JUVENILE JUSTICE COMMITTEE

MEETING PACKET

Wednesday, February 8, 2006
10:45 – 11:45 AM
24 House Office Building

Second Revised

Allan G. Bense
Speaker

Faye Culp
Chair

FLORIDA HOUSE OF REPRESENTATIVES

Allan G. Bense, Speaker

Juvenile Justice Committee

Faye B. Culp
Chair

Mitch Needelman
Vice Chair

Meeting Agenda
Wednesday, February 8, 2006
24 House Office Building, 10:45-11:45 AM

I. **Opening remarks by Chair Culp**

II. **Roll call**

III. **Consideration of HB 335 Juvenile Justice by Culp**

IV. **Consideration of PCB JUVJ 06-01--reorganization**

V. **Presentation by the Task Force on Juvenile Sexual Offenders and their Victims regarding its legislatively required report on juvenile sexual offender assessment, placement, and programming.**

VI. **Closing remarks by Chair Culp**

VII. **Adjournment**

1302 The Capitol, 402 South Monroe Street, Tallahassee, Florida 32399-1300 (850) 487-0608

HOUSE JUVENILE JUSTICE COMMITTEE
TAB INDEX
02/08/06

TAB 1.....HB 335 Juvenile Justice by Culp

TAB 2.....PCB JUVJ 06-01—reorganization

TAB 3.....Presentation by the Task Force on Juvenile Sexual Offenders and their Victims regarding its legislatively required report on juvenile sexual offender assessment, placement, and programming.

HB 335

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 335 Juvenile Justice
SPONSOR(S): Culp
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 456

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Juvenile Justice Committee		White	White
2) Criminal Justice Appropriations Committee			
3) Justice Council			
4)			
5)			

SUMMARY ANALYSIS

Statute currently requires electronic monitoring for home detention imposed in lieu of a consequence unit for probation and conditional release violations. The funding appropriated by the Legislature for such monitoring has been vetoed during the past two fiscal years. The bill amends statute to provide that the electronic monitoring requirements are subject to appropriation.

The bill also repeals statutory requirements for individual annual reports on the performance of Serious Habitual Offender and Intensive Residential Treatment programs and on the implementation and progress of the literacy programs in residential commitment programs. The data contained in these reports is duplicative of data annually submitted by the Department of Juvenile Justice in its Outcome Evaluation, Program Accountability Measures, Quality Assurance, and Juvenile Justice Education Enhancement Program Reports.

Finally, the bill provides that a juvenile commits the third degree felony offense of escape when he or she willfully fails to return to a residential commitment facility within the time authorized for a temporary release; whereas, this failure has historically been treated as absconding, which is not a new offense under current law.

The DJJ anticipates no fiscal impact from this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government—The bill eliminates statutory requirements for separate reports on specified juvenile justice programs where this information is also reported in other publications that comprehensively address all juvenile justice programs.

Promote personal responsibility—The bill increases penalties for a juvenile who will willfully fails to return to a residential commitment facility within the time authorized for a temporary release by making this act a third degree felony; whereas, under current law, this act is not considered a new offense.

B. EFFECT OF PROPOSED CHANGES:

Electronic monitoring of home detention: Sections 985.215(2)(h) and 985.231(1)(a)1.c.I., F.S., provide that youth who have violated probation, postcommitment probation, or conditional release supervision may be held in a consequence unit, if available, or placed on home detention with electronic monitoring. Currently, there are no consequence units available. Additionally, electronic monitoring for home detention is not funded because the Governor has vetoed the Legislature's appropriation for such monitoring during the past two fiscal years.[1]

Effect of bill: The bill amends ss. 985.215(2)(h) and 985.231(1)(a)1.c.I., F.S., to specify that home detention imposed in lieu of a consequence unit shall, subject to legislative appropriation, be with electronic monitoring.

SHO and IRT reporting requirements: Currently, ss. 985.31(1)(a)4. and 985.311(1)(a)4., F.S., require the Department of Juvenile Justice (DJJ) to annually provide written reports to the Governor, Attorney General, and Legislature on the performance of: (a) serious or habitual juvenile offender (SHO) programs; and (b) intensive residential treatment (IRT) programs. Performance data for SHO and IRT programs, which are high-risk commitment programs, is also reported in the following annual written reports published by the DJJ:[2]

- Outcome Evaluation (OE) Report -- This report is submitted to the Legislature each year by February 15th,[3] and it includes referral, offense type, demographic profile, length of stay, program completion, and recidivism data for all programs offered in the DJJ's four branches, i.e., Prevention and Victim Services, Detention, Probation and Community Corrections, and Residential Corrections. Prior to 2002, the Juvenile Justice Advisory Board (JJAB) was responsible, under s. 985.401, F.S., for completion of the OE Report. After the sunset of the JJAB on June 30, 2001, the DJJ assumed responsibility for the report. Currently, there is no statutory description of the contents of the OE Report, as this was repealed with the sunset of s. 985.401, F.S.; however, references to outcome evaluations of DJJ programs continue to be made in ss. 985.404(10)(d) and 985.412(4)(a), F.S.[4]

