

HB 7055

2014

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

53 written findings required to retain a child charged
54 with domestic violence in secure detention; deleting
55 obsolete provisions; amending s. 985.26, F.S.;
56 conforming terminology; amending s. 985.265, F.S.;
57 revising procedures for transferring a child to
58 another detention status; providing new notification
59 requirements for when a child is released or
60 transferred from secure detention; revising the
61 frequency of physical observation checks for children
62 detained in jail facilities; amending s. 985.27, F.S.;
63 requiring a child to be held in secure detention
64 pending placement in a high-risk or maximum-risk
65 residential program; conforming provisions; amending
66 s. 985.275, F.S.; requiring the department to notify
67 specified parties when a child absconds from a
68 commitment program; requiring the department to make
69 every reasonable effort to locate the absconded child;
70 amending s. 985.433, F.S.; revising the content of a
71 predisposition report; conforming terminology;
72 amending s. 985.435, F.S.; authorizing a probation
73 program to include an alternative consequence
74 component that may be used to address noncompliance
75 with the technical conditions of probation; requiring
76 the department to identify a child's risk of
77 reoffending if the child is being placed on probation
78 or postcommitment probation; amending s. 985.439,

79 F.S.; authorizing the department to establish
80 alternative sanctions for violations of probation or
81 postcommitment probation; conforming terminology;
82 amending s. 985.441, F.S.; providing that a child on
83 probation for certain offenses may not be committed
84 for a probation violation that is technical in nature;
85 conforming terminology; amending s. 985.46, F.S.;
86 revising the definition of the term "conditional
87 release"; revising terminology; amending s. 985.461,
88 F.S.; expanding the opportunity for transition-to-
89 adulthood services to all children; revising
90 provisions that the department may use to support
91 participation in transition-to-adulthood services;
92 conforming terminology; amending ss. 985.481 and
93 985.4815, F.S.; deleting obsolete provisions; amending
94 s. 985.514, F.S.; conforming provisions; amending s.
95 985.601, F.S.; requiring the department's programs to
96 include trauma-informed care, family engagement
97 resources and programs, and gender-specific
98 programming; authorizing the department to pay the
99 expenses of programs and activities that address the
100 needs and well-being of children in its care or under
101 its supervision; conforming terminology; repealing ss.
102 985.605, 985.606, and 985.61, F.S.; deleting
103 provisions relating to prevention services programs
104 and providers and early delinquency intervention

105 programs; amending s. 985.632, F.S.; providing for the
106 establishment of a performance accountability system
107 for contract providers; revising definitions;
108 providing for the development of a Comprehensive
109 Accountability Report; requiring the department to
110 prepare and submit the report annually to the Governor
111 and Legislature; specifying content that must be
112 included in the report; revising provisions relating
113 to the cost-effectiveness model and quality
114 improvement; amending s. 985.644, F.S.; clarifying an
115 exemption for specified certified law enforcement,
116 correctional, and correctional probation officers
117 relating to a requirement to submit to level 2
118 background screenings; creating s. 985.6441, F.S.;
119 providing definitions; limiting the amount that the
120 department may pay a hospital or health care provider
121 for health care services based on a percentage of the
122 Medicare allowable rate; providing applicability;
123 amending s. 985.66, F.S.; revising specified juvenile
124 justice staff development and training procedures;
125 expanding application of training requirements to
126 contract providers who care for children in the
127 department's custody; amending s. 985.664, F.S.;
128 deleting obsolete provisions relating to the initial
129 selection of the juvenile justice circuit advisory
130 board chairs; revising procedures for appointing

131 juvenile justice circuit advisory board chairs;
132 providing that chairs serve at the pleasure of the
133 secretary; amending s. 985.672, F.S.; clarifying
134 language concerning expenditures of the direct-support
135 organization's funds; authorizing the direct-support
136 organization to use department personnel services;
137 defining the term "personnel services"; amending s.
138 985.682, F.S.; deleting obsolete provisions regarding
139 a comprehensive study relating to the siting of
140 facilities; amending s. 985.69, F.S.; providing for
141 the use of specified funds for repair and maintenance;
142 repealing s. 985.694, F.S.; deleting a provision
143 relating to the Juvenile Care and Maintenance Trust
144 Fund; amending s. 985.701, F.S.; defining the term
145 "juvenile offender" for purposes of prohibiting sexual
146 misconduct with juvenile offenders; creating s.
147 985.702, F.S.; providing definitions; providing for
148 the 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.; deleting a requirement that the Department of
 168 Corrections and counties develop programs under which
 169 a judge may order juveniles who have committed
 170 delinquent acts to tour correctional facilities;
 171 amending ss. 121.0515, 316.635, and 318.143, F.S.;
 172 conforming provisions and correcting cross-references;
 173 providing an effective date.

174
 175 Be It Enacted by the Legislature of the State of Florida:

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

179 985.01 Purposes and intent.—

180 (1) The purposes of this chapter are:

181 (a) To increase public safety by reducing juvenile
 182 delinquency through effective prevention, intervention, and

183 treatment services that strengthen and reform the lives of
184 children.

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

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

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

207 (e)~~(d)~~ To preserve and strengthen the child's family ties
208 whenever possible, by providing for removal of the child from

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

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

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

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

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

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
 254 system.—

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

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

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

261 ~~environment when alternative placement is necessary.~~

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

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

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

287 remain in their homes or communities.

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

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

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

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

305 (4) DETENTION.—

306 (b) The Legislature intends that a juvenile found to have
 307 committed a delinquent act understands the consequences and the
 308 serious nature of such behavior. Therefore, the Legislature
 309 finds that secure detention is appropriate to provide punishment
 310 for children who pose a threat to public safety ~~that discourages~~
 311 ~~further delinquent behavior~~. The Legislature also finds that
 312 certain juveniles have committed a sufficient number of criminal

313 acts, including acts involving violence to persons, to represent
314 sufficient danger to the community to warrant sentencing and
315 placement within the adult system. It is the intent of the
316 Legislature to establish clear criteria in order to identify
317 these juveniles and remove them from the juvenile justice
318 system.

319 (5) SITING OF FACILITIES.—

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

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

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

339 ~~restrictiveness, provide multilevel education and treatment~~
340 program programs using different treatment protocols, and have
341 facilities that coexist separately in distinct locations on the
342 same property.

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

347
348 The supervision, counseling, and rehabilitative treatment, ~~and~~
349 ~~punitive~~ efforts of the juvenile justice system should avoid the
350 inappropriate use of correctional programs and large
351 institutions. ~~The Legislature finds that detention services~~
352 ~~should exceed the primary goal of providing safe and secure~~
353 ~~eustody pending adjudication and disposition.~~

354 (7) GENDER-SPECIFIC PROGRAMMING.—

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

364 (b) ~~Gender-specific programming refers to unique program~~

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

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

391 trauma in the child and to facilitate healing.

392 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
393 that families and community support systems are critical to the
394 success of children and to ensure they are nondelinquent.

395 Therefore, when appropriate, children who can safely be held
396 accountable when served and treated in their homes and
397 communities should be diverted from more restrictive placements
398 within the juvenile justice system. There should be an emphasis
399 on strengthening the family and immersing the family members in
400 their community support system. The department should develop
401 customized plans that acknowledge the importance of family and
402 community support systems. The customized plans should recognize
403 a child's individual needs, capitalize on their strengths,
404 reduce their risks, and prepare them for a successful transition
405 to, and unification with, their family and community support
406 system. The child's family must be considered in the
407 department's process of assessing the needs, services and
408 treatment, and community connections of the children who are
409 involved in the juvenile justice system or in danger of becoming
410 involved in the system.

411 Section 3. Section 985.03, Florida Statutes, is amended to
412 read:

413 985.03 Definitions.—As used in this chapter, the term:

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

417 (2)~~(1)~~ "Addictions receiving facility" means a substance
 418 abuse service provider as defined in chapter 397.

419 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the
 420 court to determine whether or not the facts support the
 421 allegations stated in the petition, as is provided for under s.
 422 985.35 in delinquency cases.

423 (4)~~(3)~~ "Adult" means any natural person other than a
 424 child.

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

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

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

443 occurring prior to the time that person reached the age of 18
 444 years.

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

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

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

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

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

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

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

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

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

495 services, literacy services, medical services, family services,
 496 and other specialized services, as appropriate.

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

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

510 (14) "Day treatment" means a nonresidential, community-
 511 based program designed to provide therapeutic intervention to
 512 youth who are served by the department, ~~who are~~ placed on
 513 probation or conditional release, or are committed to the
 514 minimum-risk nonresidential level. A day treatment program may
 515 provide educational and career and technical education
 516 ~~vocational~~ services and shall provide case management services;
 517 individual, group, and family counseling; training designed to
 518 address delinquency risk factors; and monitoring of a youth's
 519 compliance with, and facilitation of a youth's completion of,
 520 sanctions if ordered by the court. Program types may include,

521 but are not limited to, career programs, marine programs,
522 juvenile justice alternative schools, training and
523 rehabilitation programs, and gender-specific programs.

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

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

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

542 (16) "Department" means the Department of Juvenile
543 Justice.

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

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

551 (a) "Secure detention" means temporary custody of the
 552 child while the child is under the physical restriction of a
 553 secure detention center or facility pending adjudication,
 554 disposition, or placement.

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

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

570 (19) "Detention center or facility" means a facility used
 571 pending court adjudication or disposition or execution of court
 572 order for the temporary care of a child alleged or found to have

573 committed a violation of law. A detention center or facility may
 574 provide secure ~~or nonsecure~~ custody. A facility used for the
 575 commitment of adjudicated delinquents shall not be considered a
 576 detention center or facility.

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

580 (21) "Disposition hearing" means a hearing in which the
 581 court determines the most appropriate dispositional services in
 582 the least restrictive available setting provided for under part
 583 VII, in delinquency cases.

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

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

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

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

599 ~~department for:~~

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

601 ~~(b) Persistently disobeying reasonable and lawful demands~~

602 ~~of parents or legal custodians, and being beyond their control;~~

603 ~~or~~

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

605 ~~(24) "Foster care" means care provided a child in a foster~~

606 ~~family or boarding home, group home, agency boarding home, child~~

607 ~~care institution, or any combination thereof.~~

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

609 ~~(a) The child has 15 unexcused absences within 90 calendar~~

610 ~~days with or without the knowledge or justifiable consent of the~~

611 ~~child's parent or legal guardian, is subject to compulsory~~

612 ~~school attendance under s. 1003.21(1) and (2) (a), and is not~~

613 ~~exempt under s. 1003.21(3), s. 1003.24, or any other exemptions~~

614 ~~specified by law or the rules of the State Board of Education.~~

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

616 ~~attempt the remediation, of the child's truant behavior under~~

617 ~~ss. 1003.26 and 1003.27 have been completed.~~

618 ~~If a child who is subject to compulsory school attendance is~~

619 ~~responsive to the interventions described in ss. 1003.26 and~~

620 ~~1003.27 and has completed the necessary requirements to pass the~~

621 ~~current grade as indicated in the district pupil progression~~

622 ~~plan, the child shall not be determined to be habitually truant~~

623 ~~and shall be passed.~~

624

625 ~~If a child within the compulsory school attendance age has 15~~
626 ~~unexcused absences within 90 calendar days or fails to enroll in~~
627 ~~school, the state attorney may file a child in need of services~~
628 ~~petition. Before filing a petition, the child must be referred~~
629 ~~to the appropriate agency for evaluation. After consulting with~~
630 ~~the evaluating agency, the state attorney may elect to file a~~
631 ~~child in need of services petition.~~

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

645 ~~(d) The failure or refusal of the parent or legal guardian~~
646 ~~or the child to participate, or make a good faith effort to~~
647 ~~participate, in the activities prescribed to remedy the truant~~
648 ~~behavior, or the failure or refusal of the child to return to~~
649 ~~school after participation in activities required by this~~
650 ~~subsection, or the failure of the child to stop the truant~~

651 ~~behavior after the school administration and the department have~~
652 ~~worked with the child as described in s. 1003.27(3) shall be~~
653 ~~handled as prescribed in s. 1003.27.~~

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

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

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

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

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

675 (25)~~(28)~~ "Judge" means the circuit judge exercising
676 jurisdiction pursuant to this chapter.

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

694 ~~(27)-(30)~~ "Juvenile probation officer" means the authorized
695 agent of the department who performs the intake, case
696 management, or supervision functions.

697 ~~(28)-(31)~~ "Legal custody or guardian" means a legal status
698 created by court order or letter of guardianship which vests in
699 a custodian of the person or guardian, whether an agency or an
700 individual, the right to have physical custody of the child and
701 the right and duty to protect, train, and discipline the child
702 and to provide him or her with food, shelter, education, and

703 ordinary medical, dental, psychiatric, and psychological care.

704 (29)~~(32)~~ "Licensed child-caring agency" means a person,
 705 society, association, or agency licensed by the Department of
 706 Children and Families ~~Family Services~~ to care for, receive, and
 707 board children.

708 (30)~~(33)~~ "Licensed health care professional" means a
 709 physician licensed under chapter 458, an osteopathic physician
 710 licensed under chapter 459, a nurse licensed under part I of
 711 chapter 464, a physician assistant licensed under chapter 458 or
 712 chapter 459, or a dentist licensed under chapter 466.

713 (31)~~(34)~~ "Likely to injure oneself" means that, as
 714 evidenced by violent or other actively self-destructive
 715 behavior, it is more likely than not that within a 24-hour
 716 period the child will attempt to commit suicide or inflict
 717 serious bodily harm on himself or herself.

718 (32)~~(35)~~ "Likely to injure others" means that it is more
 719 likely than not that within a 24-hour period the child will
 720 inflict serious and unjustified bodily harm on another person.

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

729 fostering joint problem solving, and exploring settlement
730 alternatives.

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

740 (35)~~(38)~~ "Necessary medical treatment" means care which is
741 necessary within a reasonable degree of medical certainty to
742 prevent the deterioration of a child's condition or to alleviate
743 immediate pain of a child.

744 (36)~~(39)~~ "Next of kin" means an adult relative of a child
745 who is the child's brother, sister, grandparent, aunt, uncle, or
746 first cousin.

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

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755 or the provision of psychotropic medications.

756 (38)~~(41)~~ "Parent" means a woman who gives birth to a child
757 and a man whose consent to the adoption of the child would be
758 required under s. 63.062(1). If a child has been legally
759 adopted, the term "parent" means the adoptive mother or father
760 of the child. The term does not include an individual whose
761 parental relationship to the child has been legally terminated,
762 or an alleged or prospective parent, unless the parental status
763 falls within the terms of either s. 39.503(1) or s. 63.062(1).

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

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

781 ~~possible.~~

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

785 ~~(41)-(44)~~ "Probation" means the legal status of probation
786 created by law and court order in cases involving a child who
787 has been found to have committed a delinquent act. Probation is
788 an individualized program in which the freedom of the child is
789 limited and the child is restricted to noninstitutional quarters
790 or restricted to the child's home in lieu of commitment to the
791 custody of the department. Youth on probation may be assessed
792 and classified for placement in day-treatment probation programs
793 designed for youth who represent a minimum risk to themselves
794 and public safety and do not require placement and services in a
795 residential setting.

796 ~~(42)-(45)~~ "Relative" means a grandparent, great-
797 grandparent, sibling, first cousin, aunt, uncle, great-aunt,
798 great-uncle, niece, or nephew, whether related by the whole or
799 half blood, by affinity, or by adoption. The term does not
800 include a stepparent.

801 ~~(43)-(47)~~ "Respite" means a placement that is available for
802 the care, custody, and placement of a youth charged with
803 domestic violence as an alternative to secure detention or for
804 placement of a youth when a shelter bed for a child in need of
805 services or a family in need of services is unavailable.

806 ~~(44)-(46)~~ "Restrictiveness level" means the level of

807 programming and security provided by programs that service the
808 supervision, custody, care, and treatment needs of committed
809 children. Sections 985.601(10) and 985.721 apply to children
810 placed in programs at any residential commitment level. The
811 restrictiveness levels of commitment are as follows:

812 (a) Minimum-risk nonresidential.—Programs or program
813 models at this commitment level work with youth who remain in
814 the community and participate at least 5 days per week in a day
815 treatment program. Youth assessed and classified for programs at
816 this commitment level represent a minimum risk to themselves and
817 public safety and do not require placement and services in
818 residential settings. Youth in this level have full access to,
819 and reside in, the community. Youth who have been found to have
820 committed delinquent acts that involve firearms, that are sexual
821 offenses, or that would be life felonies or first degree
822 felonies if committed by an adult may not be committed to a
823 program at this level.

