973 knowingly or willfully prevents another person from doing so,
2974 commits a misdemeanor of the first degree, punishable as
2975 provided in s. 775.082 or s. 775.083.

2976 (b) A person who knowingly or willfully submits inaccurate,
2977 incomplete, or untruthful information with respect to a report
2978 required under this section commits a misdemeanor of the first
2979 degree, punishable as provided in s. 775.082 or s. 775.083.

2980 (c) A person who knowingly or willfully coerces or
2981 threatens any other person with the intent to alter testimony or
2982 a written report regarding an incident of neglect upon a
2983 juvenile offender commits a felony of the third degree,
2984 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2985 Section 44. Subsection (2) of section 985.721, Florida
2986 Statutes, is amended to read:

2987 985.721 Escapes from secure detention or residential

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2988 commitment facility.—An escape from:

2989 (2) Any residential commitment facility described in s.
2990 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,
2991 punishment, or rehabilitation of children found to have
2992 committed delinquent acts or violations of law; or

2993
2994 constitutes escape within the intent and meaning of s. 944.40
2995 and is a felony of the third degree, punishable as provided in
2996 s. 775.082, s. 775.083, or s. 775.084.

2997 Section 45. Paragraphs (c) and (f) of subsection (3) of
2998 section 943.0582, Florida Statutes, are amended to read:

2999 943.0582 Prearrest, postarrest, or teen court diversion
3000 program expunction.—

3001 (3) The department shall expunge the nonjudicial arrest
3002 record of a minor who has successfully completed a prearrest or
3003 postarrest diversion program if that minor:

3004 (c) Submits to the department, with the application, an
3005 official written statement from the state attorney for the
3006 county in which the arrest occurred certifying that he or she
3007 has successfully completed that county's prearrest or postarrest
3008 diversion program, that his or her participation in the program
3009 was based on an arrest for a nonviolent misdemeanor, and that he
3010 or she has not otherwise been charged by the state attorney with
3011 or found to have committed any criminal offense or comparable
3012 ordinance violation.

3013 (f) Has never, prior to filing the application for
3014 expunction, been charged by the state attorney with or been
3015 found to have committed any criminal offense or comparable
3016 ordinance violation.

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3017 Section 46. Section 945.75, Florida Statutes, is repealed.

3018 Section 47. Paragraphs (h) through (k) of subsection (3) of
3019 section 121.0515, Florida Statutes, are redesignated as
3020 paragraphs (g) through (j), respectively, and paragraphs (e)
3021 through (i) of subsection (2), present paragraphs (g) and (k) of
3022 subsection (3), paragraph (b) of subsection (5), paragraph (d)
3023 of subsection (8), and paragraph (c) of subsection (10) of that
3024 section are amended to read:

3025 121.0515 Special Risk Class.—

3026 (2) MEMBERSHIP.—

3027 ~~(e) Effective July 1, 2001, "special risk member" includes~~
3028 ~~any member who is employed as a youth custody officer by the~~
3029 ~~Department of Juvenile Justice and meets the special criteria~~
3030 ~~set forth in paragraph (3) (g).~~

3031 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,
3032 the member must be employed by a law enforcement agency or
3033 medical examiner's office in a forensic discipline and meet the
3034 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3035 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
3036 by the Department of Law Enforcement in the crime laboratory or
3037 by the Division of State Fire Marshal in the forensic laboratory
3038 and meet the special criteria set forth in paragraph (3) (h)
3039 ~~(3) (i)~~.

3040 (g)~~(h)~~ Effective July 1, 2008, the member must be employed
3041 by a local government law enforcement agency or medical
3042 examiner's office and meet the special criteria set forth in
3043 paragraph (3) (i) ~~(3) (j)~~.

3044 (h)~~(i)~~ Effective August 1, 2008, "special risk member"
3045 includes any member who meets the special criteria for continued

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3046 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3047 (3) CRITERIA.—A member, to be designated as a special risk
3048 member, must meet the following criteria:

3049 ~~(g) Effective July 1, 2001, the member must be employed as~~
3050 ~~a youth custody officer and be certified, or required to be~~
3051 ~~certified, in compliance with s. 943.1395. In addition, the~~
3052 ~~member's primary duties and responsibilities must be the~~
3053 ~~supervised custody, surveillance, control, investigation,~~
3054 ~~apprehension, arrest, and counseling of assigned juveniles~~
3055 ~~within the community;~~

3056 (j) (k) The member must have already qualified for and be
3057 actively participating in special risk membership under
3058 paragraph (a), paragraph (b), or paragraph (c), must have
3059 suffered a qualifying injury as defined in this paragraph, must
3060 not be receiving disability retirement benefits as provided in
3061 s. 121.091(4), and must satisfy the requirements of this
3062 paragraph.

3063 1. The ability to qualify for the class of membership
3064 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
3065 medical physicians, one of whom is a primary treating physician
3066 of the member, certify the existence of the physical injury and
3067 medical condition that constitute a qualifying injury as defined
3068 in this paragraph and that the member has reached maximum
3069 medical improvement after August 1, 2008. The certifications
3070 from the licensed medical physicians must include, at a minimum,
3071 that the injury to the special risk member has resulted in a
3072 physical loss, or loss of use, of at least two of the following:
3073 left arm, right arm, left leg, or right leg; and:

3074 a. That this physical loss or loss of use is total and

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3075 permanent, except if the loss of use is due to a physical injury
3076 to the member's brain, in which event the loss of use is
3077 permanent with at least 75 percent loss of motor function with
3078 respect to each arm or leg affected.