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[1] *See* Veto Message Fiscal Year 2005-2006 (veto of specific appropriation 1076A).
[2] *See* 2005 Outcome Evaluation Report, February 15, 2005, pp. 83-112; The 2005 Program Accountability Measures Report, December 2004, pp. 15, 19-20, 28, 35, 40, 44, 47, 55-56, 58; 2005 Quality Assurance Report, January 2006, at pp. 286-291, 303, and 314.
[3] Data reported in the 2005 OE Report was based upon programs that released youth between July 1, 2002 and June 30, 2003.
[4] Section 985.412(4)(a), F.S., continues to reference, ". . . the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations . . ."; however, as indicated above s. 985.401, F.S., sunset on June 30, 2001.

- Program Accountability Measures (PAM) Report – This report is required by s. 985.412(4)(a), F.S., to be submitted to the Legislature each year by December 31st,[5] and it contains PAM scores for each DJJ commitment program. A PAM score consists of a program recidivism effectiveness measure and a cost effectiveness measure. Recidivism effectiveness is calculated as the standardized difference between the program's expected recidivism and observed recidivism. Cost effectiveness is calculated as the standardized difference between each program's average cost per youth completing the program and the statewide average cost per completion of $34,083.[6]

- Quality Assurance (QA) Report – This report is required by s. 985.412(5), F.S., to be submitted to the Legislature each year by February 1st,[7] and it contains the following for each DJJ program: (a) a description of the population served; (b) a description of the services offered; (c) the program's QA rating;[8] and (d) cost data.

Effect of bill: The bill repeals ss. 985.31(1)(a)4., and 985.311(1)(a)4., F.S., to eliminate the requirements for separate annual reports on the performance of SHO and IRT programs, as this information is duplicative of data reported in the DJJ's annual OE, PAM, and QA reports.

Literacy program reporting requirement: Currently, s. 985.317(5), F.S., requires the DJJ to annually report to Legislature by January 1st on the implementation and progress of literacy programs offered in residential facilities. This information is also reported in the Juvenile Justice Education Enhancement Program (JJEEP) Report that is required by s. 1003.52(19), F.S., to be submitted to the Legislature by February 1st of each year by the DJJ and the Department of Education (DOE). The subsection specifies that this report must: (a) describe progress made toward developing effective educational programs for juvenile delinquents; (b) include funding data and QA review scores for each educational program; and (c) recommendations for system improvement.

Effect of bill: The bill repeals s. 985.317(5), F.S., to eliminate the requirement of a separate annual report on the implementation and progress of the literacy programs, as this information is duplicative of data reported in the DJJ's and DOE's annual JJEEP Report.

Escape: Section 985.3141, F.S., provides that it is a third degree felony for a juvenile to escape from:

- Any secure detention facility;
- Any residential commitment facility; or
- Lawful transportation to or from any such secure detention facility or residential commitment facility.

In 2002, the Third District Court of Appeals held that the failure of a juvenile to return to a residential commitment facility within the time prescribed for a temporary release[9] does not constitute escape because s. 985.3141, F.S., only addresses flight from the confinement of a residential facility, not failure to return to the facility.[10] The court noted that distinguishably an adult prisoner's failure to return to confinement within a prescribed time constitutes second degree felony escape under ss. 944.40 and 945.091, F.S.[11]

As a result of the above-described case, a juvenile's failure to return from a temporary release from a residential commitment facility has been treated as absconding. Prior to the July 1, 2005, effective

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[5] Data reported in the 2005 PAM Report was based upon 151 programs that had released at least 15 youth between July 1, 2001 and June 30, 2003.
[6] *See* The 2005 Program Accountability Measures Report, December 2004 at p. 5.
[7] Data reported in the 2005 QA Report was based upon QA reviews conducted during calendar year 2005.
[8] QA ratings are based upon evaluation of the following three elements: (1) level of performance and quality of services; (2) immediate and long-term outcomes; and (3) cost. *See* An Introduction to Florida's Juvenile Justice Quality Assurance System, Department of Juvenile Justice, May 2004, p. 4.
[9] Under s. 985.03(57), a juvenile may be temporarily released from a residential commitment facility. If the temporary release is from a moderate-, high-, or maximum-risk facility, the release must be approved by the court.
[10] *J.A.G. v. State,* 825 So.2d 497, 498 (Fla. 3rd DCA 2002).
[11] *J.A.G.*, 825 So.2d at 498.

date of House Bill 1917,[12] a juvenile, who absconded during a temporary release, could be taken into custody and detained under s. 985.215(2)(a), F.S.[13] House Bill 1917, however, inadvertently removed a reference in this subsection to absconding from a residential commitment facility, and in doing so, the authority of a law enforcement office to take a youth into custody for failing to return from a temporary release appears to be limited.