824 ~~(b) Low risk residential. Programs or program models at~~
825 ~~this commitment level are residential but may allow youth to~~
826 ~~have unsupervised access to the community. Residential~~
827 ~~facilities shall have no more than 165 beds each, including~~
828 ~~campus-style programs, unless those campus-style programs~~
829 ~~include more than one level of restrictiveness, provide~~
830 ~~multilevel education and treatment programs using different~~
831 ~~treatment protocols, and have facilities that coexist separately~~
832 ~~in distinct locations on the same property. Youth assessed and~~

833 ~~classified for placement in programs at this commitment level~~
834 ~~represent a low risk to themselves and public safety but do~~
835 ~~require placement and services in residential settings. Children~~
836 ~~who have been found to have committed delinquent acts that~~
837 ~~involve firearms, delinquent acts that are sexual offenses, or~~
838 ~~delinquent acts that would be life felonies or first degree~~
839 ~~felonies if committed by an adult shall not be committed to a~~
840 ~~program at this level.~~

841 (b)(c) Nonsecure Moderate-risk residential.—Programs or
842 program models at this commitment level are residential but may
843 allow youth to have supervised access to the community.
844 Facilities at this commitment level are either environmentally
845 secure, staff secure, or are hardware-secure with walls,
846 fencing, or locking doors. Residential facilities at this
847 commitment level shall have no more than 90 ~~165~~ beds each,
848 including campus-style programs, unless those campus-style
849 programs include more than one ~~level of restrictiveness, provide~~
850 ~~multilevel education and treatment~~ program programs using
851 different treatment protocols, and have facilities that coexist
852 separately in distinct locations on the same property.
853 Facilities at this commitment level shall provide 24-hour awake
854 supervision, custody, care, and treatment of residents. Youth
855 assessed and classified for placement in programs at this
856 commitment level represent a low or moderate risk to public
857 safety and require close supervision. The staff at a facility at
858 this commitment level may seclude a child who is a physical

859 threat to himself or herself or others. Mechanical restraint may
860 also be used when necessary.

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

885 levels. The staff at a facility at this commitment level may
886 seclude a child who is a physical threat to himself or herself
887 or others. Mechanical restraint may also be used when necessary.
888 The facility may provide for single cell occupancy, except that
889 youth may be housed together during prerelease transition.

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

911 level of placement require close supervision in a maximum
 912 security residential setting. Placement in a program at this
 913 level is prompted by a demonstrated need to protect the public.

914 (45)~~(48)~~ "Secure detention center or facility" means a
 915 physically restricting facility for the temporary care of
 916 children, pending adjudication, disposition, or placement.

917 (46)~~(49)~~ "Shelter" means a place for the temporary care of
 918 a child who is alleged to be or who has been found to be
 919 delinquent.

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

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

931 (47)~~(52)~~ "Substance abuse" means using, without medical
 932 reason, any psychoactive or mood-altering drug, including
 933 alcohol, in such a manner as to induce impairment resulting in
 934 dysfunctional social behavior.

935 (48)~~(53)~~ "Taken into custody" means the status of a child
 936 immediately when temporary physical control over the child is

937 attained by a person authorized by law, pending the child's
938 release, detention, placement, or other disposition as
939 authorized by law.

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

952 (50)~~(55)~~ "Temporary release" means the terms and
953 conditions under which a child is temporarily released from a
954 residential commitment facility or allowed home visits. If the
955 temporary release is from a nonsecure ~~moderate-risk~~ residential
956 facility, a high-risk residential facility, or a maximum-risk
957 residential facility, the terms and conditions of the temporary
958 release must be approved by the child, the court, and the
959 facility. ~~The term includes periods during which the child is~~
960 ~~supervised pursuant to a conditional release program or a period~~
961 ~~during which the child is supervised by a juvenile probation~~
962 ~~officer or other nonresidential staff of the department or staff~~

963 ~~employed by an entity under contract with the department.~~

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

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

972 (b) A plan for the youth to acquire the knowledge,
973 information, and counseling necessary to make a successful
974 transition to adulthood.

975 (c) Services that have proven effective toward achieving
976 the transition to adulthood.

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

983 ~~(53)-(57)~~ "Violation of law" or "delinquent act" means a
984 violation of any law of this state, the United States, or any
985 other state which is a misdemeanor or a felony or a violation of
986 a county or municipal ordinance which would be punishable by
987 incarceration if the violation were committed by an adult.

988 ~~(54)-(58)~~ "Waiver hearing" means a hearing provided for

989 under s. 985.556(4).

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

992 985.0301 Jurisdiction.—

993 (4) (a) Petitions alleging delinquency shall be filed in
 994 the county where the delinquent act or violation of law
 995 occurred. The ~~, but the~~ circuit court for that county may
 996 transfer the case to the circuit court of the circuit in which
 997 the child resides or will reside at the time of detention or
 998 placement for dispositional purposes. A child who has been
 999 detained may ~~shall~~ be transferred to the ~~appropriate~~ detention
 1000 center or facility in the circuit in which the child resides or
 1001 will reside at the time of detention ~~or other placement directed~~
 1002 ~~by the receiving court.~~

1003 (b) The jurisdiction to be exercised by the court when a
 1004 child is taken into custody before the filing of a petition
 1005 under subsection (2) shall be exercised by the circuit court for
 1006 the county in which the child is taken into custody, which court
 1007 shall have personal jurisdiction of the child and the child's
 1008 parent or legal guardian. Upon the filing of a petition in the
 1009 appropriate circuit court, the court that is exercising initial
 1010 jurisdiction of the person of the child shall, if the child has
 1011 been detained, immediately order the child to be transferred to
 1012 the detention center or facility or other placement as ordered
 1013 by the court having subject matter jurisdiction of the case.

1014 (5) (a) Notwithstanding s. ~~ss.~~ 743.07, ~~985.43, 985.433,~~

1015 ~~985.435, 985.439, and 985.441, and except as provided in~~
 1016 ~~paragraph (b) ss. 985.461 and 985.465 and paragraph (f), when~~
 1017 ~~the jurisdiction of any child who is alleged to have committed a~~
 1018 ~~delinquent act or violation of law is obtained, the court shall~~
 1019 ~~retain jurisdiction to dispose a case, unless relinquished by~~
 1020 ~~its order, until the child reaches 19 years of age, with the~~
 1021 ~~same power over the child which the court had before the child~~
 1022 ~~became an adult. For the purposes of s. 985.461, the court may~~
 1023 ~~retain jurisdiction for an additional 365 days following the~~
 1024 ~~child's 19th birthday if the child is participating in~~
 1025 ~~transition to adulthood services. The additional services do not~~
 1026 ~~extend involuntary court-sanctioned residential commitment and~~
 1027 ~~therefore require voluntary participation by the affected youth.~~

1028 (b) The court shall retain jurisdiction, Notwithstanding
 1029 ~~ss. 743.07 and 985.455(3), the term of any order placing a child~~
 1030 ~~in a probation program must be until the child's 19th birthday~~
 1031 ~~unless relinquished by its own order:~~

1032 1. Over a child on probation until the child reaches 19
 1033 years of age he or she is released by the court on the motion of
 1034 ~~an interested party or on his or her own motion.~~

1035 2. Over a child committed to the department until the
 1036 child reaches 21 years of age, specifically for the purpose of
 1037 allowing the child to complete the commitment program, including
 1038 conditional release supervision.

1039 (c) The court shall retain jurisdiction over a juvenile
 1040 sexual offender, as defined in s. 985.475, who has been placed

1041 on community-based treatment alternative with supervision or who
1042 has been placed in a program or facility for juvenile sexual
1043 offenders, pursuant to s. 985.48, until the juvenile sexual
1044 offender reaches 21 years of age, specifically for the purpose
1045 of allowing the juvenile to complete the program.

1046 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
1047 ~~the commitment must be until the child is discharged by the~~
1048 ~~department or until he or she reaches the age of 21 years.~~
1049 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
1050 ~~985.455, and 985.513, and except as provided in this section, a~~
1051 ~~child may not be held under a commitment from a court under s.~~
1052 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
1053 ~~21 years of age.~~

1054 ~~(d) The court may retain jurisdiction over a child~~
1055 ~~committed to the department for placement in a juvenile prison~~
1056 ~~or in a high-risk or maximum-risk residential commitment program~~
1057 ~~to allow the child to participate in a juvenile conditional~~
1058 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
1059 ~~court may not be retained after the child's 22nd birthday.~~
1060 ~~However, if the child is not successful in the conditional~~
1061 ~~release program, the department may use the transfer procedure~~
1062 ~~under s. 985.441(4).~~

1063 ~~(e) The court may retain jurisdiction over a child~~
1064 ~~committed to the department for placement in an intensive~~
1065 ~~residential treatment program for 10-year-old to 13-year-old~~
1066 ~~offenders, in the residential commitment program in a juvenile~~

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1067 ~~prison or in a residential sex offender program until the child~~
1068 ~~reaches the age of 21. If the court exercises this jurisdiction~~
1069 ~~retention, it shall do so solely for the purpose of the child~~
1070 ~~completing the intensive residential treatment program for 10-~~
1071 ~~year-old to 13-year-old offenders, in the residential commitment~~
1072 ~~program in a juvenile prison, or in a residential sex offender~~
1073 ~~program. Such jurisdiction retention does not apply for other~~
1074 ~~programs, other purposes, or new offenses.~~

1075 ~~(f) The court may retain jurisdiction over a child~~
1076 ~~committed to a juvenile correctional facility or a juvenile~~
1077 ~~prison until the child reaches the age of 21 years, specifically~~
1078 ~~for the purpose of allowing the child to complete such program.~~

1079 ~~(g) The court may retain jurisdiction over a juvenile~~
1080 ~~sexual offender who has been placed in a program or facility for~~
1081 ~~juvenile sexual offenders until the juvenile sexual offender~~
1082 ~~reaches the age of 21, specifically for the purpose of~~
1083 ~~completing the program.~~

1084 (d) ~~(h)~~ The court may retain jurisdiction over a child and
1085 the child's parent or legal guardian whom the court has ordered
1086 to pay restitution until the restitution order is satisfied. To
1087 retain jurisdiction, the court shall enter a restitution order,
1088 which is separate from any disposition or order of commitment,
1089 on or prior to the date that the court's jurisdiction would
1090 cease under this section. The contents of the restitution order
1091 shall be limited to the child's name and address, the name and
1092 address of the parent or legal guardian, the name and address of

1093 the payee, the case number, the date and amount of restitution
 1094 ordered, any amount of restitution paid, the amount of
 1095 restitution due and owing, and a notation that costs, interest,
 1096 penalties, and attorney fees may also be due and owing. The
 1097 terms of the restitution order are subject to s. 775.089(5).

1098 ~~(e)(i)~~ This subsection does not prevent the exercise of
 1099 jurisdiction by any court having jurisdiction of the child if
 1100 the child, after becoming an adult, commits a violation of law.

1101 Section 5. Subsections (2) and (4) of section 985.037,
 1102 Florida Statutes, are amended to read:

1103 985.037 Punishment for contempt of court; alternative
 1104 sanctions.—

1105 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
 1106 be placed in a secure detention facility for purposes of
 1107 punishment for contempt of court if alternative sanctions are
 1108 unavailable or inappropriate, or if the child has already been
 1109 ordered to serve an alternative sanction but failed to comply
 1110 with the sanction. A delinquent child who has been held in
 1111 direct or indirect contempt may be placed in a secure detention
 1112 facility not to exceed 5 days for a first offense and not to
 1113 exceed 15 days for a second or subsequent offense.

1114 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 1115 PROCESS.—

1116 (a) If a child is charged with direct contempt of court,
 1117 including traffic court, the court may impose an authorized
 1118 sanction immediately. The court must hold a hearing to determine

1119 if the child committed direct contempt. Due process must be
 1120 afforded to the child during this hearing.

1121 (b) If a child is charged with indirect contempt of court,
 1122 the court must hold a hearing within 24 hours to determine
 1123 whether the child committed indirect contempt of a valid court
 1124 order. At the hearing, the following due process rights must be
 1125 provided to the child:

1126 1. Right to a copy of the order to show cause alleging
 1127 facts supporting the contempt charge.

1128 2. Right to an explanation of the nature and the
 1129 consequences of the proceedings.

1130 3. Right to legal counsel and the right to have legal
 1131 counsel appointed by the court if the juvenile is indigent,
 1132 under s. 985.033.

1133 4. Right to confront witnesses.

1134 5. Right to present witnesses.

1135 6. Right to have a transcript or record of the proceeding.

1136 7. Right to appeal to an appropriate court.
 1137

1138 The child's parent or guardian may address the court regarding
 1139 the due process rights of the child. Upon motion by the defense
 1140 attorney or state attorney, the court shall review the placement
 1141 of the child ~~every 72 hours~~ to determine whether it is
 1142 appropriate for the child to remain in the facility.

1143 (c) The court may not order that a child be placed in a
 1144 secure detention facility for punishment for contempt unless the

1145 court determines that an alternative sanction is inappropriate
 1146 or unavailable or that the child was initially ordered to an
 1147 alternative sanction and did not comply with the alternative
 1148 sanction. The court is encouraged to order a child to perform
 1149 community service, up to the maximum number of hours, where
 1150 appropriate before ordering that the child be placed in a secure
 1151 detention facility as punishment for contempt of court.

1152 (d) In addition to any other sanction imposed under this
 1153 section, the court may direct the Department of Highway Safety
 1154 and Motor Vehicles to withhold issuance of, or suspend, a
 1155 child's driver ~~driver's~~ license or driving privilege. The court
 1156 may order that a child's driver ~~driver's~~ license or driving
 1157 privilege be withheld or suspended for up to 1 year for a first
 1158 offense of contempt and up to 2 years for a second or subsequent
 1159 offense. If the child's driver ~~driver's~~ license or driving
 1160 privilege is suspended or revoked for any reason at the time the
 1161 sanction for contempt is imposed, the court shall extend the
 1162 period of suspension or revocation by the additional period
 1163 ordered under this paragraph. If the child's driver ~~driver's~~
 1164 license is being withheld at the time the sanction for contempt
 1165 is imposed, the period of suspension or revocation ordered under
 1166 this paragraph shall begin on the date on which the child is
 1167 otherwise eligible to drive.

1168 Section 6. Paragraph (a) of subsection (1) of section
 1169 985.039, Florida Statutes, is amended to read:

1170 985.039 Cost of supervision; cost of care.—

1171 (1) Except as provided in subsection (3) or subsection
 1172 (4):

1173 (a) When any child is placed into nonsecure ~~home~~
 1174 detention, probation, or other supervision status with the
 1175 department, or is committed to the minimum-risk nonresidential
 1176 restrictiveness level, the court shall order the parent of such
 1177 child to pay to the department a fee for the cost of the
 1178 supervision of such child in the amount of \$1 per day for each
 1179 day that the child is in such status.

1180 Section 7. Subsection (5) of section 985.045, Florida
 1181 Statutes, is amended to read:

1182 985.045 Court records.—

1183 (5) This chapter does not prohibit a circuit court from
 1184 providing a restitution order containing the information
 1185 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
 1186 court or a private collection agency for the sole purpose of
 1187 collecting unpaid restitution ordered in a case in which the
 1188 circuit court has retained jurisdiction over the child and the
 1189 child's parent or legal guardian. The collection court or
 1190 private collection agency shall maintain the confidential status
 1191 of the information to the extent such confidentiality is
 1192 provided by law.

1193 Section 8. Paragraph (d) of subsection (1) and subsection
 1194 (3) of section 985.101, Florida Statutes, are amended to read:

1195 985.101 Taking a child into custody.—

1196 (1) A child may be taken into custody under the following

1197 | circumstances:

1198 | (d) By a law enforcement officer who has probable cause to
 1199 | believe that the child is in violation of the conditions of the
 1200 | child's probation, nonsecure ~~home~~ detention, postcommitment
 1201 | probation, or conditional release supervision; has absconded
 1202 | from nonresidential commitment; or has escaped from residential
 1203 | commitment.

1204 |
 1205 | Nothing in this subsection shall be construed to allow the
 1206 | detention of a child who does not meet the detention criteria in
 1207 | part V.