3079 b. That this physical loss or loss of use renders the
3080 member physically unable to perform the essential job functions
3081 of his or her special risk position.

3082 c. That, notwithstanding this physical loss or loss of use,
3083 the individual can perform the essential job functions required
3084 by the member's new position, as provided in subparagraph 3.

3085 d. That use of artificial limbs is not possible or does not
3086 alter the member's ability to perform the essential job
3087 functions of the member's position.

3088 e. That the physical loss or loss of use is a direct result
3089 of a physical injury and not a result of any mental,
3090 psychological, or emotional injury.

3091 2. For the purposes of this paragraph, "qualifying injury"
3092 means an injury sustained in the line of duty, as certified by
3093 the member's employing agency, by a special risk member that
3094 does not result in total and permanent disability as defined in
3095 s. 121.091(4)(b). An injury is a qualifying injury if the injury
3096 is a physical injury to the member's physical body resulting in
3097 a physical loss, or loss of use, of at least two of the
3098 following: left arm, right arm, left leg, or right leg.
3099 Notwithstanding any other provision of this section, an injury
3100 that would otherwise qualify as a qualifying injury is not
3101 considered a qualifying injury if and when the member ceases
3102 employment with the employer for whom he or she was providing
3103 special risk services on the date the injury occurred.

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3104 3. The new position, as described in sub-subparagraph 1.c.,
3105 that is required for qualification as a special risk member
3106 under this paragraph is not required to be a position with
3107 essential job functions that entitle an individual to special
3108 risk membership. Whether a new position as described in sub-
3109 subparagraph 1.c. exists and is available to the special risk
3110 member is a decision to be made solely by the employer in
3111 accordance with its hiring practices and applicable law.

3112 4. This paragraph does not grant or create additional
3113 rights for any individual to continued employment or to be hired
3114 or rehired by his or her employer that are not already provided
3115 within the Florida Statutes, the State Constitution, the
3116 Americans with Disabilities Act, if applicable, or any other
3117 applicable state or federal law.

3118 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3119 (b) Any member who is a special risk member on July 1,
3120 2008, and who became eligible to participate under paragraph
3121 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
3122 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
3123 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
3124 designation removed and thereafter shall be a Regular Class
3125 member and earn only Regular Class membership credit. The
3126 department may review the special risk designation of members to
3127 determine whether or not those members continue to meet the
3128 criteria for Special Risk Class membership.

3129 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3130 (d) Notwithstanding any other provision of this subsection,
3131 this subsection does not apply to any special risk member who
3132 qualifies for continued membership pursuant to paragraph (3) (j)

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3133 ~~(3)(k).~~

3134 (10) CREDIT FOR UPGRADED SERVICE.—

3135 (c) Any member of the Special Risk Class who has earned
3136 creditable service through June 30, 2008, in another membership
3137 class of the Florida Retirement System in a position with the
3138 Department of Law Enforcement or the Division of State Fire
3139 Marshal and became covered by the Special Risk Class as
3140 described in paragraph (3)(h) ~~(3)(i)~~, or with a local government
3141 law enforcement agency or medical examiner's office and became
3142 covered by the Special Risk Class as described in paragraph
3143 (3)(i) ~~(3)(j)~~, which service is within the purview of the
3144 Special Risk Class, and is employed in such position on or after
3145 July 1, 2008, may purchase additional retirement credit to
3146 upgrade such service to Special Risk Class service, to the
3147 extent of the percentages of the member's average final
3148 compensation provided in s. 121.091(1)(a)2. The cost for such
3149 credit must be an amount representing the actuarial accrued
3150 liability for the difference in accrual value during the
3151 affected period of service. The cost shall be calculated using
3152 the discount rate and other relevant actuarial assumptions that
3153 were used to value the Florida Retirement System Pension Plan
3154 liabilities in the most recent actuarial valuation. The division
3155 shall ensure that the transfer sum is prepared using a formula
3156 and methodology certified by an enrolled actuary. The cost must
3157 be paid immediately upon notification by the division. The local
3158 government employer may purchase the upgraded service credit on
3159 behalf of the member if the member has been employed by that
3160 employer for at least 3 years.

3161 Section 48. Paragraph (a) of subsection (4) of section

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3162 316.635, Florida Statutes, is amended to read:

3163 316.635 Courts having jurisdiction over traffic violations;
3164 powers relating to custody and detention of minors.—

3165 (4) A minor who willfully fails to appear before any court
3166 or judicial officer as required by written notice to appear is
3167 guilty of contempt of court. Upon a finding by a court, after
3168 notice and a hearing, that a minor is in contempt of court for
3169 willful failure to appear pursuant to a valid notice to appear,
3170 the court may:

3171 (a) For a first offense, order the minor to serve up to 5
3172 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3173 ~~chapter 985~~ or, if space in a staff-secure shelter is
3174 unavailable, in a secure juvenile detention center.

3175 Section 49. Paragraph (a) of subsection (2) of section
3176 318.143, Florida Statutes, is amended to read:

3177 318.143 Sanctions for infractions by minors.—

3178 (2) Failure to comply with one or more of the sanctions
3179 imposed by the court constitutes contempt of court. Upon a
3180 finding by the court, after notice and a hearing, that a minor
3181 is in contempt of court for failure to comply with court-ordered
3182 sanctions, the court may:

3183 (a) For a first offense, order the minor to serve up to 5
3184 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3185 ~~chapter 985~~ or, if space in a staff-secure shelter is
3186 unavailable, in a secure juvenile detention center.

3187 Section 50. Except as otherwise expressly provided in this
3188 act, this act shall take effect July 1, 2014.