Effect of bill: The bill amends s. 985.3141, F.S., to provide that it is third degree felony escape for a juvenile to willfully fail to return to a residential commitment facility within the time authorized for a temporary release. In doing so, the bill accomplishes the following: (a) a failure to return to a residential commitment facility after a temporary release will now be considered a new offense, rather than absconding, which is not currently considered a new offense; and (b) law enforcement officers will be authorized to take a juvenile who escapes by failing to return into custody pursuant to s. 985.215(2)(a), F.S., which authorizes a child to be taken into custody and detained for escape from a residential commitment facility.

C. SECTION DIRECTORY:

Section 1. Amends s. 985.215(2)(h), F.S., to provide that home detention imposed in lieu of a consequence unit shall, subject to legislative appropriation, be with electronic monitoring.

Section 2. Amends s. 985.231(1)(a)1.c.I., F.S., to provide that home detention imposed in lieu of a consequence unit shall, subject to legislative appropriation, be with electronic monitoring.

Section 3. Repeals s. 985.31(1)(a)4., F.S., to eliminate the requirement of an annual report on the performance of SHO programs.

Section 4. Repeals s. 985.311(1)(a)4., F.S., to eliminate the requirement of an annual report on the performance of IRT programs.

Section 5. Amends s. 985.3141, F.S., to provide that it is third degree felony escape for a juvenile to willfully fail to return to a residential commitment facility within the time authorized for a temporary release.

Section 6. Repeals s. 985.317(5), F.S., to eliminate the requirement of annual report on the implementation and progress of the literacy programs.

Section 7. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   According to the DJJ, this bill will have no fiscal impact.

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[12] Ch. 2005-263, L.O.F.

[13] Section 985.215(2)(a), F.S., stated, prior to the enactment of House Bill 1917, that a child, who had escaped or absconded from a commitment program could be taken into custody and detained. House Bill 1917 amended this paragraph to provide that a child, who had escaped from a residential commitment facility or who had absconded from a nonresidential commitment program, may be taken into custody and detained.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

According to data provided by the DJJ, the OE, QA, and PAM reports discussed in this bill analysis are produced by department employees in the Bureau of Quality Assurance and Office of Research and Planning and through contracted services provided by the Justice Research Center (JRC) at an annual cost of $352,000. In addition to the aforementioned services, the JRC provides the following to the DJJ: (a) monthly data extracts; (b) performance based budgeting data and reports; (c) contract status reports; and (d) monthly reports on commodity and contractual service purchases from Minority Business Enterprises.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 985.215,
3 F.S.; requiring specified home detention to be with
4 electronic monitoring, subject to appropriation; amending
5 s. 985.231, F.S.; requiring specified home detention to be
6 with electronic monitoring, subject to appropriation;
7 amending s. 985.31, F.S.; deleting requirement for a
8 report on serious or habitual juvenile offenders; amending
9 s. 985.311, F.S.; deleting requirement for a report on
10 intensive residential treatment; amending s. 985.3141,
11 F.S.; providing that a youth's willful failure to return
12 to a residential commitment facility within the time
13 authorized for temporary release constitutes escape
14 subject to penalties; amending s. 985.317, F.S.; deleting
15 a requirement for a report on literacy programs for
16 juvenile offenders; providing an effective date.
17
18 Be It Enacted by the Legislature of the State of Florida:
19
20 Section 1. Paragraph (h) of subsection (2) of section
21 985.215, Florida Statutes, is amended to read:
22 985.215 Detention.--
23 (2) Subject to the provisions of subsection (1), a child
24 taken into custody and placed into nonsecure or home detention
25 care or detained in secure detention care prior to a detention
26 hearing may continue to be detained by the court if:
27 (h) The child is alleged to have violated the conditions
28 of the child's probation or conditional release supervision.

29 However, a child detained under this paragraph shall ~~may~~ be held
30 ~~only~~ in a consequence unit as provided in s. 985.231(1)(a)1.c., except that, if a consequence unit is not available, the child
32 shall be placed on home detention. Subject to legislative
33 appropriation, home detention under this paragraph shall be with
34 electronic monitoring.
35
36 A child who meets any of these criteria and who is ordered to be
37 detained pursuant to this subsection shall be given a hearing
38 within 24 hours after being taken into custody. The purpose of
39 the detention hearing is to determine the existence of probable
40 cause that the child has committed the delinquent act or
41 violation of law with which he or she is charged and the need
42 for continued detention, except where the child is alleged to
43 have absconded from a nonresidential commitment program in which
44 case the court, at the detention hearing, shall order that the
45 child be released from detention and returned to his or her
46 nonresidential commitment program. Unless a child is detained
47 under paragraph (d) or paragraph (e), the court shall use the
48 results of the risk assessment performed by the juvenile
49 probation officer and, based on the criteria in this subsection,
50 shall determine the need for continued detention. A child placed
51 into secure, nonsecure, or home detention care may continue to
52 be so detained by the court pursuant to this subsection. If the
53 court orders a placement more restrictive than indicated by the
54 results of the risk assessment instrument, the court shall
55 state, in writing, clear and convincing reasons for such
56 placement. Except as provided in s. 790.22(8) or in subparagraph