1208 | (3) When a child is taken into custody as provided in this
 1209 | section, the person taking the child into custody shall attempt
 1210 | to notify the parent, guardian, or legal custodian of the child.
 1211 | The person taking the child into custody shall continue such
 1212 | attempt until the parent, guardian, or legal custodian of the
 1213 | child is notified or the child is delivered to the department ~~a~~
 1214 | ~~juvenile probation officer~~ under ss. 985.14 and 985.145,
 1215 | whichever occurs first. If the child is delivered to the
 1216 | department ~~a juvenile probation officer~~ before the parent,
 1217 | guardian, or legal custodian is notified, the department
 1218 | ~~juvenile probation officer~~ shall continue the attempt to notify
 1219 | until the parent, guardian, or legal custodian of the child is
 1220 | notified. Following notification, the parent or guardian must
 1221 | provide identifying information, including name, address, date
 1222 | of birth, social security number, and driver ~~driver's~~ license

1223 number or identification card number of the parent or guardian
 1224 to the person taking the child into custody or the department
 1225 ~~juvenile probation officer.~~

1226 Section 9. Section 985.105, Florida Statutes, is repealed.

1227 Section 10. Paragraph (b) of subsection (1) of section
 1228 985.11, Florida Statutes, is amended to read:

1229 985.11 Fingerprinting and photographing.—

1230 (1)

1231 (b) Unless the child is issued a civil citation or is
 1232 participating in a similar diversion program pursuant to s.
 1233 985.12, a child who is charged with or found to have committed
 1234 one of the following offenses shall be fingerprinted, and the
 1235 fingerprints shall be submitted to the Department of Law
 1236 Enforcement as provided in s. 943.051(3)(b):

1237 1. Assault, as defined in s. 784.011.

1238 2. Battery, as defined in s. 784.03.

1239 3. Carrying a concealed weapon, as defined in s.
 1240 790.01(1).

1241 4. Unlawful use of destructive devices or bombs, as
 1242 defined in s. 790.1615(1).

1243 5. Neglect of a child, as defined in s. 827.03(1)(e).

1244 6. Assault on a law enforcement officer, a firefighter, or
 1245 other specified officers, as defined in s. 784.07(2)(a).

1246 7. Open carrying of a weapon, as defined in s. 790.053.

1247 8. Exposure of sexual organs, as defined in s. 800.03.

1248 9. Unlawful possession of a firearm, as defined in s.

1249 790.22 (5) .

1250 10. Petit theft, as defined in s. 812.014.

1251 11. Cruelty to animals, as defined in s. 828.12(1).

1252 12. Arson, resulting in bodily harm to a firefighter, as
 1253 defined in s. 806.031(1).

1254 13. Unlawful possession or discharge of a weapon or
 1255 firearm at a school-sponsored event or on school property as
 1256 defined in s. 790.115.

1257

1258 A law enforcement agency may fingerprint and photograph a child
 1259 taken into custody upon probable cause that such child has
 1260 committed any other violation of law, as the agency deems
 1261 appropriate. Such fingerprint records and photographs shall be
 1262 retained by the law enforcement agency in a separate file, and
 1263 these records and all copies thereof must be marked "Juvenile
 1264 Confidential." These records are not available for public
 1265 disclosure and inspection under s. 119.07(1) except as provided
 1266 in ss. 943.053 and 985.04(2), but shall be available to other
 1267 law enforcement agencies, criminal justice agencies, state
 1268 attorneys, the courts, the child, the parents or legal
 1269 custodians of the child, their attorneys, and any other person
 1270 authorized by the court to have access to such records. In
 1271 addition, such records may be submitted to the Department of Law
 1272 Enforcement for inclusion in the state criminal history records
 1273 and used by criminal justice agencies for criminal justice
 1274 purposes. These records may, in the discretion of the court, be

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1275 open to inspection by anyone upon a showing of cause. The
1276 fingerprint and photograph records shall be produced in the
1277 court whenever directed by the court. Any photograph taken
1278 pursuant to this section may be shown by a law enforcement
1279 officer to any victim or witness of a crime for the purpose of
1280 identifying the person who committed such crime.

1281 Section 11. Subsection (2) of section 985.14, Florida
1282 Statutes, is amended to read:

1283 985.14 Intake and case management system.—

1284 (2) The intake process shall be performed by the
1285 department or juvenile assessment center personnel through a
1286 case management system. The purpose of the intake process is to
1287 assess the child's needs and risks and to determine the most
1288 appropriate treatment plan and setting for the child's
1289 programmatic needs and risks. The intake process shall consist
1290 of an initial assessment and may be followed by a full mental
1291 health, substance abuse, or psychosexual evaluation. The intake
1292 process shall result in choosing the most appropriate services
1293 through a balancing of the interests and needs of the child with
1294 those of the family and the community public. The department
1295 ~~juvenile probation officer~~ shall be responsible for making
1296 informed decisions and recommendations to other agencies, the
1297 state attorney, and the courts so that the child and family may
1298 receive the least intrusive service alternative throughout the
1299 judicial process. The department shall establish uniform
1300 procedures for the department ~~juvenile probation officer~~ to

1301 provide a preliminary screening of the child and family for
 1302 substance abuse and mental health services prior to the filing
 1303 of a petition or as soon as possible thereafter and prior to a
 1304 disposition hearing.

1305 Section 12. Section 985.145, Florida Statutes, is amended
 1306 to read:

1307 985.145 Responsibilities of the department ~~juvenile~~
 1308 ~~probation officer~~ during intake; screenings and assessments.—

1309 (1) The department ~~juvenile probation officer~~ shall serve
 1310 as the primary case manager for the purpose of managing,
 1311 coordinating, and monitoring the services provided to the child.
 1312 Each program administrator within the Department of Children and
 1313 Families ~~Family Services~~ shall cooperate with the primary case
 1314 manager in carrying out the duties and responsibilities
 1315 described in this section. In addition to duties specified in
 1316 other sections and through departmental rules, the department
 1317 ~~assigned juvenile probation officer~~ shall be responsible for the
 1318 following:

1319 (a) Reviewing probable cause affidavit.—The department
 1320 ~~juvenile probation officer~~ shall make a preliminary
 1321 determination as to whether the report, affidavit, or complaint
 1322 is complete, consulting with the state attorney as may be
 1323 necessary. A report, affidavit, or complaint alleging that a
 1324 child has committed a delinquent act or violation of law shall
 1325 be made to the intake office operating in the county in which
 1326 the child is found or in which the delinquent act or violation

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1327 of law occurred. Any person or agency having knowledge of the
1328 facts may make such a written report, affidavit, or complaint
1329 and shall furnish to the intake office facts sufficient to
1330 establish the jurisdiction of the court and to support a finding
1331 by the court that the child has committed a delinquent act or
1332 violation of law.

1333 (b) Notification concerning apparent insufficiencies in
1334 probable cause affidavit.—In any case where the department
1335 ~~juvenile probation officer~~ or the state attorney finds that the
1336 report, affidavit, or complaint is insufficient by the standards
1337 for a probable cause affidavit, the department ~~juvenile~~
1338 ~~probation officer~~ or state attorney shall return the report,
1339 affidavit, or complaint, without delay, to the person or agency
1340 originating the report, affidavit, or complaint or having
1341 knowledge of the facts or to the appropriate law enforcement
1342 agency having investigative jurisdiction of the offense, and
1343 shall request, and the person or agency shall promptly furnish,
1344 additional information in order to comply with the standards for
1345 a probable cause affidavit.

1346 (c) Screening.—During the intake process, the department
1347 ~~juvenile probation officer~~ shall screen each child or shall
1348 cause each child to be screened in order to determine:

1349 1. Appropriateness for release; referral to a diversionary
1350 program, including, but not limited to, a teen court program;
1351 referral for community arbitration; or referral to some other
1352 program or agency for the purpose of nonofficial or nonjudicial

1353 handling.

1354 2. The presence of medical, psychiatric, psychological,
 1355 substance abuse, educational, or career and technical education
 1356 ~~vocational~~ problems, or other conditions that may have caused
 1357 the child to come to the attention of law enforcement or the
 1358 department. The child shall also be screened to determine
 1359 whether the child poses a danger to himself or herself or others
 1360 in the community. The results of this screening shall be made
 1361 available to the court and to court officers. In cases where
 1362 such conditions are identified and a nonjudicial handling of the
 1363 case is chosen, the department ~~juvenile probation officer~~ shall
 1364 attempt to refer the child to a program or agency, together with
 1365 all available and relevant assessment information concerning the
 1366 child's precipitating condition.

1367 (d) Completing risk assessment instrument.—The department
 1368 ~~juvenile probation officer~~ shall ensure that a risk assessment
 1369 instrument establishing the child's eligibility for detention
 1370 has been accurately completed and that the appropriate
 1371 recommendation was made to the court.

1372 (e) Rights.—The department ~~juvenile probation officer~~
 1373 shall inquire as to whether the child understands his or her
 1374 rights to counsel and against self-incrimination.

1375 (f) Multidisciplinary assessment.—The department ~~juvenile~~
 1376 ~~probation officer~~ shall coordinate the multidisciplinary
 1377 assessment when required, which includes the classification and
 1378 placement process that determines the child's priority needs,

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1379 risk classification, and treatment plan. When sufficient
1380 evidence exists to warrant a comprehensive assessment and the
1381 child fails to voluntarily participate in the assessment
1382 efforts, the department ~~juvenile probation officer~~ shall inform
1383 the court of the need for the assessment and the refusal of the
1384 child to participate in such assessment. This assessment,
1385 classification, and placement process shall develop into the
1386 predisposition report.

1387 (g) Comprehensive assessment.—The department ~~juvenile~~
1388 ~~probation officer~~, pursuant to uniform procedures established by
1389 the department and upon determining that the report, affidavit,
1390 or complaint is complete, shall:

1391 1. Perform the preliminary screening and make referrals
1392 for a comprehensive assessment regarding the child's need for
1393 substance abuse treatment services, mental health services,
1394 intellectual disability services, literacy services, or other
1395 educational or treatment services.

1396 2. If indicated by the preliminary screening, provide for
1397 a comprehensive assessment of the child and family for substance
1398 abuse problems, using community-based licensed programs with
1399 clinical expertise and experience in the assessment of substance
1400 abuse problems.

1401 3. If indicated by the preliminary screening, provide for
1402 a comprehensive assessment of the child and family for mental
1403 health problems, using community-based psychologists,
1404 psychiatrists, or other licensed mental health professionals who

1405 have clinical expertise and experience in the assessment of
1406 mental health problems.

1407 (h) Referrals for services.—The department ~~juvenile~~
1408 ~~probation officer~~ shall make recommendations for services and
1409 facilitate the delivery of those services to the child,
1410 including any mental health services, educational services,
1411 family counseling services, family assistance services, and
1412 substance abuse services.

1413 (i) Recommendation concerning a petition.—Upon determining
1414 that the report, affidavit, or complaint complies with the
1415 standards of a probable cause affidavit and that the interests
1416 of the child and the public will be best served, the department
1417 ~~juvenile probation officer~~ may recommend that a delinquency
1418 petition not be filed. If such a recommendation is made, the
1419 department ~~juvenile probation officer~~ shall advise in writing
1420 the person or agency making the report, affidavit, or complaint,
1421 the victim, if any, and the law enforcement agency having
1422 investigative jurisdiction over the offense of the
1423 recommendation; the reasons therefor; and that the person or
1424 agency may submit, within 10 days after the receipt of such
1425 notice, the report, affidavit, or complaint to the state
1426 attorney for special review. The state attorney, upon receiving
1427 a request for special review, shall consider the facts presented
1428 by the report, affidavit, or complaint, and by the department
1429 ~~juvenile probation officer~~ who made the recommendation that no
1430 petition be filed, before making a final decision as to whether

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1431 a petition or information should or should not be filed.

1432 (j) Completing intake report.—Subject to the interagency
1433 agreement authorized under this paragraph, the department ~~the~~
1434 ~~juvenile probation officer for each case in which a child is~~
1435 ~~alleged to have committed a violation of law or delinquent act~~
1436 ~~and is not detained~~ shall submit a written report to the state
1437 attorney for each case in which a child is alleged to have
1438 committed a violation of law or delinquent act and is not
1439 detained. The report shall be submitted within 20 days after the
1440 date the child is taken into custody and include ~~,including~~ the
1441 original police report, complaint, or affidavit, or a copy
1442 thereof, and including a copy of the child's prior juvenile
1443 record, ~~within 20 days after the date the child is taken into~~
1444 ~~eustody~~. In cases in which the child is in detention, the intake
1445 office report must be submitted within 24 hours after the child
1446 is placed into detention. The intake office report may include a
1447 recommendation that a petition or information be filed or that
1448 no petition or information be filed and may set forth reasons
1449 for the recommendation. The state attorney and the department
1450 may, on a district-by-district basis, enter into interagency
1451 agreements denoting the cases that will require a recommendation
1452 and those for which a recommendation is unnecessary.

1453 (2) Prior to requesting that a delinquency petition be
1454 filed or prior to filing a dependency petition, the department
1455 ~~juvenile probation officer~~ may request the parent or legal
1456 guardian of the child to attend a course of instruction in

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1457 parenting skills, training in conflict resolution, and the
1458 practice of nonviolence; to accept counseling; or to receive
1459 other assistance from any agency in the community which notifies
1460 the clerk of the court of the availability of its services.
1461 Where appropriate, the department ~~juvenile probation officer~~
1462 shall request both parents or guardians to receive such parental
1463 assistance. The department ~~juvenile probation officer~~ may, in
1464 determining whether to request that a delinquency petition be
1465 filed, take into consideration the willingness of the parent or
1466 legal guardian to comply with such request. The parent or
1467 guardian must provide the department ~~juvenile probation officer~~
1468 with identifying information, including the parent's or
1469 guardian's name, address, date of birth, social security number,
1470 and driver ~~driver's~~ license number or identification card number
1471 in order to comply with s. 985.039.

1472 (3) When indicated by the comprehensive assessment, the
1473 department is authorized to contract within appropriated funds
1474 for services with a local nonprofit community mental health or
1475 substance abuse agency licensed or authorized under chapter 394
1476 or chapter 397 or other authorized nonprofit social service
1477 agency providing related services. The determination of mental
1478 health or substance abuse services shall be conducted in
1479 coordination with existing programs providing mental health or
1480 substance abuse services in conjunction with the intake office.

1481 (4) Client information resulting from the screening and
1482 evaluation shall be documented under rules of the department and

1483 shall serve to assist the department ~~juvenile probation officer~~
1484 in providing the most appropriate services and recommendations
1485 in the least intrusive manner. Such client information shall be
1486 used in the multidisciplinary assessment and classification of
1487 the child, but such information, and any information obtained
1488 directly or indirectly through the assessment process, is
1489 inadmissible in court prior to the disposition hearing, unless
1490 the child's written consent is obtained. At the disposition
1491 hearing, documented client information shall serve to assist the
1492 court in making the most appropriate custody, adjudicatory, and
1493 dispositional decision.

1494 (5) If the screening and assessment indicate that the
1495 interests of the child and the public will be best served, the
1496 department ~~juvenile probation officer~~, with the approval of the
1497 state attorney, may refer the child for care, diagnostic, and
1498 evaluation services; substance abuse treatment services; mental
1499 health services; intellectual disability services; a
1500 diversionary, arbitration, or mediation program; community
1501 service work; or other programs or treatment services
1502 voluntarily accepted by the child and the child's parents or
1503 legal guardian. If a child volunteers to participate in any work
1504 program under this chapter or volunteers to work in a specified
1505 state, county, municipal, or community service organization
1506 supervised work program or to work for the victim, the child is
1507 considered an employee of the state for the purposes of
1508 liability. In determining the child's average weekly wage,

1509 unless otherwise determined by a specific funding program, all
 1510 remuneration received from the employer is considered a
 1511 gratuity, and the child is not entitled to any benefits
 1512 otherwise payable under s. 440.15 regardless of whether the
 1513 child may be receiving wages and remuneration from other
 1514 employment with another employer and regardless of the child's
 1515 future wage-earning capacity.

1516 (6) The victim, if any, and the law enforcement agency
 1517 that investigated the offense shall be notified immediately by
 1518 the state attorney of the action taken under subsection (5).

1519 Section 13. Section 985.17, Florida Statutes, is created
 1520 to read:

1521 985.17 Prevention services.—

1522 (1) The Legislature finds that prevention services
 1523 decrease recidivism by addressing the needs of at-risk youth and
 1524 their families, preventing further involvement of such youth in
 1525 the juvenile justice system, protecting the safety of the
 1526 public, and facilitating successful reentry of at-risk youth
 1527 into the community. To assist with decreasing recidivism, the
 1528 department's prevention services shall strengthen protective
 1529 factors and reduce risk factors using tested and effective
 1530 approaches.

1531 (2) A goal of the department's prevention services shall
 1532 be to develop the capacity for local communities to serve their
 1533 youth.

1534 (a) The department shall engage faith and community-based

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1535 organizations to provide a full range of voluntary programs and
1536 services to prevent and reduce juvenile delinquency, including,
1537 but not limited to, chaplaincy services, crisis intervention
1538 counseling, mentoring, and tutoring.

1539 (b) The department shall establish volunteer coordinators
1540 in each circuit and encourage the recruitment of volunteers to
1541 serve as mentors for youth in department services.

1542 (c) The department shall promote the sale of the Invest in
1543 Children license plate to help fund programs and services to
1544 prevent juvenile delinquency. The department shall allocate
1545 money for programs and services within each county based on that
1546 county's proportionate share of the license plate annual use
1547 fees collected by the county.