57 (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph
58 (10)(d), when a child is placed into secure or nonsecure
59 detention care, or into a respite home or other placement
60 pursuant to a court order following a hearing, the court order
61 must include specific instructions that direct the release of
62 the child from such placement no later than 5 p.m. on the last
63 day of the detention period specified in paragraph (5)(b) or
64 paragraph (5)(c), or subparagraph (10)(a)1., whichever is
65 applicable, unless the requirements of such applicable provision
66 have been met or an order of continuance has been granted
67 pursuant to paragraph (5)(f).
68 Section 2. Paragraph (a) of subsection (1) of section
69 985.231, Florida Statutes, is amended to read:
70 985.231 Powers of disposition in delinquency cases.--
71 (1)(a) The court that has jurisdiction of an adjudicated
72 delinquent child may, by an order stating the facts upon which a
73 determination of a sanction and rehabilitative program was made
74 at the disposition hearing:
75 1. Place the child in a probation program or a
76 postcommitment probation program under the supervision of an
77 authorized agent of the department or of any other person or
78 agency specifically authorized and appointed by the court,
79 whether in the child's own home, in the home of a relative of
80 the child, or in some other suitable place under such reasonable
81 conditions as the court may direct. A probation program for an
82 adjudicated delinquent child must include a penalty component
83 such as restitution in money or in kind, community service, a
84 curfew, revocation or suspension of the driver's license of the

85 child, or other nonresidential punishment appropriate to the
86 offense and must also include a rehabilitative program component
87 such as a requirement of participation in substance abuse
88 treatment or in school or other educational program. If the
89 child is attending or is eligible to attend public school and
90 the court finds that the victim or a sibling of the victim in
91 the case is attending or may attend the same school as the
92 child, the court placement order shall include a finding
93 pursuant to the proceedings described in s. 985.23(1)(d). Upon
94 the recommendation of the department at the time of disposition,
95 or subsequent to disposition pursuant to the filing of a
96 petition alleging a violation of the child's conditions of
97 postcommitment probation, the court may order the child to
98 submit to random testing for the purpose of detecting and
99 monitoring the use of alcohol or controlled substances.
100 a. A classification scale for levels of supervision shall
101 be provided by the department, taking into account the child's
102 needs and risks relative to probation supervision requirements
103 to reasonably ensure the public safety. Probation programs for
104 children shall be supervised by the department or by any other
105 person or agency specifically authorized by the court. These
106 programs must include, but are not limited to, structured or
107 restricted activities as described in this subparagraph, and
108 shall be designed to encourage the child toward acceptable and
109 functional social behavior. If supervision or a program of
110 community service is ordered by the court, the duration of such
111 supervision or program must be consistent with any treatment and
112 rehabilitation needs identified for the child and may not exceed

113 the term for which sentence could be imposed if the child were
114 committed for the offense, except that the duration of such
115 supervision or program for an offense that is a misdemeanor of
116 the second degree, or is equivalent to a misdemeanor of the
117 second degree, may be for a period not to exceed 6 months. When
118 restitution is ordered by the court, the amount of restitution
119 may not exceed an amount the child and the parent or guardian
120 could reasonably be expected to pay or make. A child who
121 participates in any work program under this part is considered
122 an employee of the state for purposes of liability, unless
123 otherwise provided by law.
124 b. The court may conduct judicial review hearings for a
125 child placed on probation for the purpose of fostering
126 accountability to the judge and compliance with other
127 requirements, such as restitution and community service. The
128 court may allow early termination of probation for a child who
129 has substantially complied with the terms and conditions of
130 probation.
131 c. If the conditions of the probation program or the
132 postcommitment probation program are violated, the department or
133 the state attorney may bring the child before the court on a
134 petition alleging a violation of the program. Any child who
135 violates the conditions of probation or postcommitment probation
136 must be brought before the court if sanctions are sought. A
137 child taken into custody under s. 985.207 for violating the
138 conditions of probation or postcommitment probation shall be
139 held in a consequence unit if such a unit is available. The
140 child shall be afforded a hearing within 24 hours after being

141 taken into custody to determine the existence of probable cause
142 that the child violated the conditions of probation or
143 postcommitment probation. A consequence unit is a secure
144 facility specifically designated by the department for children
145 who are taken into custody under s. 985.207 for violating
146 probation or postcommitment probation, or who have been found by
147 the court to have violated the conditions of probation or
148 postcommitment probation. If the violation involves a new charge
149 of delinquency, the child may be detained under s. 985.215 in a
150 facility other than a consequence unit. If the child is not
151 eligible for detention for the new charge of delinquency, the
152 child may be held in the consequence unit pending a hearing and
153 is subject to the time limitations specified in s. 985.215. If
154 the child denies violating the conditions of probation or
155 postcommitment probation, the court shall appoint counsel to
156 represent the child at the child's request. Upon the child's
157 admission, or if the court finds after a hearing that the child
158 has violated the conditions of probation or postcommitment
159 probation, the court shall enter an order revoking, modifying,
160 or continuing probation or postcommitment probation. In each
161 such case, the court shall enter a new disposition order and, in
162 addition to the sanctions set forth in this paragraph, may
163 impose any sanction the court could have imposed at the original
164 disposition hearing. If the child is found to have violated the
165 conditions of probation or postcommitment probation, the court
166 may:
167 (I) Place the child in a consequence unit in that judicial
168 circuit~~, if available,~~ for up to 5 days for a first violation~~,~~

169 and up to 15 days for a second or subsequent violation, or, if a
170 consequence unit is not available, the court may place the child
171 on home detention, which shall, subject to legislative
172 appropriation, include electronic monitoring.
173 ~~(II) Place the child on home detention with electronic~~
174 ~~monitoring. However, this sanction may be used only if a~~
175 ~~residential consequence unit is not available.~~
176 (II) ~~(III)~~ Modify or continue the child's probation program
177 or postcommitment probation program.
178 (III) ~~(IV)~~ Revoke probation or postcommitment probation and
179 commit the child to the department.
180 d. Notwithstanding s. 743.07 and paragraph (d), and except
181 as provided in s. 985.31, the term of any order placing a child
182 in a probation program must be until the child's 19th birthday
183 unless he or she is released by the court, on the motion of an
184 interested party or on its own motion.
185 2. Commit the child to a licensed child-caring agency
186 willing to receive the child, but the court may not commit the
187 child to a jail or to a facility used primarily as a detention
188 center or facility or shelter.
189 3. Commit the child to the department at a restrictiveness
190 level defined in s. 985.03. Such commitment must be for the
191 purpose of exercising active control over the child, including,
192 but not limited to, custody, care, training, urine monitoring,
193 and treatment of the child and release of the child from
194 residential commitment into the community in a postcommitment
195 nonresidential conditional release program. If the child is
196 eligible to attend public school following commitment and the

197 court finds that the victim or a sibling of the victim in the
198 case is or may be attending the same school as the child, the
199 commitment order shall include a finding pursuant to the
200 proceedings described in s. 985.23(1)(d). If the child is not
201 successful in the conditional release program, the department
202 may use the transfer procedure under s. 985.404. Notwithstanding
203 s. 743.07 and paragraph (d), and except as provided in s.
204 985.31, the term of the commitment must be until the child is
205 discharged by the department or until he or she reaches the age
206 of 21.
207 4. Revoke or suspend the driver's license of the child.
208 5. Require the child and, if the court finds it
209 appropriate, the child's parent or guardian together with the
210 child, to render community service in a public service program.
211 6. As part of the probation program to be implemented by
212 the department, or, in the case of a committed child, as part of
213 the community-based sanctions ordered by the court at the
214 disposition hearing or before the child's release from
215 commitment, order the child to make restitution in money,
216 through a promissory note cosigned by the child's parent or
217 guardian, or in kind for any damage or loss caused by the
218 child's offense in a reasonable amount or manner to be
219 determined by the court. The clerk of the circuit court shall be
220 the receiving and dispensing agent. In such case, the court
221 shall order the child or the child's parent or guardian to pay
222 to the office of the clerk of the circuit court an amount not to
223 exceed the actual cost incurred by the clerk as a result of
224 receiving and dispensing restitution payments. The clerk shall

225 notify the court if restitution is not made, and the court shall
226 take any further action that is necessary against the child or
227 the child's parent or guardian. A finding by the court, after a
228 hearing, that the parent or guardian has made diligent and good
229 faith efforts to prevent the child from engaging in delinquent
230 acts absolves the parent or guardian of liability for
231 restitution under this subparagraph.
232 7. Order the child and, if the court finds it appropriate,
233 the child's parent or guardian together with the child, to
234 participate in a community work project, either as an
235 alternative to monetary restitution or as part of the
236 rehabilitative or probation program.
237 8. Commit the child to the department for placement in a
238 program or facility for serious or habitual juvenile offenders
239 in accordance with s. 985.31. Any commitment of a child to a
240 program or facility for serious or habitual juvenile offenders
241 must be for an indeterminate period of time, but the time may
242 not exceed the maximum term of imprisonment that an adult may
243 serve for the same offense. The court may retain jurisdiction
244 over such child until the child reaches the age of 21,
245 specifically for the purpose of the child completing the
246 program.
247 9. In addition to the sanctions imposed on the child,
248 order the parent or guardian of the child to perform community
249 service if the court finds that the parent or guardian did not
250 make a diligent and good faith effort to prevent the child from
251 engaging in delinquent acts. The court may also order the parent
252 or guardian to make restitution in money or in kind for any