1548 (3) The department's prevention services for youth at risk
1549 of becoming delinquent should:

1550 (a) Focus on preventing initial or further involvement of
1551 such youth in the juvenile justice system by including services
1552 such as literacy services, gender-specific programming,
1553 recreational services, and after-school services, and should
1554 include targeted services to troubled, truant, ungovernable,
1555 abused, trafficked, or runaway youth. To decrease the likelihood
1556 that a youth will commit a delinquent act, the department should
1557 use mentoring and may provide specialized services addressing
1558 the strengthening of families, job training, and substance
1559 abuse.

1560 (b) Address the multiple needs of such youth in order to

1561 decrease the prevalence of disproportionate minority
1562 representation in the juvenile justice system.

1563 (5) The department shall expend funds related to the
1564 prevention services in a manner consistent with the policies
1565 expressed in ss. 984.02 and 985.01 and in a manner that
1566 maximizes accountability to the public and ensures the
1567 documentation of outcomes.

1568 (a) As a condition of receipt of state funds, all entities
1569 that receive or use state moneys to fund prevention services
1570 through contracts with the department or grants from any entity
1571 dispersed by the department shall:

1572 1. Design the programs providing such services to further
1573 one or more of the following strategies:

1574 a. Encouraging youth to attend and succeed in school,
1575 which may include special assistance and tutoring to address
1576 deficiencies in academic performance and collecting outcome data
1577 to reveal the number of days youth attended school while
1578 participating in the program.

1579 b. Engaging youth in productive and wholesome activities
1580 during nonschool hours that build positive character, instill
1581 positive values, and enhance educational experiences.

1582 c. Encouraging youth to avoid the use of violence.

1583 d. Assisting youth in acquiring the skills needed to find
1584 meaningful employment, which may include assisting the youth in
1585 finding a suitable employer.

1586 2. Provide the department with demographic information,

1587 dates of services, and types of interventions received by each
 1588 youth.

1589 (b) The department shall monitor output and outcome
 1590 measures for each program strategy in paragraph (a) and annually
 1591 report the outputs and outcomes in the Comprehensive
 1592 Accountability Report as provided in s. 985.632.

1593 (c) The department shall monitor all state-funded programs
 1594 that receive or use state moneys to fund the prevention services
 1595 through contracts or grants with the department for compliance
 1596 with all provisions in the contracts and grants.

1597 Section 14. Section 985.24, Florida Statutes, is amended
 1598 to read:

1599 985.24 Use of detention; prohibitions.—

1600 (1) All determinations and court orders regarding the use
 1601 of ~~secure, nonsecure, or home~~ detention care shall be based
 1602 primarily upon findings that the child:

1603 (a) Presents a substantial risk of not appearing at a
 1604 subsequent hearing;

1605 (b) Presents a substantial risk of inflicting bodily harm
 1606 on others as evidenced by recent behavior, including the illegal
 1607 possession of a firearm;

1608 (c) Presents a history of committing a property offense
 1609 prior to adjudication, disposition, or placement;

1610 (d) Has committed contempt of court by:

1611 1. Intentionally disrupting the administration of the
 1612 court;

1613 2. Intentionally disobeying a court order; or
 1614 3. Engaging in a punishable act or speech in the court's
 1615 presence which shows disrespect for the authority and dignity of
 1616 the court; or
 1617 (e) Requests protection from imminent bodily harm.
 1618 (2) A child alleged to have committed a delinquent act or
 1619 violation of law may not be placed into secure or, nonsecure, ~~or~~
 1620 ~~home~~ detention care for any of the following reasons:
 1621 (a) To allow a parent to avoid his or her legal
 1622 responsibility.
 1623 (b) To permit more convenient administrative access to the
 1624 child.
 1625 (c) To facilitate further interrogation or investigation.
 1626 (d) Due to a lack of more appropriate facilities.
 1627 (3) A child alleged to be dependent under chapter 39 may
 1628 not, under any circumstances, be placed into secure detention
 1629 care.
 1630 (4) The department may, within its existing resources,
 1631 develop nonsecure, nonresidential evening reporting centers as
 1632 an alternative to placing a child in secure detention. Evening
 1633 reporting centers may be collocated with a juvenile assessment
 1634 center. If established, evening reporting centers shall serve
 1635 children and families who are awaiting a child's court hearing
 1636 and, at a minimum, operate during the afternoon and evening
 1637 hours to provide a highly structured program of supervision.
 1638 Evening reporting centers may also provide academic tutoring,

1639 counseling, family engagement programs, and other activities.

1640 (5)~~(4)~~ The department shall continue to identify
 1641 alternatives to secure detention care and shall develop such
 1642 alternatives and annually submit them to the Legislature for
 1643 authorization and appropriation.

1644 Section 15. Paragraph (b) of subsection (2) and subsection
 1645 (4) of section 985.245, Florida Statutes, are amended to read:

1646 985.245 Risk assessment instrument.—

1647 (2)

1648 (b) The risk assessment instrument shall take into
 1649 consideration, but need not be limited to, prior history of
 1650 failure to appear, prior offenses, offenses committed pending
 1651 adjudication, any unlawful possession of a firearm, theft of a
 1652 motor vehicle or possession of a stolen motor vehicle, and
 1653 probation status at the time the child is taken into custody.
 1654 The risk assessment instrument shall also take into
 1655 consideration appropriate aggravating and mitigating
 1656 circumstances, and shall be designed to target a narrower
 1657 population of children than s. 985.255. The risk assessment
 1658 instrument shall also include any information concerning the
 1659 child's history of abuse and neglect. The risk assessment shall
 1660 indicate whether detention care is warranted, and, if detention
 1661 care is warranted, whether the child should be placed into
 1662 secure or, nonsecure,~~or home~~ detention care.

1663 (4) For a child who is under the supervision of the
 1664 department through probation, ~~home detention~~, nonsecure

1665 detention, conditional release, postcommitment probation, or
 1666 commitment and who is charged with committing a new offense, the
 1667 risk assessment instrument may be completed and scored based on
 1668 the underlying charge for which the child was placed under the
 1669 supervision of the department and the new offense.

1670 Section 16. Subsection (1) of section 985.25, Florida
 1671 Statutes, is amended to read:

1672 985.25 Detention intake.—

1673 (1) The department ~~juvenile probation officer~~ shall
 1674 receive custody of a child who has been taken into custody from
 1675 the law enforcement agency or court and shall review the facts
 1676 in the law enforcement report or probable cause affidavit and
 1677 make such further inquiry as may be necessary to determine
 1678 whether detention care is appropriate ~~required~~.

1679 (a) During the period of time from the taking of the child
 1680 into custody to the date of the detention hearing, the initial
 1681 decision as to the child's placement into secure ~~detention care,~~
 1682 or nonsecure detention care, ~~or home detention care~~ shall be
 1683 made by the department ~~juvenile probation officer~~ under ss.
 1684 985.24 and 985.245(1).

1685 (b) The department ~~juvenile probation officer~~ shall base
 1686 the decision whether ~~or not~~ to place the child into secure
 1687 ~~detention care, home detention care,~~ or nonsecure detention care
 1688 on an assessment of risk in accordance with the risk assessment
 1689 instrument and procedures developed by the department under s.
 1690 985.245. However, a child charged with possessing or discharging

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1691 a firearm on school property in violation of s. 790.115 shall be
1692 placed in secure detention care. A child who has been taken into
1693 custody on three or more separate occasions within a 60-day
1694 period shall be placed in secure detention care until the
1695 child's detention hearing.

1696 (c) If the final score on the child's risk assessment
1697 instrument indicates ~~juvenile probation officer determines that~~
1698 ~~a child who is eligible for~~ detention care is appropriate, but
1699 the department otherwise determines the child based upon the
1700 ~~results of the risk assessment instrument~~ should be released,
1701 the department ~~juvenile probation officer~~ shall contact the
1702 state attorney, who may authorize release.

1703 (d) If the final score on the risk assessment instrument
1704 indicates detention is not appropriate ~~authorized~~, the child may
1705 be released by the department ~~juvenile probation officer~~ in
1706 accordance with ss. 985.115 and 985.13.

1707
1708 Under no circumstances shall the department ~~juvenile probation~~
1709 ~~officer~~ or the state attorney or law enforcement officer
1710 authorize the detention of any child in a jail or other facility
1711 intended or used for the detention of adults, without an order
1712 of the court.

1713 Section 17. Subsections (1) and (2) and paragraphs (a) and
1714 (c) of subsection (3) of section 985.255, Florida Statutes, are
1715 amended to read:

1716 985.255 Detention criteria; detention hearing.—

1717 (1) Subject to s. 985.25(1), a child taken into custody
 1718 and placed into secure or nonsecure ~~or home~~ detention care shall
 1719 be given a hearing within 24 hours after being taken into
 1720 custody. At the hearing, the court may order continued detention
 1721 ~~or detained in secure detention care prior to a detention~~
 1722 ~~hearing may continue to be detained by the court if:~~

1723 (a) The child is alleged to be an escapee from a
 1724 residential commitment program; or an absconder from a
 1725 nonresidential commitment program, a probation program, or
 1726 conditional release supervision; or is alleged to have escaped
 1727 while being lawfully transported to or from a residential
 1728 commitment program.

1729 (b) The child is wanted in another jurisdiction for an
 1730 offense which, if committed by an adult, would be a felony.

1731 (c) The child is charged with a delinquent act or
 1732 violation of law and requests in writing through legal counsel
 1733 to be detained for protection from an imminent physical threat
 1734 to his or her personal safety.

1735 (d) The child is charged with committing an offense of
 1736 domestic violence as defined in s. 741.28 and is detained as
 1737 provided in subsection (2).

1738 (e) The child is charged with possession of or discharging
 1739 a firearm on school property in violation of s. 790.115 or the
 1740 illegal possession of a firearm.

1741 (f) The child is charged with a capital felony, a life
 1742 felony, a felony of the first degree, a felony of the second

1743 degree that does not involve a violation of chapter 893, or a
 1744 felony of the third degree that is also a crime of violence,
 1745 including any such offense involving the use or possession of a
 1746 firearm.

1747 (g) The child is charged with any second degree or third
 1748 degree felony involving a violation of chapter 893 or any third
 1749 degree felony that is not also a crime of violence, and the
 1750 child:

- 1751 1. Has a record of failure to appear at court hearings
- 1752 after being properly notified in accordance with the Rules of
- 1753 Juvenile Procedure;
- 1754 2. Has a record of law violations prior to court hearings;
- 1755 3. Has already been detained or has been released and is
- 1756 awaiting final disposition of the case;
- 1757 4. Has a record of violent conduct resulting in physical
- 1758 injury to others; or
- 1759 5. Is found to have been in possession of a firearm.

1760 (h) The child is alleged to have violated the conditions
 1761 of the child's probation or conditional release supervision.
 1762 However, a child detained under this paragraph may be held only
 1763 in a consequence unit as provided in s. 985.439. If a
 1764 consequence unit is not available, the child shall be placed on
 1765 nonsecure ~~home~~ detention with electronic monitoring.

1766 (i) The child is detained on a judicial order for failure
 1767 to appear and has previously willfully failed to appear, after
 1768 proper notice: ~~7~~

1769 1. For an adjudicatory hearing on the same case regardless
 1770 of the results of the risk assessment instrument; or

1771 2. At two or more court hearings of any nature on the same
 1772 case regardless of the results of the risk assessment
 1773 instrument.

1774
 1775 A child may be held in secure detention for up to 72 hours in
 1776 advance of the next scheduled court hearing pursuant to this
 1777 paragraph. The child's failure to keep the clerk of court and
 1778 defense counsel informed of a current and valid mailing address
 1779 where the child will receive notice to appear at court
 1780 proceedings does not provide an adequate ground for excusal of
 1781 the child's nonappearance at the hearings.

1782 ~~(j) The child is detained on a judicial order for failure~~
 1783 ~~to appear and has previously willfully failed to appear, after~~
 1784 ~~proper notice, at two or more court hearings of any nature on~~
 1785 ~~the same case regardless of the results of the risk assessment~~
 1786 ~~instrument. A child may be held in secure detention for up to 72~~
 1787 ~~hours in advance of the next scheduled court hearing pursuant to~~
 1788 ~~this paragraph. The child's failure to keep the clerk of court~~
 1789 ~~and defense counsel informed of a current and valid mailing~~
 1790 ~~address where the child will receive notice to appear at court~~
 1791 ~~proceedings does not provide an adequate ground for excusal of~~
 1792 ~~the child's nonappearance at the hearings.~~

1793 (2) A child who is charged with committing an offense of
 1794 domestic violence as defined in s. 741.28 and whose risk

1795 assessment instrument indicates secure detention is not
 1796 appropriate ~~who does not meet detention criteria~~ may be held in
 1797 secure detention if the court makes specific written findings
 1798 that:

- 1799 (a) Respite care for the child is not available.
- 1800 (b) It is necessary to place the child in secure detention
- 1801 in order to protect the victim from injury.

1802
 1803 The child may not be held in secure detention under this
 1804 subsection for more than 48 hours unless ordered by the court.
 1805 After 48 hours, the court shall hold a hearing if the state
 1806 attorney or victim requests that secure detention be continued.
 1807 The child may continue to be held in detention care if the court
 1808 makes a specific, written finding that respite care is
 1809 unavailable and it ~~detention care~~ is necessary to protect the
 1810 victim from injury. However, the child may not be held in
 1811 detention care beyond the time limits set forth in this section
 1812 or s. 985.26.

1813 (3) (a) ~~A child who meets any of the criteria in subsection~~
 1814 ~~(1) and who is ordered to be detained under that subsection~~
 1815 ~~shall be given a hearing within 24 hours after being taken into~~
 1816 ~~custody.~~ The purpose of the detention hearing required under
 1817 subsection (1) is to determine the existence of probable cause
 1818 that the child has committed the delinquent act or violation of
 1819 law that he or she is charged with and the need for continued
 1820 detention. Unless a child is detained under paragraph (1) (d) or

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1821 paragraph (1)(e), the court shall use the results of the risk
1822 assessment performed by the department juvenile probation
1823 ~~officer~~ and, based on the criteria in subsection (1), shall
1824 determine the need for continued detention. ~~A child placed into~~
1825 ~~secure, nonsecure, or home detention care may continue to be so~~
1826 ~~detained by the court.~~

1827 (c) Except as provided in s. 790.22(8) or in s. 985.27,
1828 when a child is placed into secure or nonsecure detention care,
1829 or into a respite home or other placement pursuant to a court
1830 order following a hearing, the court order must include specific
1831 instructions that direct the release of the child from such
1832 placement no later than 5 p.m. on the last day of the detention
1833 period specified in s. 985.26 or s. 985.27, whichever is
1834 applicable, unless the requirements of such applicable provision
1835 have been met or an order of continuance has been granted under
1836 s. 985.26(4). If the court order does not include a release
1837 date, the release date shall be requested from the court on the
1838 same date that the child is placed in detention care. If a
1839 subsequent hearing is needed to provide additional information
1840 to the court for safety planning, the initial order placing the
1841 child in detention care shall reflect the next detention review
1842 hearing, which shall be held within 3 calendar days after the
1843 child's initial detention placement.

1844 Section 18. Subsections (1), (2), and (3) of section
1845 985.26, Florida Statutes, are amended to read:

1846 985.26 Length of detention.—

1847 (1) A child may not be placed into or held in secure or
 1848 nonsecure, ~~or home~~ detention care for longer than 24 hours
 1849 unless the court orders such detention care, and the order
 1850 includes specific instructions that direct the release of the
 1851 child from such detention care, in accordance with s. 985.255.
 1852 The order shall be a final order, reviewable by appeal under s.
 1853 985.534 and the Florida Rules of Appellate Procedure. Appeals of
 1854 such orders shall take precedence over other appeals and other
 1855 pending matters.

1856 (2) A child may not be held in secure or nonsecure, ~~or~~
 1857 ~~home~~ detention care under a special detention order for more
 1858 than 21 days unless an adjudicatory hearing for the case has
 1859 been commenced in good faith by the court. However, upon good
 1860 cause being shown that the nature of the charge requires
 1861 additional time for the prosecution or defense of the case, the
 1862 court may extend the length of detention for an additional 9
 1863 days if the child is charged with an offense that would be, if
 1864 committed by an adult, a capital felony, a life felony, a felony
 1865 of the first degree, or a felony of the second degree involving
 1866 violence against any individual.

1867 (3) Except as provided in subsection (2), a child may not
 1868 be held in secure or nonsecure, ~~or home~~ detention care for more
 1869 than 15 days following the entry of an order of adjudication.