253 damage or loss caused by the child's offense. The court shall
254 determine a reasonable amount or manner of restitution, and
255 payment shall be made to the clerk of the circuit court as
256 provided in subparagraph 6.
257 10. Subject to specific appropriation, commit the juvenile
258 sexual offender to the department for placement in a program or
259 facility for juvenile sexual offenders in accordance with s.
260 985.308. Any commitment of a juvenile sexual offender to a
261 program or facility for juvenile sexual offenders must be for an
262 indeterminate period of time, but the time may not exceed the
263 maximum term of imprisonment that an adult may serve for the
264 same offense. The court may retain jurisdiction over a juvenile
265 sexual offender until the juvenile sexual offender reaches the
266 age of 21, specifically for the purpose of completing the
267 program.
268 Section 3. Paragraph (a) of subsection (1) of section
269 985.31, Florida Statutes, is amended to read:
270 985.31 Serious or habitual juvenile offender.--
271 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
272 provisions of this chapter and the establishment of appropriate
273 program guidelines and standards, contractual instruments, which
274 shall include safeguards of all constitutional rights, shall be
275 developed as follows:
276 (a) The department shall provide for:
277 1. The oversight of implementation of assessment and
278 treatment approaches.
279 2. The identification and prequalification of appropriate
280 individuals or not-for-profit organizations, including minority

281 individuals or organizations when possible, to provide
282 assessment and treatment services to serious or habitual
283 delinquent children.
284 3. The monitoring and evaluation of assessment and
285 treatment services for compliance with the provisions of this
286 chapter and all applicable rules and guidelines pursuant
287 thereto.
288 ~~4. The development of an annual report on the performance~~
289 ~~of assessment and treatment to be presented to the Governor, the~~
290 ~~Attorney General, the President of the Senate, the Speaker of~~
291 ~~the House of Representatives, and the Auditor General no later~~
292 ~~than January 1 of each year.~~
293 Section 4. Paragraph (a) of subsection (1) of section
294 985.311, Florida Statutes, is amended to read:
295 985.311 Intensive residential treatment program for
296 offenders less than 13 years of age.--
297 (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the
298 provisions of this chapter and the establishment of appropriate
299 program guidelines and standards, contractual instruments, which
300 shall include safeguards of all constitutional rights, shall be
301 developed for intensive residential treatment programs for
302 offenders less than 13 years of age as follows:
303 (a) The department shall provide for:
304 1. The oversight of implementation of assessment and
305 treatment approaches.
306 2. The identification and prequalification of appropriate
307 individuals or not-for-profit organizations, including minority
308 individuals or organizations when possible, to provide

309 assessment and treatment services to intensive offenders less
310 than 13 years of age.
311 3. The monitoring and evaluation of assessment and
312 treatment services for compliance with the provisions of this
313 chapter and all applicable rules and guidelines pursuant
314 thereto.
315 ~~4. The development of an annual report on the performance~~
316 ~~of assessment and treatment to be presented to the Governor, the~~
317 ~~Attorney General, the President of the Senate, the Speaker of~~
318 ~~the House of Representatives, the Auditor General, and the~~
319 ~~Office of Program Policy Analysis and Government Accountability~~
320 ~~no later than January 1 of each year.~~
321 Section 5. Section 985.3141, Florida Statutes, is amended
322 to read:
323 985.3141 Escapes from secure detention or residential
324 commitment facility.--An escape from:
325 (1) Any secure detention facility maintained for the
326 temporary detention of children, pending adjudication,
327 disposition, or placement;
328 (2) Any residential commitment facility described in s.
329 985.03(46), maintained for the custody, treatment, punishment,
330 or rehabilitation of children found to have committed delinquent
331 acts or violations of law; or
332 (3) Lawful transportation to or from any such secure
333 detention facility or residential commitment facility,
334
335 constitutes escape within the intent and meaning of s. 944.40
336 and is a felony of the third degree, punishable as provided in

337 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
338 section, escape from a residential commitment facility as
339 provided for in subsection (2) includes a youth's willful
340 failure to return to a residential commitment facility within
341 the time authorized for a temporary release.
342 Section 6. Subsection (5) of section 985.317, Florida
343 Statutes, is amended to read:
344 985.317 Literacy programs for juvenile offenders.--
345 ~~(5) EVALUATION AND REPORT.--The department, in~~
346 ~~consultation with the Department of Education, shall develop and~~
347 ~~implement an evaluation of the literacy program in order to~~
348 ~~determine the impact of the programs on recidivism. The~~
349 ~~department shall submit an annual report on the implementation~~
350 ~~and progress of the programs to the President of the Senate and~~
351 ~~the Speaker of the House of Representatives by January 1 of each~~
352 ~~year.~~
353 Section 7. This act shall take effect July 1, 2006.

PCB JUVJ
06-01

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB JUVJ 06-01 ch. 985, F.S.--reorganization
SPONSOR(S): Juvenile Justice Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Juvenile Justice Committee		White	White
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

Ch. 985, F.S., addresses Florida's juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have indicated that the chapter's current organization is difficult to utilize in practice.

PCB JUVJ 06-01 reorganizes ch. 985, F.S., to provide a chronological presentation of the delinquency proceeding from the introduction of the child into the system to the case outcome. It divides the chapter into 13 parts and it divides larger sections within the chapter into smaller parts that are given more meaningful section and subheading names to better describe and organize the chapter's contents.

As the bill is strictly a technical rewrite of ch. 985, F.S., with no substantive changes to current law, only a minimal fiscal impact is anticipated for costs associated with the republication of documents that contain references to current ch. 985, F.S., provisions that are renumbered by the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Ch. 985, F.S., addresses Florida's juvenile justice system. Some judges, prosecutors, defense attorneys, and agency personnel have indicated that the chapter's current organization is difficult to utilize in practice. For example, even though the chapter contains s. 985.201, F.S., entitled "Jurisdiction," wherein all matters related to juvenile jurisdiction presumably would be located, numerous other sections in the chapter also contain provisions relating to jurisdiction. *See e.g.* ss. 985.23, 985.231, 985.31, and 985.313, F.S.

PCB JUVJ 06-01 is technical in nature, and is designed to make the juvenile delinquency statutes more "user-friendly" for all stakeholders: state attorneys, public defenders, children, parents, judges, employees of the Department of Juvenile Justice (DJJ), and private providers of delinquency services.[1] "Whereas" clauses contained in the bill specify that the Legislature recognizes that ch. 985, F.S., has become disjointed and disorganized due to numerous amendments since its original enactment and that the Legislature intends for the bill, ". . . to strictly effect a technical reorganization of ch. 985, F.S., without any substantive change to its contents, for the purpose of simplifying the chapter's presentation and providing greater clarity for its users . . . ."

The bill reorganizes ch. 985, F.S., as follows:

Chronological Presentation -- Chapter 985, F.S. is reorganized to provide a chronological presentation of the delinquency proceeding from the introduction of the child into the system to the case outcome. It divides the chapter into the following 13 parts:

1. General Provisions
2. Records and Information
3. Custody and Intake; Intervention and Diversion
4. Examinations and Evaluations
5. Detention
6. Petition, Arraignment and Adjudication
7. Disposition; Post-Disposition
8. Authority of Court Over Parents or Guardians
9. Appeal
10. Transfer to Adult Court
11. Department of Juvenile Justice
12. Miscellaneous Offenses
13. Interstate Compact on Juveniles

Topical Reorganization -- The bill divides larger sections of ch. 985, F.S., into smaller parts that are given more meaningful section and subheading names to better describe and organize the chapter's contents.

[1] A Subcommittee of the Steering Committee of Families and Children in the Court, comprised of representatives from State Attorney offices, Public Defender offices, the DJJ, the judiciary, and a law school, met in 2003 and 2004 to develop a draft for the reorganization of ch. 985, F.S.

C. SECTION DIRECTORY:

Section 1. Reorganizes heading titles of ch. 985, F.S.

Section 2. Amends s. 985.01, F.S. to change section heading; makes technical drafting changes.

Section 3. Amends s. 985.02, F.S., to make conforming changes.

Section 4. Renumbers subsections (1) through (6), (8) through (31), (33) through (48), and (50) through (60) of s. 985.03, F.S., as subsections (1) through (57); corrects cross-references; makes conforming changes.

Section 5. Renumbers s. 985.201, F.S., and s. 985.219(8), F.S., as s. 985.0301, F.S.; reinstates text relating to jurisdiction that is struck in other sections of bill; corrects cross-references; makes conforming changes.

Section 6. Renumbers s. 985.202, F.S., as s. 985.032, F.S.

Section 7. Renumbers s. 985.203, F.S., as s. 985.033, F.S.; corrects cross-references; clarifies that right to counsel does not include transfer proceedings pursuant to 985.441(3), F.S., unless the court sets a hearing to review the transfer; makes conforming changes; makes technical drafting changes.

Section 8. Renumbers s. 985.205, F.S., as s. 985.035, F.S.

Section 9. Renumbers s. 985.206, F.S., as s. 985.036, F.S.; reinstates text that is struck by other sections of bill; makes conforming changes.

Section 10. Renumbers s. 985.216, F.S., as s. 985.037, F.S.; strikes text that is reinstated in other sections of bill; corrects cross-references; makes conforming changes.

Section 11. Renumbers s. 985.2311, F.S., as s. 985.039, F.S.; makes technical drafting changes.

Section 12. Amends s. 985.04, F.S.; corrects cross-references; makes conforming and technical drafting changes.

Section 13. Renumbers s. 985.05, F.S., as s. 985.045, F.S.; corrects cross-references; makes technical drafting changes.

Section 14. Renumbers ss. 985.06 and 985.08, F.S., respectively as ss. 985.046 and 985.047, F.S.

Section 15. Renumbers ss. 985.207 and 985.215(3), F.S., as s. 985.101, F.S.; corrects cross-references; makes conforming and technical drafting changes.

Section 16. Renumbers s. 985.2075, F.S., as s. 985.105, F.S.; makes technical drafting changes.

Section 17. Renumbers s. 985.212, F.S., as s. 985.11, F.S.; corrects cross-references.

Section 18. Renumbers s. 985.211 (1), (2), (5), and (7), F.S., as s. 985.115, F.S.; corrects cross-references; makes technical drafting and conforming changes.

Section 19. Renumbers s. 985.301, F.S., as s. 985.12, F.S.; corrects cross-references.