1870 Section 19. Section 985.265, Florida Statutes, is amended
 1871 to read:

1872 985.265 Detention transfer and release; education; adult

1873 jails.-

1874 (1) If a child is detained under this part, the department
 1875 may transfer the child from nonsecure ~~or home~~ detention care to
 1876 secure detention care only if significantly changed
 1877 circumstances warrant such transfer.

1878 (2) If a child is on release status and not detained under
 1879 this part, the child may be placed into secure or, nonsecure, ~~or~~
 1880 ~~home~~ detention care only pursuant to a court hearing in which
 1881 the original risk assessment instrument and the, ~~rescored based~~
 1882 ~~on~~ newly discovered evidence or changed circumstances are
 1883 introduced into evidence with a rescored risk assessment
 1884 instrument with the results recommending detention, is
 1885 ~~introduced into evidence.~~

1886 (3) (a) When a juvenile sexual offender is placed in
 1887 detention, detention staff shall provide appropriate monitoring
 1888 and supervision to ensure the safety of other children in the
 1889 facility.

1890 (b) When a juvenile ~~sexual offender, under this~~
 1891 ~~subsection,~~ is released from secure detention or transferred to
 1892 ~~home detention or~~ nonsecure detention, detention staff shall
 1893 immediately notify the appropriate law enforcement agency, and
 1894 school personnel, and victim if the juvenile is charged with
 1895 committing any of the following offenses or attempting to commit
 1896 any of the following offenses:

- 1897 1. Murder, under s. 782.04;
- 1898 2. Sexual battery, under chapter 794;

1899 3. Stalking, under s. 784.048; or
 1900 4. Domestic violence, as defined in s. 741.28.
 1901 (4) (a) While a child who is currently enrolled in school
 1902 is in nonsecure ~~or home~~ detention care, the child shall continue
 1903 to attend school unless otherwise ordered by the court.
 1904 (b) While a child is in secure detention care, the child
 1905 shall receive education commensurate with his or her grade level
 1906 and educational ability.
 1907 (5) The court shall order the delivery of a child to a
 1908 jail or other facility intended or used for the detention of
 1909 adults:
 1910 (a) When the child has been transferred or indicted for
 1911 criminal prosecution as an adult under part X, except that the
 1912 court may not order or allow a child alleged to have committed a
 1913 misdemeanor who is being transferred for criminal prosecution
 1914 pursuant to either s. 985.556 or s. 985.557 to be detained or
 1915 held in a jail or other facility intended or used for the
 1916 detention of adults; however, such child may be held temporarily
 1917 in a detention facility; or
 1918 (b) When a child taken into custody in this state is
 1919 wanted by another jurisdiction for prosecution as an adult.
 1920
 1921 The child shall be housed separately from adult inmates to
 1922 prohibit a child from having regular contact with incarcerated
 1923 adults, including trustees. "Regular contact" means sight and
 1924 sound contact. Separation of children from adults shall permit

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1925 no more than haphazard or accidental contact. The receiving jail
1926 or other facility shall contain a separate section for children
1927 and shall have an adequate staff to supervise and monitor the
1928 child's activities at all times. Supervision and monitoring of
1929 children includes physical observation and documented checks by
1930 jail or receiving facility supervisory personnel at intervals
1931 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit
1932 placing two or more children in the same cell. Under no
1933 circumstances shall a child be placed in the same cell with an
1934 adult.

1935 Section 20. Section 985.27, Florida Statutes, is amended
1936 to read:

1937 985.27 Postdisposition ~~Postcommitment~~ detention while
1938 awaiting commitment placement.-

1939 (1) The court must place all children who are adjudicated
1940 and awaiting placement in a commitment program in detention
1941 care. Children who are in ~~home detention care or~~ nonsecure
1942 detention care may be placed on electronic monitoring.

1943 ~~(a) A child who is awaiting placement in a low-risk~~
1944 ~~residential program must be removed from detention within 5~~
1945 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1946 ~~child held in secure detention during the 5 days must meet~~
1947 ~~detention admission criteria under this part. A child who is~~
1948 ~~placed in home detention care, nonsecure detention care, or home~~
1949 ~~or nonsecure detention care with electronic monitoring, while~~
1950 ~~awaiting placement in a minimum-risk or low-risk program, may be~~

1951 ~~held in secure detention care for 5 days, if the child violates~~
 1952 ~~the conditions of the home detention care, the nonsecure~~
 1953 ~~detention care, or the electronic monitoring agreement. For any~~
 1954 ~~subsequent violation, the court may impose an additional 5 days~~
 1955 ~~in secure detention care.~~

1956 (a) ~~(b)~~ A child who is awaiting placement in a nonsecure
 1957 ~~moderate-risk~~ residential program must be removed from detention
 1958 within 5 days, excluding Saturdays, Sundays, and legal holidays.
 1959 Any child held in secure detention during the 5 days must meet
 1960 detention admission criteria under this part. The department may
 1961 seek an order from the court authorizing continued detention for
 1962 a specific period of time necessary for the appropriate
 1963 residential placement of the child. However, such continued
 1964 detention in secure detention care may not exceed 15 days after
 1965 entry of the commitment order, excluding Saturdays, Sundays, and
 1966 legal holidays, and except as otherwise provided in this
 1967 section. A child who is placed in ~~home detention care,~~ nonsecure
 1968 detention care, or ~~home or~~ nonsecure detention care with
 1969 electronic monitoring, while awaiting placement in a nonsecure
 1970 residential ~~moderate-risk~~ program, may be held in secure
 1971 detention care for 5 days, if the child violates the conditions
 1972 of the ~~home detention care,~~ the nonsecure detention care, or the
 1973 electronic monitoring agreement. For any subsequent violation,
 1974 the court may impose an additional 5 days in secure detention
 1975 care.

1976 (b) ~~(e)~~ If the child is committed to a high-risk

1977 residential program, the child must be held in secure detention
 1978 care until placement or commitment is accomplished.

1979 ~~(c)(d)~~ If the child is committed to a maximum-risk
 1980 residential program, the child must be held in secure detention
 1981 care until placement or commitment is accomplished.

1982 (2) Regardless of detention status, a child being
 1983 transported by the department to a residential commitment
 1984 facility of the department may be placed in secure detention
 1985 overnight, not to exceed a 24-hour period, for the specific
 1986 purpose of ensuring the safe delivery of the child to his or her
 1987 residential commitment program, court, appointment, transfer, or
 1988 release.

1989 Section 21. Subsection (1) of section 985.275, Florida
 1990 Statutes, is amended to read:

1991 985.275 Detention of escapee or absconder on authority of
 1992 the department.—

1993 (1) If an authorized agent of the department has
 1994 reasonable grounds to believe that any delinquent child
 1995 committed to the department has escaped from a residential
 1996 commitment facility or from being lawfully transported thereto
 1997 or therefrom, or has absconded from a nonresidential commitment
 1998 facility, the agent shall notify law enforcement and, if the
 1999 offense would require notification under chapter 960, notify the
 2000 victim. The agent shall make every reasonable effort as
 2001 permitted within existing resources provided to the department
 2002 to locate the delinquent child and the child may be returned to

2003 the facility ~~take the child into active custody and may deliver~~
 2004 ~~the child to the facility~~ or, if it is closer, to a detention
 2005 center for return to the facility. However, a child may not be
 2006 held in detention longer than 24 hours, excluding Saturdays,
 2007 Sundays, and legal holidays, unless a special order so directing
 2008 is made by the judge after a detention hearing resulting in a
 2009 finding that detention is required based on the criteria in s.
 2010 985.255. The order shall state the reasons for such finding. The
 2011 reasons shall be reviewable by appeal or in habeas corpus
 2012 proceedings in the district court of appeal.

2013 Section 22. Paragraph (b) of subsection (4), paragraph (h)
 2014 of subsection (6), and paragraph (a) of subsection (7) of
 2015 section 985.433, Florida Statutes, are amended to read:

2016 985.433 Disposition hearings in delinquency cases.—When a
 2017 child has been found to have committed a delinquent act, the
 2018 following procedures shall be applicable to the disposition of
 2019 the case:

2020 (4) Before the court determines and announces the
 2021 disposition to be imposed, it shall:

2022 (b) Discuss with the child his or her compliance with any
 2023 predisposition ~~home release~~ plan or other plan imposed since the
 2024 date of the offense.

2025 (6) The first determination to be made by the court is a
 2026 determination of the suitability or unsuitability for
 2027 adjudication and commitment of the child to the department. This
 2028 determination shall include consideration of the recommendations

2029 of the department, which may include a predisposition report.
 2030 The predisposition report shall include, whether as part of the
 2031 child's multidisciplinary assessment, classification, and
 2032 placement process components or separately, evaluation of the
 2033 following criteria:

2034 (h) The child's educational status, including, but not
 2035 limited to, the child's strengths, abilities, and unmet and
 2036 special educational needs. The report shall identify appropriate
 2037 educational and career ~~vocational~~ goals for the child. Examples
 2038 of appropriate goals include:

- 2039 1. Attainment of a high school diploma or its equivalent.
- 2040 2. Successful completion of literacy courses ~~course(s)~~.
- 2041 3. Successful completion of career and technical education
 2042 courses ~~vocational course(s)~~.
- 2043 4. Successful attendance and completion of the child's
 2044 current grade or recovery of credits of classes the child
 2045 previously failed, if enrolled in school.
- 2046 5. Enrollment in an apprenticeship or a similar program.

2047
 2048 It is the intent of the Legislature that the criteria set forth
 2049 in this subsection are general guidelines to be followed at the
 2050 discretion of the court and not mandatory requirements of
 2051 procedure. It is not the intent of the Legislature to provide
 2052 for the appeal of the disposition made under this section.

2053 (7) If the court determines that the child should be
 2054 adjudicated as having committed a delinquent act and should be

2055 committed to the department, such determination shall be in
 2056 writing or on the record of the hearing. The determination shall
 2057 include a specific finding of the reasons for the decision to
 2058 adjudicate and to commit the child to the department, including
 2059 any determination that the child was a member of a criminal
 2060 gang.

2061 (a) The department ~~juvenile probation officer~~ shall
 2062 recommend to the court the most appropriate placement and
 2063 treatment plan, specifically identifying the restrictiveness
 2064 level most appropriate for the child if commitment is
 2065 recommended. If the court has determined that the child was a
 2066 member of a criminal gang, that determination shall be given
 2067 great weight in identifying the most appropriate restrictiveness
 2068 level for the child. The court shall consider the department's
 2069 recommendation in making its commitment decision.

2070 Section 23. Subsections (4) through (6) of section
 2071 985.435, Florida Statutes, are renumbered as subsections (5)
 2072 through (7), respectively, subsection (3) and present subsection
 2073 (4) of that section are amended, and a new subsection (4) is
 2074 added to that section, to read:

2075 985.435 Probation and postcommitment probation; community
 2076 service.—

2077 (3) A probation program must also include a rehabilitative
 2078 program component such as a requirement of participation in
 2079 substance abuse treatment or in a school or career and technical
 2080 education ~~other educational~~ program. The nonconsent of the child

2081 to treatment in a substance abuse treatment program in no way
2082 precludes the court from ordering such treatment. Upon the
2083 recommendation of the department at the time of disposition, or
2084 subsequent to disposition pursuant to the filing of a petition
2085 alleging a violation of the child's conditions of postcommitment
2086 probation, the court may order the child to submit to random
2087 testing for the purpose of detecting and monitoring the use of
2088 alcohol or controlled substances.

2089 (4) A probation program may also include an alternative
2090 consequence component to address instances in which a child is
2091 noncompliant with technical conditions of his or her probation,
2092 but has not committed any new violations of law. The alternative
2093 consequence component is designed to provide swift and
2094 appropriate consequences to any noncompliance with technical
2095 conditions of probation. If the probation program includes this
2096 component, specific consequences that apply to noncompliance
2097 with specific technical conditions of probation must be detailed
2098 in the disposition order.

2099 (5)-(4) An identification of the child's risk of
2100 reoffending ~~A classification scale for levels of supervision~~
2101 shall be provided by the department, taking into account the
2102 child's needs and risks relative to probation supervision
2103 requirements to reasonably ensure the public safety. Probation
2104 programs for children shall be supervised by the department or
2105 by any other person or agency specifically authorized by the
2106 court. These programs must include, but are not limited to,

2107 | structured or restricted activities as described in this section
 2108 | and s. 985.439, and shall be designed to encourage the child
 2109 | toward acceptable and functional social behavior.

2110 | Section 24. Subsections (1) and (4) of section 985.439,
 2111 | Florida Statutes, are amended to read:

2112 | 985.439 Violation of probation or postcommitment
 2113 | probation.—

2114 | (1) (a) This section is applicable when the court has
 2115 | jurisdiction over a child on probation or postcommitment
 2116 | probation, regardless of adjudication ~~an adjudicated delinquent~~
 2117 | ~~child~~.

2118 | (b) If the conditions of the probation program or the
 2119 | postcommitment probation program are violated, the department or
 2120 | the state attorney may bring the child before the court on a
 2121 | petition alleging a violation of the program. A ~~Any~~ child who
 2122 | violates the conditions of probation or postcommitment probation
 2123 | must be brought before the court if sanctions are sought.

2124 | (4) Upon the child's admission, or if the court finds
 2125 | after a hearing that the child has violated the conditions of
 2126 | probation or postcommitment probation, the court shall enter an
 2127 | order revoking, modifying, or continuing probation or
 2128 | postcommitment probation. In each such case, the court shall
 2129 | enter a new disposition order and, in addition to the sanctions
 2130 | set forth in this section, may impose any sanction the court
 2131 | could have imposed at the original disposition hearing. If the
 2132 | child is found to have violated the conditions of probation or

2133 postcommitment probation, the court may:

2134 (a) Place the child in a consequence unit in that judicial
 2135 circuit, if available, for up to 5 days for a first violation
 2136 and up to 15 days for a second or subsequent violation.

2137 (b) Place the child in nonsecure ~~on home~~ detention with
 2138 electronic monitoring. However, this sanction may be used only
 2139 if a residential consequence unit is not available.

2140 (c) If the violation of probation is technical in nature
 2141 and not a new violation of law, place the child in an
 2142 alternative consequence program designed to provide swift and
 2143 appropriate consequences to any further violations of probation.

2144 1. Alternative consequence programs shall be established,
 2145 within existing resources, at the local level in coordination
 2146 with law enforcement agencies, the chief judge of the circuit,
 2147 the state attorney, and the public defender.

2148 2. Alternative consequence programs may be operated by an
 2149 entity such as a law enforcement agency, the department, a
 2150 juvenile assessment center, a county or municipality, or another
 2151 entity selected by the department.

2152 3. Upon placing a child in an alternative consequence
 2153 program, the court must approve specific consequences for
 2154 specific violations of the conditions of probation.

2155 (d) ~~(e)~~ Modify or continue the child's probation program or
 2156 postcommitment probation program.

2157 (e) ~~(d)~~ Revoke probation or postcommitment probation and
 2158 commit the child to the department.

2159 Section 25. Subsection (2) of section 985.441, Florida
 2160 Statutes, is amended to read:

2161 985.441 Commitment.—

2162 (2) Notwithstanding subsection (1), the court having
 2163 jurisdiction over an adjudicated delinquent child whose
 2164 underlying offense is was a misdemeanor, or a child who is
 2165 currently on probation for a misdemeanor, may not commit the
 2166 child for any misdemeanor offense or any probation violation
 2167 that is technical in nature and not a new violation of law at a
 2168 restrictiveness level other than minimum-risk nonresidential
 2169 unless the probation violation is a new violation of law
 2170 constituting a felony. However, the court may commit such child
 2171 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
 2172 if:

2173 (a) The child has previously been adjudicated or had
 2174 adjudication withheld for a felony offense;

2175 (b) The child has previously been adjudicated or had
 2176 adjudication withheld for three or more misdemeanor offenses
 2177 within the previous 18 months;

2178 (c) The child is before the court for disposition for a
 2179 violation of s. 800.03, s. 806.031, or s. 828.12; or

2180 (d) The court finds by a preponderance of the evidence
 2181 that the protection of the public requires such placement or
 2182 that the particular needs of the child would be best served by
 2183 such placement. Such finding must be in writing.

2184 Section 26. Paragraph (a) of subsection (1) and subsection

2185 (5) of section 985.46, Florida Statutes, are amended to read:

2186 985.46 Conditional release.—

2187 (1) The Legislature finds that:

2188 (a) Conditional release is the care, treatment, help, ~~and~~
 2189 supervision, and provision of transition-to-adulthood services
 2190 to ~~provided~~ juveniles released from residential commitment
 2191 programs to promote rehabilitation and prevent recidivism.

2192 (5) Participation in the educational program by students
 2193 of compulsory school attendance age pursuant to s. 1003.21(1)
 2194 and (2)(a) is mandatory for juvenile justice youth on
 2195 conditional release or postcommitment probation status. A
 2196 student of noncompulsory school-attendance age who has not
 2197 received a high school diploma or its equivalent must
 2198 participate in an ~~the~~ educational program ~~or career and~~
 2199 technical education course. A youth who has received a high
 2200 school diploma or its equivalent and is not employed must
 2201 participate in workforce development or other career or
 2202 technical education or attend a community college or a
 2203 university while in the program, subject to available funding.

2204 Section 27. Subsections (1) through (5) of section
 2205 985.461, Florida Statutes, are amended to read:

2206 985.461 Transition to adulthood.—

2207 (1) The Legislature finds that ~~older~~ youth are faced with
 2208 the need to learn how to support themselves within legal means
 2209 and overcome the stigma of being delinquent. In most cases,
 2210 parents expedite this transition. It is the intent of the

2211 Legislature that the department provide ~~elder~~ youth in its
 2212 custody or under its supervision with opportunities for
 2213 participating in transition-to-adulthood services while in the
 2214 department's commitment programs or in probation or conditional
 2215 release programs in the community. These services should be
 2216 reasonable and appropriate for the youths' respective ages or
 2217 special needs and provide activities that build life skills and
 2218 increase the ability to live independently and become self-
 2219 sufficient.

2220 (2) Youth served by the department who are in the custody
 2221 of the Department of Children and Families ~~Family Services~~ and
 2222 who entered juvenile justice placement from a foster care
 2223 placement, if otherwise eligible, may receive independent living
 2224 transition services pursuant to s. 409.1451. Court-ordered
 2225 commitment or probation with the department is not a barrier to
 2226 eligibility for the array of services available to a youth who
 2227 is in the dependency foster care system only.

2228 (3) For a dependent child in the foster care system,
 2229 adjudication for delinquency does not, by itself, disqualify
 2230 such child for eligibility in the Department of Children and
 2231 Families' ~~Family Services'~~ independent living program.

2232 (4) As part of the child's treatment plan, the department
 2233 may provide transition-to-adulthood services to children
 2234 released from residential commitment. To support participation
 2235 in transition-to-adulthood services and subject to
 2236 appropriation, the department may:

2237 (a) Assess the child's skills and abilities to live
 2238 independently and become self-sufficient. The specific services
 2239 to be provided shall be determined using an assessment of his or
 2240 her readiness for adult life.

2241 (b) Use community reentry teams to assist in the
 2242 development of ~~Develop~~ a list of age-appropriate activities and
 2243 responsibilities to be incorporated in the child's written case
 2244 plan for any youth ~~17 years of age or older~~ who is under the
 2245 custody or supervision of the department. Community reentry
 2246 teams may include representatives from school districts, law
 2247 enforcement, workforce development services, community-based
 2248 service providers, and the youth's family. Such community
 2249 reentry teams must be created within existing resources provided
 2250 to the department. Activities may include, but are not limited
 2251 to, life skills training, including training to develop banking
 2252 and budgeting skills, interviewing and career planning skills,
 2253 parenting skills, personal health management, and time
 2254 management or organizational skills; educational support;
 2255 employment training; and counseling.

2256 (c) Provide information related to social security
 2257 insurance benefits and public assistance.

2258 (d) Request parental or guardian permission for the youth
 2259 to participate in transition-to-adulthood services. Upon such
 2260 consent, age-appropriate activities shall be incorporated into
 2261 the youth's written case plan. This plan may include specific
 2262 goals and objectives and shall be reviewed and updated at least

2263 quarterly. If the parent or guardian is cooperative, the plan
 2264 may not interfere with the parent's or guardian's rights to
 2265 nurture and train his or her child in ways that are otherwise in
 2266 compliance with the law and court order.

2267 (e) Contract for transition-to-adulthood services that
 2268 include residential services and assistance and allow the child
 2269 to live independently of the daily care and supervision of an
 2270 adult in a setting that is not licensed under s. 409.175. A
 2271 child under the care or supervision of the department ~~who has~~
 2272 ~~reached 17 years of age but is not yet 19 years of age~~ is
 2273 eligible for such services if he or she does not pose a danger
 2274 to the public and is able to demonstrate minimally sufficient
 2275 skills and aptitude for living under decreased adult
 2276 supervision, as determined by the department, using established
 2277 procedures and assessments.

2278 (f) Assist the child in building a portfolio of
 2279 educational and vocational accomplishments, necessary
 2280 identification, résumés, and cover letters in an effort to
 2281 enhance the child's employability.

2282 (g) Collaborate with school district contacts to
 2283 facilitate appropriate educational services based on the child's
 2284 identified needs.

2285 (5) For a child ~~who is 17 years of age or older,~~ under the
 2286 department's care or supervision, and without benefit of parents
 2287 or legal guardians capable of assisting the child in the
 2288 transition to adult life, the department may provide an

2289 assessment to determine the child's skills and abilities to live
 2290 independently and become self-sufficient. Based on the
 2291 assessment and within existing resources, services and training
 2292 may be provided in order to develop the necessary skills and
 2293 abilities ~~before the child's 18th birthday.~~

2294 Section 28. Paragraph (b) of subsection (3) of section
 2295 985.481, Florida Statutes, is amended to read:

2296 985.481 Sexual offenders adjudicated delinquent;
 2297 notification upon release.-

2298 (3)

2299 (b) ~~No later than November 1, 2007,~~ The department must
 2300 make the information described in subparagraph (a)1. available
 2301 electronically to the Department of Law Enforcement in its
 2302 database and in a format that is compatible with the
 2303 requirements of the Florida Crime Information Center.

2304 Section 29. Subsection (5) of section 985.4815, Florida
 2305 Statutes, is amended to read:

2306 985.4815 Notification to Department of Law Enforcement of
 2307 information on juvenile sexual offenders.-

2308 (5) In addition to notification and transmittal
 2309 requirements imposed by any other provision of law, the
 2310 department shall compile information on any sexual offender and
 2311 provide the information to the Department of Law Enforcement. ~~No~~
 2312 ~~later than November 1, 2007,~~ The department must make the
 2313 information available electronically to the Department of Law
 2314 Enforcement in its database in a format that is compatible with

2315 the requirements of the Florida Crime Information Center.

2316 Section 30. Subsection (1) of section 985.514, Florida
 2317 Statutes, is amended to read:

2318 985.514 Responsibility for cost of care; fees.—

2319 (1) When any child is placed into secure or nonsecure ~~home~~
 2320 detention care or into other placement for the purpose of being
 2321 supervised by the department pursuant to a court order following
 2322 a detention hearing, the court shall order the child's parents
 2323 to pay fees to the department as provided in s. 985.039.

2324 Section 31. Paragraph (a) of subsection (3) and paragraph
 2325 (a) of subsection (9) of section 985.601, Florida Statutes, are
 2326 amended to read:

2327 985.601 Administering the juvenile justice continuum.—

2328 (3)(a) The department shall develop or contract for
 2329 diversified and innovative programs to provide rehabilitative
 2330 treatment, including early intervention and prevention,
 2331 diversion, comprehensive intake, case management, diagnostic and
 2332 classification assessments, trauma-informed care, individual and
 2333 family counseling, family engagement resources and programs,
 2334 gender-specific programming, shelter care, diversified detention
 2335 care emphasizing alternatives to secure detention, diversified
 2336 probation, halfway houses, foster homes, community-based
 2337 substance abuse treatment services, community-based mental
 2338 health treatment services, community-based residential and
 2339 nonresidential programs, mother-infant programs, and
 2340 environmental programs. The department may pay expenses in

2341 support of innovative programs and activities that address
 2342 identified needs and the well-being of children in the
 2343 department's care or under its supervision, subject to the
 2344 requirements of chapters 215, 216, and 287. Each program shall
 2345 place particular emphasis on reintegration and conditional
 2346 release for all children in the program.

2347 (9) (a) The department shall operate a statewide,
 2348 regionally administered system of detention services for
 2349 children, in accordance with a comprehensive plan for the
 2350 regional administration of all detention services in the state.
 2351 The plan must provide for the maintenance of adequate
 2352 availability of detention services for all counties. The plan
 2353 must cover all the department's operating circuits, with each
 2354 operating circuit having access to a secure facility and
 2355 nonsecure ~~and home~~ detention programs, and the plan may be
 2356 altered or modified by the Department of Juvenile Justice as
 2357 necessary.

2358 Section 32. Sections 985.605, 985.606, and 985.61, Florida
 2359 Statutes, are repealed.

2360 Section 33. Section 985.632, Florida Statutes, is amended
 2361 to read:

2362 985.632 Quality improvement assurance and cost-
 2363 effectiveness; Comprehensive Accountability Report.—

2364 (1) INTENT.—It is the intent of the Legislature that the
 2365 department establish a performance accountability system for
 2366 each provider who contracts with the department for the delivery

2367 of services to children. The contract shall include both output
 2368 measures, such as the number of children served, and outcome
 2369 measures, including program completion and postcompletion
 2370 recidivism. Each contractor shall report performance results to
 2371 the department annually. The department's Bureau of Research and
 2372 Planning shall summarize performance results from all contracts
 2373 and report the information to the Legislature annually in the
 2374 Comprehensive Accountability Report. The report shall:

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

2378 (b) Provide information about the cost of such programs
 2379 and their differential effectiveness so that the quality of such
 2380 programs can be compared and improvements made continually.

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

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

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

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

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

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

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

2396 ~~(a) "Client" means any person who is being provided~~
 2397 ~~treatment or services by the department or by a provider under~~
 2398 ~~contract with the department.~~

2399 (a) "Program" means any facility or service for youth that
 2400 is operated by the department or by a provider under contract
 2401 with the department.

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

2407 ~~(c) "Program effectiveness" means the ability of the~~
 2408 ~~program to achieve desired client outcomes, goals, and~~
 2409 ~~objectives.~~

2410 (c) "Program group" means a collection of programs with
 2411 sufficient similarity of functions, services, and youth to
 2412 permit appropriate comparison amongst programs within the group.

2413 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department,
 2414 in consultation with contract service providers, shall develop
 2415 and use a standard methodology for annually measuring,
 2416 evaluating, and reporting program outputs and youth outcomes for
 2417 each program and program group. The standard methodology must:

2418 (a) Include common terminology and operational definitions

2419 for measuring the performance of system and program
 2420 administration, program outputs, and program outcomes.

2421 (b) Specify program outputs for each program and for each
 2422 program group within the juvenile justice continuum.

2423 (c) Specify desired child outcomes and methods by which to
 2424 measure child outcomes for each program and program group
 2425 ~~annually collect and report cost data for every program operated~~
 2426 ~~or contracted by the department. The cost data shall conform to~~
 2427 ~~a format approved by the department and the Legislature. Uniform~~
 2428 ~~cost data shall be reported and collected for state-operated and~~
 2429 ~~contracted programs so that comparisons can be made among~~
 2430 ~~programs. The department shall ensure that there is accurate~~
 2431 ~~cost accounting for state-operated services including market-~~
 2432 ~~equivalent rent and other shared cost. The cost of the~~
 2433 ~~educational program provided to a residential facility shall be~~
 2434 ~~reported and included in the cost of a program. The department~~
 2435 ~~shall submit an annual cost report to the President of the~~
 2436 ~~Senate, the Speaker of the House of Representatives, the~~
 2437 ~~Minority Leader of each house of the Legislature, the~~
 2438 ~~appropriate substantive and fiscal committees of each house of~~
 2439 ~~the Legislature, and the Governor, no later than December 1 of~~
 2440 ~~each year. Cost-benefit analysis for educational programs will~~
 2441 ~~be developed and implemented in collaboration with and in~~
 2442 ~~cooperation with the Department of Education, local providers,~~
 2443 ~~and local school districts. Cost data for the report shall~~
 2444 ~~include data collected by the Department of Education for the~~

2445 ~~purposes of preparing the annual report required by s.~~
2446 ~~1003.52(19).~~

2447 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in
2448 consultation with the Office of Economic and Demographic
2449 Research and contract service providers, shall develop a cost-
2450 effectiveness model and apply the model to each commitment
2451 program. ~~Program recidivism rates shall be a component of the~~
2452 ~~model.~~

2453 (a) The cost-effectiveness model shall compare program
2454 costs to expected and actual child recidivism rates ~~client~~
2455 ~~outcomes and program outputs.~~ It is the intent of the
2456 Legislature that continual development efforts take place to
2457 improve the validity and reliability of the cost-effectiveness
2458 model.

2459 (b) The department shall rank commitment programs based on
2460 the cost-effectiveness model, performance measures, and
2461 adherence to quality improvement standards and shall ~~submit a~~
2462 report this data in the annual Comprehensive Accountability
2463 Report ~~to the appropriate substantive and fiscal committees of~~
2464 ~~each house of the Legislature by December 31 of each year.~~

2465 (c) Based on reports of the department on child ~~client~~
2466 outcomes and program outputs and on the department's most recent
2467 cost-effectiveness rankings, the department may terminate a
2468 program operated by the department or a provider if the program
2469 has failed to achieve a minimum standard ~~threshold~~ of program
2470 effectiveness. This paragraph does not preclude the department

2471 from terminating a contract as provided under this section or as
 2472 otherwise provided by law or contract, and does not limit the
 2473 department's authority to enter into or terminate a contract.

2474 (d) In collaboration with the Office of Economic and
 2475 Demographic Research, and contract service providers, the
 2476 department shall develop a work plan to refine the cost-
 2477 effectiveness model so that the model is consistent with the
 2478 performance-based program budgeting measures approved by the
 2479 Legislature to the extent the department deems appropriate. The
 2480 department shall notify the Office of Program Policy Analysis
 2481 and Government Accountability of any meetings to refine the
 2482 model.

2483 (e) Contingent upon specific appropriation, the
 2484 department, in consultation with the Office of Economic and
 2485 Demographic Research, and contract service providers, shall:

2486 1. Construct a profile of each commitment program that
 2487 uses the results of the quality improvement data portion of the
 2488 Comprehensive Accountability ~~assurance~~ Report required by this
 2489 section, the cost-effectiveness data portion of the
 2490 Comprehensive Accountability Report required in this subsection,
 2491 and other reports available to the department.

2492 2. Target, for a more comprehensive evaluation, any
 2493 commitment program that has achieved consistently high, low, or
 2494 disparate ratings in the reports required under subparagraph 1.
 2495 and target, for technical assistance, any commitment program
 2496 that has achieved low or disparate ratings in the reports

2497 required under subparagraph 1.

2498 3. Identify the essential factors that contribute to the
2499 high, low, or disparate program ratings.

2500 4. Use the results of these evaluations in developing or
2501 refining juvenile justice programs or program models, child
2502 elient outcomes and program outputs, provider contracts, quality
2503 improvement ~~assurance~~ standards, and the cost-effectiveness
2504 model.

2505 (5) QUALITY IMPROVEMENT.—The department shall:

2506 (a) Establish a comprehensive quality improvement
2507 ~~assurance~~ system for each program operated by the department or
2508 operated by a provider under contract with the department. Each
2509 contract entered into by the department must provide for quality
2510 improvement ~~assurance~~.

2511 (b) Provide operational definitions of and criteria for
2512 quality improvement ~~assurance~~ for each specific program
2513 component.

2514 (c) Establish quality improvement ~~assurance~~ goals and
2515 objectives for each specific program component.

2516 (d) Establish the information and specific data elements
2517 required for the quality improvement ~~assurance~~ program.

2518 (e) Develop a quality improvement ~~assurance~~ manual of
2519 specific, standardized terminology and procedures to be followed
2520 by each program.

2521 (f) Evaluate each program operated by the department or a
2522 provider under a contract with the department annually and

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2523 establish minimum standards ~~thresholds~~ for each program
2524 component. If a provider fails to meet the established minimum
2525 standards ~~thresholds~~, such failure shall cause the department to
2526 cancel the provider's contract unless the provider achieves
2527 compliance with minimum standards ~~thresholds~~ within 6 months or
2528 unless there are documented extenuating circumstances. In
2529 addition, the department may not contract with the same provider
2530 for the canceled service for a period of 12 months. If a
2531 department-operated program fails to meet the established
2532 minimum standards ~~thresholds~~, the department must take necessary
2533 and sufficient steps to ensure and document program changes to
2534 achieve compliance with the established minimum standards
2535 ~~thresholds~~. If the department-operated program fails to achieve
2536 compliance with the established minimum standards ~~thresholds~~
2537 within 6 months and if there are no documented extenuating
2538 circumstances, the department must notify the Executive Office
2539 of the Governor and the Legislature of the corrective action
2540 taken. Appropriate corrective action may include, but is not
2541 limited to:

- 2542 1. Contracting out for the services provided in the
2543 program;
- 2544 2. Initiating appropriate disciplinary action against all
2545 employees whose conduct or performance is deemed to have
2546 materially contributed to the program's failure to meet
2547 established minimum standards ~~thresholds~~;
- 2548 3. Redesigning the program; or

2549 4. Realigning the program.

2550 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The

2551 department shall submit the Comprehensive Accountability Report

2552 ~~an annual report~~ to the President of the Senate, the Speaker of

2553 the House of Representatives, the Minority Leader of each house

2554 of the Legislature, the appropriate substantive and fiscal

2555 committees of each house of the Legislature, and the Governor,

2556 no later than February 1 of each year. The Comprehensive

2557 Accountability Report ~~annual report~~ must contain, at a minimum,

2558 for each specific program component: a comprehensive description

2559 of the population served by the program; a specific description

2560 of the services provided by the program; cost; a comparison of

2561 expenditures to federal and state funding; immediate and long-

2562 range concerns; and recommendations to maintain, expand,

2563 improve, modify, or eliminate each program component so that

2564 changes in services lead to enhancement in program quality. The

2565 department shall ensure the reliability and validity of the

2566 information contained in the report.

2567 (7) ~~(6)~~ ONGOING EVALUATIONS; REPORTS.—The department shall

2568 collect and analyze available statistical data for the purpose

2569 of ongoing evaluation of all programs. The department shall

2570 provide the Legislature with necessary information and reports

2571 to enable the Legislature to make informed decisions regarding

2572 the effectiveness of, and any needed changes in, services,

2573 programs, policies, and laws.

2574 Section 34. Paragraph (a) of subsection (1) and paragraph

2575 (b) of subsection (3) of section 985.644, Florida Statutes, are
 2576 amended to read:

2577 985.644 Departmental contracting powers; personnel
 2578 standards and investigation screening.-

2579 (1) The department may contract with the Federal
 2580 Government, other state departments and agencies, county and
 2581 municipal governments and agencies, public and private agencies,
 2582 and private individuals and corporations in carrying out the
 2583 purposes of, and the responsibilities established in, this
 2584 chapter.

2585 (a) Each contract entered into by the department for
 2586 services delivered on an appointment or intermittent basis by a
 2587 provider that does not have regular custodial responsibility for
 2588 children and each contract with a school for ~~before or after~~care
 2589 services must ensure that all owners, operators, and personnel
 2590 who have direct contact with children are subject to level 2
 2591 background screening pursuant to chapter 435.

2592 (3)

2593 (b) ~~Except for~~ Law enforcement, correctional, and
 2594 correctional probation officers, certified pursuant to s.
 2595 943.13, are not required to submit to level 2 screenings as long
 2596 as they are currently employed by a law enforcement agency or
 2597 correctional facility. ~~to whom s. 943.13(5) applies,~~ The
 2598 department shall electronically submit to the Department of Law
 2599 Enforcement:

2600 1. Fingerprint information obtained during the employment

2601 screening required by subparagraph (a)1.

2602 2. Fingerprint information for all persons employed by the
 2603 department, or by a provider under contract with the department,
 2604 in delinquency facilities, services, or programs if such
 2605 fingerprint information has not previously been ~~electronically~~
 2606 submitted pursuant to this section ~~to the Department of Law~~
 2607 ~~Enforcement under this paragraph.~~

2608 Section 35. Section 985.6441, Florida Statutes, is created
 2609 to read:

2610 985.6441 Health care services.—

2611 (1) As used in this section, the term:

2612 (a) "Health care provider" has the same meaning as
 2613 provided in s. 766.105.

2614 (b) "Hospital" means a hospital licensed under chapter
 2615 395.

2616 (2) When compensating health care providers, the
 2617 department must comply with the following reimbursement
 2618 limitations:

2619 (a) Payments to a hospital or a health care provider may
 2620 not exceed 110 percent of the Medicare allowable rate for any
 2621 health care services provided if there is no contract between
 2622 the department and the hospital or the health care provider
 2623 providing services at a hospital.

2624 (b)1. The department may continue to make payments for
 2625 health care services at the contracted rates for contracts
 2626 executed before July 1, 2014, through the current term of the

2627 contract if a contract has been executed between the department
 2628 and a hospital or a health care provider providing services at a
 2629 hospital.

2630 2. Payments may not exceed 110 percent of the Medicare
 2631 allowable rate after the current term of the contract expires or
 2632 after the contract is renewed during the 2013-2014 fiscal year.

2633 (c) Payments may not exceed 110 percent of the Medicare
 2634 allowable rate under a contract executed on or after July 1,
 2635 2014, between the department and a hospital or a health care
 2636 provider providing services at a hospital.

2637 (d) Notwithstanding paragraphs (a)-(c), the department may
 2638 pay up to 125 percent of the Medicare allowable rate for health
 2639 care services at a hospital that reports, or has reported, a
 2640 negative operating margin for the previous fiscal year to the
 2641 Agency for Health Care Administration through hospital-audited
 2642 financial data.

2643 Section 36. Subsections (1), (2), and (3) of section
 2644 985.66, Florida Statutes, are amended to read:

2645 985.66 Juvenile justice training ~~academies~~; staff
 2646 development and training; Juvenile Justice Training Trust Fund.—

2647 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
 2648 provide a systematic approach to staff development and training
 2649 for judges, state attorneys, public defenders, law enforcement
 2650 officers, school district personnel, and juvenile justice
 2651 program staff that will meet the needs of such persons in their
 2652 discharge of duties while at the same time meeting the

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2653 requirements for the American Correction Association
2654 accreditation by the Commission on Accreditation for
2655 Corrections, it is the purpose of the Legislature to require the
2656 department to establish, maintain, and oversee the operation of
2657 juvenile justice training, programs, and courses ~~academies~~ in
2658 the state. The purpose of the Legislature in establishing staff
2659 development and training programs is to provide employees of the
2660 department, any private or public entity, or contract providers
2661 who provide services or care for children under the
2662 responsibility of the department with the knowledge and skills
2663 needed to appropriately interact with children and provide such
2664 care and services ~~foster better staff morale and reduce~~
2665 ~~mistreatment and aggressive and abusive behavior in delinquency~~
2666 ~~programs~~; to positively impact the recidivism of children in the
2667 juvenile justice system; and to afford greater protection of the
2668 public through an improved level of services delivered by a
2669 professionally trained juvenile justice ~~program~~ staff to
2670 children who are alleged to be or who have been found to be
2671 delinquent.

2672 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2673 (a) Designate the number and location of the training
2674 programs and courses; assess, design, ~~academies~~; develop,
2675 implement, evaluate, maintain, and update the curriculum to be
2676 used in the training of juvenile justice ~~program~~ staff;
2677 establish timeframes for participation in and completion of
2678 training by juvenile justice ~~program~~ staff; develop, implement,

2679 score, analyze, maintain, and update job-related examinations;
 2680 develop, implement, analyze, and update the types and
 2681 frequencies ~~for~~ of evaluations of the training programs,
 2682 courses, and instructors academies; and manage ~~approve, modify,~~
 2683 ~~or disapprove~~ the budget and contracts for all the training
 2684 deliverables academies, ~~and the contractor to be selected to~~
 2685 ~~organize and operate the training academies and to provide the~~
 2686 ~~training curriculum.~~

2687 (b) Establish uniform minimum job-related preservice and
 2688 inservice training courses and examinations for juvenile justice
 2689 program staff.

2690 (c) Consult and cooperate with the state or any political
 2691 subdivision; any private entity or contractor; and with private
 2692 and public universities, colleges, community colleges, and other
 2693 educational institutions concerning the development of juvenile
 2694 justice training and programs or courses of instruction,
 2695 including, but not limited to, education and training in the
 2696 areas of juvenile justice.

2697 (d) Enter into contracts and agreements with other
 2698 agencies, organizations, associations, corporations,
 2699 individuals, or federal agencies as necessary in the execution
 2700 of the powers of the department or the performance of its
 2701 duties.

2702 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
 2703 shall establish a certifiable program for juvenile justice
 2704 training pursuant to this section, and all department program

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2705 staff and providers who deliver direct care services pursuant to
2706 contract with the department shall be required to participate in
2707 and successfully complete the department-approved program of
2708 training pertinent to their areas of responsibility. Judges,
2709 state attorneys, and public defenders, law enforcement officers,
2710 ~~and school district personnel,~~ and employees of contract
2711 providers who provide services or care for children under the
2712 responsibility of the department may participate in such
2713 training program. For the juvenile justice program staff, the
2714 department shall, based on a job-task analysis:

2715 (a) Design, implement, maintain, evaluate, and revise a
2716 basic training program, including a competency-based
2717 examination, for the purpose of providing minimum employment
2718 training qualifications for all juvenile justice personnel. All
2719 program staff of the department and providers who deliver
2720 direct-care services who are hired after October 1, 1999, must
2721 meet the following minimum requirements:

2722 1. Be at least 19 years of age.

2723 2. Be a high school graduate or its equivalent as
2724 determined by the department.

2725 3. Not have been convicted of any felony or a misdemeanor
2726 involving perjury or a false statement, or have received a
2727 dishonorable discharge from any of the Armed Forces of the
2728 United States. Any person who, after September 30, 1999, pleads
2729 guilty or nolo contendere to or is found guilty of any felony or
2730 a misdemeanor involving perjury or false statement is not

2731 eligible for employment, notwithstanding suspension of sentence
2732 or withholding of adjudication. Notwithstanding this
2733 subparagraph, any person who pled nolo contendere to a
2734 misdemeanor involving a false statement before October 1, 1999,
2735 and who has had such record of that plea sealed or expunged is
2736 not ineligible for employment for that reason.

2737 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding
2738 fingerprinting and background investigations and other screening
2739 requirements for personnel.

2740 5. Execute and submit to the department an affidavit-of-
2741 application form, adopted by the department, attesting to his or
2742 her compliance with subparagraphs 1.-4. The affidavit must be
2743 executed under oath and constitutes an official statement under
2744 s. 837.06. The affidavit must include conspicuous language that
2745 the intentional false execution of the affidavit constitutes a
2746 misdemeanor of the second degree. The employing agency shall
2747 retain the affidavit.

2748 (b) Design, implement, maintain, evaluate, and revise an
2749 advanced training program, including a competency-based
2750 examination for each training course, which is intended to
2751 enhance knowledge, skills, and abilities related to job
2752 performance.

2753 (c) Design, implement, maintain, evaluate, and revise a
2754 career development training program, including a competency-
2755 based examination for each training course. Career development
2756 courses are intended to prepare personnel for promotion.

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2757 (d) The department is encouraged to design, implement,
2758 maintain, evaluate, and revise juvenile justice training
2759 courses, or to enter into contracts for such training courses,
2760 that are intended to provide for the safety and well-being of
2761 both citizens and juvenile offenders.

2762 Section 37. Subsection (5) of section 985.664, Florida
2763 Statutes, is amended to read:

2764 985.664 Juvenile justice circuit advisory boards.—

2765 ~~(5)(a) To form the initial juvenile justice circuit~~
2766 ~~advisory board, the Secretary of Juvenile Justice, in~~
2767 ~~consultation with the juvenile justice county councils in~~
2768 ~~existence on October 1, 2013, shall appoint the chair of the~~
2769 ~~board, who must meet the board membership requirements in~~
2770 ~~subsection (4). Within 45 days after being appointed, the chair~~
2771 ~~shall appoint the remaining members to the juvenile justice~~
2772 ~~circuit advisory board and submit the appointments to the~~
2773 ~~department for approval.~~

2774 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2775 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2776 the juvenile justice circuit advisory board, shall appoint a new
2777 chair, who must meet the board membership requirements in
2778 subsection (4). The chair shall appoint members to vacant seats
2779 within 45 days after the vacancy and submit the appointments to
2780 the department for approval. The chair shall serve at the
2781 pleasure of the Secretary of Juvenile Justice.

2782 Section 38. Subsections (1) and (4) of section 985.672,

2783 Florida Statutes, are amended to read:

2784 985.672 Direct-support organization; definition; use of
 2785 property; board of directors; audit.—

2786 (1) DEFINITION.—As used in this section, the term "direct-
 2787 support organization" means an organization whose sole purpose
 2788 is to support the juvenile justice system and which is:

2789 (a) A corporation not-for-profit incorporated under
 2790 chapter 617 and which is approved by the Department of State;

2791 (b) Organized and operated to conduct programs and
 2792 activities; to raise funds; to request and receive grants,
 2793 gifts, and bequests of moneys; to acquire, receive, hold,
 2794 invest, and administer, in its own name, securities, funds,
 2795 objects of value, or other property, real or personal; and to
 2796 make expenditures to or for the direct or indirect benefit of
 2797 the Department of Juvenile Justice or the juvenile justice
 2798 system operated by a county commission or a circuit board;

2799 (c) Determined by the Department of Juvenile Justice to be
 2800 consistent with the goals of the juvenile justice system, in the
 2801 best interest of the state, and in accordance with the adopted
 2802 goals and mission of the Department of Juvenile Justice.

2803
 2804 Expenditures of the organization shall be ~~expressly~~ used for the
 2805 prevention ~~to prevent~~ and amelioration of ~~ameliorate~~ juvenile
 2806 delinquency. The expenditures of the direct-support organization
 2807 may not be used for the purpose of lobbying as defined in s.
 2808 11.045.

2809 (4) USE OF PROPERTY.—The department may permit, without
 2810 charge, appropriate use of fixed property, ~~and~~ facilities, and
 2811 personnel services of the juvenile justice system by the direct-
 2812 support organization, subject to ~~the provisions of~~ this section.
 2813 For the purposes of this subsection, the term "personnel
 2814 services" includes full-time or part-time personnel, as well as
 2815 payroll processing services.

2816 (a) The department may prescribe any condition with which
 2817 the direct-support organization must comply in order to use
 2818 fixed property or facilities of the juvenile justice system.

2819 (b) The department may not permit the use of any fixed
 2820 property or facilities of the juvenile justice system by the
 2821 direct-support organization if it does not provide equal
 2822 membership and employment opportunities to all persons
 2823 regardless of race, color, religion, sex, age, or national
 2824 origin.

2825 (c) The department shall adopt rules prescribing the
 2826 procedures by which the direct-support organization is governed
 2827 and any conditions with which a direct-support organization must
 2828 comply to use property or facilities of the department.

2829 Section 39. Subsections (1) through (4) and subsection (9)
 2830 of section 985.682, Florida Statutes, are amended to read:

2831 985.682 Siting of facilities; study; criteria.—

2832 ~~(1) The department is directed to conduct or contract for~~
 2833 ~~a statewide comprehensive study to determine current and future~~
 2834 ~~needs for all types of facilities for children committed to the~~

2835 ~~custody, care, or supervision of the department under this~~
 2836 ~~chapter.~~

2837 ~~(2) The study shall assess, rank, and designate~~
 2838 ~~appropriate sites, and shall be reflective of the different~~
 2839 ~~purposes and uses for all facilities, based upon the following~~
 2840 ~~criteria:~~

2841 ~~(a) Current and future estimates of children originating~~
 2842 ~~from each county;~~

2843 ~~(b) Current and future estimates of types of delinquent~~
 2844 ~~acts committed in each county;~~

2845 ~~(c) Geographic location of existing facilities;~~

2846 ~~(d) Availability of personnel within the local labor~~
 2847 ~~market;~~

2848 ~~(e) Current capacity of facilities in the area;~~

2849 ~~(f) Total usable and developable acreage of various sites~~
 2850 ~~based upon the use and purpose of the facility;~~

2851 ~~(g) Accessibility of each site to existing utility,~~
 2852 ~~transportation, law enforcement, health care, fire protection,~~
 2853 ~~refuse collection, water, and sewage disposal services;~~

2854 ~~(h) Susceptibility of each site to flooding hazards or~~
 2855 ~~other adverse natural environmental consequences;~~

2856 ~~(i) Site location in relation to desirable and undesirable~~
 2857 ~~proximity to other public facilities, including schools;~~

2858 ~~(j) Patterns of residential growth and projected~~
 2859 ~~population growth; and~~

2860 ~~(k) Such other criteria as the department, in conjunction~~

2861 ~~with local governments, deems appropriate.~~

2862 ~~(3) The department shall recommend certification of the~~
 2863 ~~study by the Governor and Cabinet within 2 months after its~~
 2864 ~~receipt.~~

2865 ~~(4) Upon certification of the study by the Governor and~~
 2866 ~~Cabinet, the department shall notify those counties designated~~
 2867 ~~as being in need of a facility.~~

2868 (5)~~(9)~~ The Governor and Cabinet shall consider the
 2869 following when determining whether to grant the appeal from the
 2870 decision of the local government on the requested modification:

2871 (a) The record of the proceedings before the local
 2872 government.

2873 (b) Reports and studies by any other agency relating to
 2874 matters within the jurisdiction of such agency which may be
 2875 potentially affected by the proposed site.

2876 (c) Existing ~~The statewide study, as established in~~
 2877 ~~subsection (1); other existing studies,~~ reports and information
 2878 maintained by the department as the Governor and Cabinet may
 2879 request addressing the feasibility and availability of
 2880 alternative sites in the general area, and the need for a
 2881 facility in the area based on the average number of petitions,
 2882 commitments, and transfers into the criminal court from the
 2883 county to state facilities for the most recent 3 calendar years.

2884 Section 40. Section 985.69, Florida Statutes, is amended
 2885 to read:

2886 985.69 Repair and maintenance ~~One-time startup~~ funding for

2887 juvenile justice purposes.—Funds from juvenile justice
 2888 appropriations may be used ~~utilized~~ as ~~one-time-startup~~ funding
 2889 for juvenile justice purposes that include, but are not limited
 2890 to, remodeling or renovation of existing facilities,
 2891 ~~construction costs, leasing costs,~~ purchase of equipment and
 2892 furniture, site development, and other necessary and reasonable
 2893 costs associated with the repair and maintenance ~~startup~~ of
 2894 facilities or programs.

2895 Section 41. Section 985.694, Florida Statutes, is
 2896 repealed.

2897 Section 42. Paragraph (a) of subsection (1) of section
 2898 985.701, Florida Statutes, is amended to read:

2899 985.701 Sexual misconduct prohibited; reporting required;
 2900 penalties.—

2901 (1) (a) 1. As used in this section ~~subsection~~, the term:

2902 a. "Sexual misconduct" means fondling the genital area,
 2903 groin, inner thighs, buttocks, or breasts of a person; the oral,
 2904 anal, or vaginal penetration by or union with the sexual organ
 2905 of another; or the anal or vaginal penetration of another by any
 2906 other object. The term does not include an act done for a bona
 2907 fide medical purpose or an internal search conducted in the
 2908 lawful performance of duty by an employee of the department or
 2909 an employee of a provider under contract with the department.

2910 b. "Employee" includes paid staff members, volunteers, and
 2911 interns who work in a department program or a program operated
 2912 by a provider under a contract.

2913 c. "Juvenile offender" means any person of any age who is
 2914 detained or supervised by, or committed to the custody of, the
 2915 department.

2916 2. An employee who engages in sexual misconduct with a
 2917 juvenile offender ~~detained or supervised by, or committed to the~~
 2918 ~~eustody of, the department~~ commits a felony of the second
 2919 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2920 775.084. An employee may be found guilty of violating this
 2921 subsection without having committed the crime of sexual battery.

2922 3. The consent of the juvenile offender to any act of
 2923 sexual misconduct is not a defense to prosecution under this
 2924 subsection.

2925 4. This subsection does not apply to an employee of the
 2926 department, or an employee of a provider under contract with the
 2927 department, who:

2928 a. Is legally married to a juvenile offender who is
 2929 detained or supervised by, or committed to the custody of, the
 2930 department.

2931 b. Has no reason to believe that the person with whom the
 2932 employee engaged in sexual misconduct is a juvenile offender
 2933 ~~detained or supervised by, or committed to the custody of, the~~
 2934 ~~department.~~

2935 Section 43. Section 985.702, Florida Statutes, is created
 2936 to read:

2937 985.702 Willful and malicious neglect of a juvenile
 2938 offender prohibited; reporting required; penalties.-

2939 (1) As used in this section, the term:

2940 (a) "Employee" means a paid staff member, volunteer, or
2941 intern who works in a department program or a program operated
2942 by a provider under a contract with the department.

2943 (b) "Juvenile offender" means any person of any age who is
2944 detained by, or committed to the custody of, the department.

2945 (c) "Neglect" means:

2946 1. An employee's failure or omission to provide a juvenile
2947 offender with the proper level of care, supervision, and
2948 services necessary to maintain the juvenile offender's physical
2949 and mental health, including, but not limited to, adequate food,
2950 nutrition, clothing, shelter, supervision, medicine, and medical
2951 services; or

2952 2. An employee's failure to make a reasonable effort to
2953 protect a juvenile offender from abuse, neglect, or exploitation
2954 by another person.

2955 (2) (a) An employee who willfully and maliciously neglects
2956 a juvenile offender without causing great bodily harm, permanent
2957 disability, or permanent disfigurement commits a felony of the
2958 third degree, punishable as provided in s. 775.082, s. 775.083,
2959 or s. 775.084.

2960 (b) An employee who willfully and maliciously neglects a
2961 juvenile offender and in so doing causes great bodily harm,
2962 permanent disability, or permanent disfigurement commits a
2963 felony of the second degree, punishable as provided in s.
2964 775.082, s. 775.083, or s. 775.084.

2965 (c) Notwithstanding prosecution, any violation of
2966 paragraph (a) or paragraph (b), as determined by the Public
2967 Employees Relations Commission, constitutes sufficient cause
2968 under s. 110.227 for dismissal from employment with the
2969 department, and such person may not again be employed in any
2970 capacity in the juvenile justice system.

2971 (3) An employee who witnesses the infliction of neglect
2972 upon a juvenile offender shall immediately report the incident
2973 to the department's incident hotline and prepare, date, and sign
2974 an independent report that specifically describes the nature of
2975 the incident, the location and time of the incident, and the
2976 persons involved in the incident. The employee shall deliver the
2977 report to the employee's supervisor or program director, who
2978 must provide copies to the department's inspector general and
2979 the circuit juvenile justice manager. The inspector general
2980 shall immediately conduct an appropriate administrative
2981 investigation, and, if there is probable cause to believe that a
2982 violation of subsection (2) has occurred, the inspector general
2983 shall notify the state attorney in the circuit in which the
2984 incident occurred.

2985 (4) (a) A person who is required to prepare a report under
2986 this section who knowingly or willfully fails to do so, or who
2987 knowingly or willfully prevents another person from doing so,
2988 commits a misdemeanor of the first degree, punishable as
2989 provided in s. 775.082 or s. 775.083.

2990 (b) A person who knowingly or willfully submits

2991 inaccurate, incomplete, or untruthful information with respect
 2992 to a report required under this section commits a misdemeanor of
 2993 the first degree, punishable as provided in s. 775.082 or s.
 2994 775.083.

2995 (c) A person who knowingly or willfully coerces or
 2996 threatens any other person with the intent to alter testimony or
 2997 a written report regarding an incident of neglect upon a
 2998 juvenile offender commits a felony of the third degree,
 2999 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3000 Section 44. Subsection (2) of section 985.721, Florida
 3001 Statutes, is amended to read:

3002 985.721 Escapes from secure detention or residential
 3003 commitment facility.—An escape from:

3004 (2) Any residential commitment facility described in s.
 3005 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,
 3006 punishment, or rehabilitation of children found to have
 3007 committed delinquent acts or violations of law; or

3008
 3009 constitutes escape within the intent and meaning of s. 944.40
 3010 and is a felony of the third degree, punishable as provided in
 3011 s. 775.082, s. 775.083, or s. 775.084.

3012 Section 45. Paragraphs (c) and (f) of subsection (3) of
 3013 section 943.0582, Florida Statutes, are amended to read:

3014 943.0582 Prearrest, postarrest, or teen court diversion
 3015 program expunction.—

3016 (3) The department shall expunge the nonjudicial arrest

3017 record of a minor who has successfully completed a prearrest or
 3018 postarrest diversion program if that minor:

3019 (c) Submits to the department, with the application, an
 3020 official written statement from the state attorney for the
 3021 county in which the arrest occurred certifying that he or she
 3022 has successfully completed that county's prearrest or postarrest
 3023 diversion program, that his or her participation in the program
 3024 was based on an arrest for a nonviolent misdemeanor, and that he
 3025 or she has not otherwise been charged by the state attorney with
 3026 or found to have committed any criminal offense or comparable
 3027 ordinance violation.

3028 (f) Has never, prior to filing the application for
 3029 expunction, been charged by the state attorney with or been
 3030 found to have committed any criminal offense or comparable
 3031 ordinance violation.

3032 Section 46. Section 945.75, Florida Statutes, is repealed.

3033 Section 47. Paragraphs (h) through (k) of subsection (3)
 3034 of section 121.0515, Florida Statutes, are redesignated as
 3035 paragraphs (g) through (j), respectively, and paragraphs (e)
 3036 through (i) of subsection (2), present paragraphs (g) and (k) of
 3037 subsection (3), paragraph (b) of subsection (5), paragraph (d)
 3038 of subsection (8), and paragraph (c) of subsection (10) of that
 3039 section are amended to read:

3040 121.0515 Special Risk Class.—

3041 (2) MEMBERSHIP.—

3042 ~~(e) Effective July 1, 2001, "special risk member" includes~~

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3043 ~~any member who is employed as a youth custody officer by the~~
3044 ~~Department of Juvenile Justice and meets the special criteria~~
3045 ~~set forth in paragraph (3) (g).~~

3046 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,
3047 the member must be employed by a law enforcement agency or
3048 medical examiner's office in a forensic discipline and meet the
3049 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3050 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
3051 by the Department of Law Enforcement in the crime laboratory or
3052 by the Division of State Fire Marshal in the forensic laboratory
3053 and meet the special criteria set forth in paragraph (3) (h)
3054 ~~(3) (i)~~.

3055 (g)~~(h)~~ Effective July 1, 2008, the member must be employed
3056 by a local government law enforcement agency or medical
3057 examiner's office and meet the special criteria set forth in
3058 paragraph (3) (i) ~~(3) (j)~~.

3059 (h)~~(i)~~ Effective August 1, 2008, "special risk member"
3060 includes any member who meets the special criteria for continued
3061 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3062 (3) CRITERIA.—A member, to be designated as a special risk
3063 member, must meet the following criteria:

3064 ~~(g) Effective July 1, 2001, the member must be employed as~~
3065 ~~a youth custody officer and be certified, or required to be~~
3066 ~~certified, in compliance with s. 943.1395. In addition, the~~
3067 ~~member's primary duties and responsibilities must be the~~
3068 ~~supervised custody, surveillance, control, investigation,~~

3069 ~~apprehension, arrest, and counseling of assigned juveniles~~
 3070 ~~within the community;~~

3071 (j)~~(k)~~ The member must have already qualified for and be
 3072 actively participating in special risk membership under
 3073 paragraph (a), paragraph (b), or paragraph (c), must have
 3074 suffered a qualifying injury as defined in this paragraph, must
 3075 not be receiving disability retirement benefits as provided in
 3076 s. 121.091(4), and must satisfy the requirements of this
 3077 paragraph.

3078 1. The ability to qualify for the class of membership
 3079 defined in paragraph (2)(h) ~~(2)(i)~~ occurs when two licensed
 3080 medical physicians, one of whom is a primary treating physician
 3081 of the member, certify the existence of the physical injury and
 3082 medical condition that constitute a qualifying injury as defined
 3083 in this paragraph and that the member has reached maximum
 3084 medical improvement after August 1, 2008. The certifications
 3085 from the licensed medical physicians must include, at a minimum,
 3086 that the injury to the special risk member has resulted in a
 3087 physical loss, or loss of use, of at least two of the following:
 3088 left arm, right arm, left leg, or right leg; and:

3089 a. That this physical loss or loss of use is total and
 3090 permanent, except if the loss of use is due to a physical injury
 3091 to the member's brain, in which event the loss of use is
 3092 permanent with at least 75 percent loss of motor function with
 3093 respect to each arm or leg affected.

3094 b. That this physical loss or loss of use renders the

3095 member physically unable to perform the essential job functions
3096 of his or her special risk position.

3097 c. That, notwithstanding this physical loss or loss of
3098 use, the individual can perform the essential job functions
3099 required by the member's new position, as provided in
3100 subparagraph 3.

3101 d. That use of artificial limbs is not possible or does
3102 not alter the member's ability to perform the essential job
3103 functions of the member's position.

3104 e. That the physical loss or loss of use is a direct
3105 result of a physical injury and not a result of any mental,
3106 psychological, or emotional injury.

3107 2. For the purposes of this paragraph, "qualifying injury"
3108 means an injury sustained in the line of duty, as certified by
3109 the member's employing agency, by a special risk member that
3110 does not result in total and permanent disability as defined in
3111 s. 121.091(4)(b). An injury is a qualifying injury if the injury
3112 is a physical injury to the member's physical body resulting in
3113 a physical loss, or loss of use, of at least two of the
3114 following: left arm, right arm, left leg, or right leg.

3115 Notwithstanding any other provision of this section, an injury
3116 that would otherwise qualify as a qualifying injury is not
3117 considered a qualifying injury if and when the member ceases
3118 employment with the employer for whom he or she was providing
3119 special risk services on the date the injury occurred.

3120 3. The new position, as described in sub-subparagraph

3121 1.c., that is required for qualification as a special risk
 3122 member under this paragraph is not required to be a position
 3123 with essential job functions that entitle an individual to
 3124 special risk membership. Whether a new position as described in
 3125 sub-subparagraph 1.c. exists and is available to the special
 3126 risk member is a decision to be made solely by the employer in
 3127 accordance with its hiring practices and applicable law.

3128 4. This paragraph does not grant or create additional
 3129 rights for any individual to continued employment or to be hired
 3130 or rehired by his or her employer that are not already provided
 3131 within the Florida Statutes, the State Constitution, the
 3132 Americans with Disabilities Act, if applicable, or any other
 3133 applicable state or federal law.

3134 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3135 (b) Any member who is a special risk member on July 1,
 3136 2008, and who became eligible to participate under paragraph
 3137 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
 3138 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
 3139 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
 3140 designation removed and thereafter shall be a Regular Class
 3141 member and earn only Regular Class membership credit. The
 3142 department may review the special risk designation of members to
 3143 determine whether or not those members continue to meet the
 3144 criteria for Special Risk Class membership.

3145 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3146 (d) Notwithstanding any other provision of this

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3147 subsection, this subsection does not apply to any special risk
3148 member who qualifies for continued membership pursuant to
3149 paragraph (3) (j) ~~(3) (k)~~.

3150 (10) CREDIT FOR UPGRADED SERVICE.—

3151 (c) Any member of the Special Risk Class who has earned
3152 creditable service through June 30, 2008, in another membership
3153 class of the Florida Retirement System in a position with the
3154 Department of Law Enforcement or the Division of State Fire
3155 Marshal and became covered by the Special Risk Class as
3156 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
3157 law enforcement agency or medical examiner's office and became
3158 covered by the Special Risk Class as described in paragraph
3159 (3) (i) ~~(3) (j)~~, which service is within the purview of the
3160 Special Risk Class, and is employed in such position on or after
3161 July 1, 2008, may purchase additional retirement credit to
3162 upgrade such service to Special Risk Class service, to the
3163 extent of the percentages of the member's average final
3164 compensation provided in s. 121.091(1)(a)2. The cost for such
3165 credit must be an amount representing the actuarial accrued
3166 liability for the difference in accrual value during the
3167 affected period of service. The cost shall be calculated using
3168 the discount rate and other relevant actuarial assumptions that
3169 were used to value the Florida Retirement System Pension Plan
3170 liabilities in the most recent actuarial valuation. The division
3171 shall ensure that the transfer sum is prepared using a formula
3172 and methodology certified by an enrolled actuary. The cost must

3173 be paid immediately upon notification by the division. The local
 3174 government employer may purchase the upgraded service credit on
 3175 behalf of the member if the member has been employed by that
 3176 employer for at least 3 years.

3177 Section 48. Paragraph (a) of subsection (4) of section
 3178 316.635, Florida Statutes, is amended to read:

3179 316.635 Courts having jurisdiction over traffic
 3180 violations; powers relating to custody and detention of minors.—

3181 (4) A minor who willfully fails to appear before any court
 3182 or judicial officer as required by written notice to appear is
 3183 guilty of contempt of court. Upon a finding by a court, after
 3184 notice and a hearing, that a minor is in contempt of court for
 3185 willful failure to appear pursuant to a valid notice to appear,
 3186 the court may:

3187 (a) For a first offense, order the minor to serve up to 5
 3188 days in a staff-secure shelter as defined in chapter 984 ~~or~~
 3189 ~~chapter 985~~ or, if space in a staff-secure shelter is
 3190 unavailable, in a secure juvenile detention center.

3191 Section 49. Paragraph (a) of subsection (2) of section
 3192 318.143, Florida Statutes, is amended to read:

3193 318.143 Sanctions for infractions by minors.—

3194 (2) Failure to comply with one or more of the sanctions
 3195 imposed by the court constitutes contempt of court. Upon a
 3196 finding by the court, after notice and a hearing, that a minor
 3197 is in contempt of court for failure to comply with court-ordered
 3198 sanctions, the court may:

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3199 (a) For a first offense, order the minor to serve up to 5
3200 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3201 ~~chapter 985~~ or, if space in a staff-secure shelter is
3202 unavailable, in a secure juvenile detention center.

3203 Section 50. This act shall take effect July 1, 2014.