Section 20. Renumbers s. 985.3065, F.S., as s. 985.125, F.S.

Section 21. Renumbers s. 985.211(3), (4), and (6), F.S., as s. 985.13, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes.

Section 22. Renumbers s. 985.209, F.S., as s. 985.135, F.S.; makes technical drafting changes.

Section 23. Renumbers s. 985.21(1) and (2), F.S., as s. 985.14, F.S.; amends section title; strikes text that is reinstated in other sections of bill; reinstates text that is struck by other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 24. Renumbers s. 985.21(3), (4), and (5), F.S., as s. 985.145, F.S.; reinstates text that is struck by other sections of bill; strikes text that is reinstated in other sections of bill; corrects cross-references; makes conforming changes.

Section 25. Creates s. 985.15, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 26. Renumbers s. 985.303, F.S., as 985.155, F.S.

Section 27. Renumbers s. 985.304, F.S., as s. 985.16, F.S.; corrects cross-references.

Section 28. Renumbers ss. 985.224(1) through (8) and 985.215(10)(e), F.S., as s. 985.224, F.S.

Section 29. Renumbers s. 985.229(1) and (2), F.S., as s. 985.185, F.S.; amends section title; strikes text that is reinstated in other sections of bill; corrects cross-references.

Section 30. Renumbers ss. 985.223 and 985.418, F.S., as ss. 985.19 and 985.195, F.S., respectively.

Section 31. Renumbers ss. 985.213(1) and (4), and 985.214(1) and (2), F.S., as s. 985.24, F.S; amends section title; corrects cross-references; makes technical drafting and conforming changes.

Section 32. Renumbers s. 985.213(2), F.S., as s. 985.245, F.S.; amends section title; strikes text that is reinstated in other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 33. Renumbers s. 985.215(1) and (5)(b), F.S., as s. 985.25, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes.

Section 34. Renumbers s. 985.215(2), F.S., as s. 985.255, F.S.; amends section title; reinstates text that is struck by other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 35. Renumbers s. 985.215(5)(a) and (c) through (g) and (7), F.S., as 985.26, F.S.; amends section title; reinstates text that is struck at end of this section; strikes text that is reinstated earlier in this section; corrects cross-references; makes technical drafting and conforming changes.

Section 36. Renumbers ss. 985.215(4), (8), (9), and (11), and 985.213(3), F.S., as 985.265, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes.

Section 37. Renumbers s. 985.215(10)(a) through (d) and (f), F.S., as s. 985.27, F.S.; amends section title; reinstates text that is struck by other sections of bill; strikes text that is reinstated in other sections of bill; makes conforming changes.

Section 38. Renumbers s. 985.208, F.S., as 985.275, F.S.; corrects cross-references.

Section 39. Renumbers s. 985.218, F.S., as s. 985.318, F.S.

Section 40. Renumbers s. 985.219(1) through (7) and (9) through (12), F.S., as s. 985.319, F.S.; corrects a cross-reference; makes technical drafting changes.

Section 41. Renumbers s. 985.22, F.S., as 985.325, F.S.; corrects cross-references.

Section 42. Renumbers ss. 985.221, 985.222, and 985.306, F.S., as ss. 985.331, 985.335, and 985.345, F.S., respectively.

Section 43. Renumbers s. 985.228, F.S., as s. 985.35, F.S.; adds text to reflect current context in ch. 985, F.S.; corrects cross-references; makes technical drafting and conforming changes.

Section 44. Renumbers s. 985.229(3), F.S., as s. 985.43, F.S; amends section title; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 45. Renumbers s. 985.23, F.S., as s. 985.433, F.S.; reinstates text that is struck by other sections of bill; strikes text that is reinstated in other sections of bill; makes technical drafting and conforming changes.

Section 46. Renumbers s. 985.231(1)(a), F.S., as s. 985.435, F.S.; amends section title; reinstates text that is struck by other sections of bill; strikes text that is reinstated in other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 47. Creates s. 985.437, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 48. Creates s. 985.439, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 49. Creates s. 985.441, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 50. Renumbers s. 985.232, F.S., as 985.442, F.S.

Section 51. Renumbers s. 985.231(1)(j), F.S., as s. 985.445, F.S.; amends section title; corrects cross-references; makes technical drafting and conforming changes.

Section 52. Renumbers s. 985.231(1)(g), F.S., as s. 985.45, F.S.; amends section title; makes conforming changes.

Section 53. Renumbers s. 985.231(1)(d) and (h), F.S., as s. 985.455, F.S.; reinstates text that is struck by other sections of bill; strikes text that is reinstated in other sections of bill; makes conforming changes.

Section 54. Renumbers s. 985.316(4), F.S., as s. 985.46, F.S.; corrects cross-references.

Section 55. Renumbers s. 985.313, F.S., as s. 985.465, F.S.; strikes text that is reinstated in other sections of bill; makes technical drafting changes.

Section 56. Renumbers ss. 985.03(49) and 985.31(1) through (5), F.S., as s. 985.47, F.S.; amends subsection titles; strikes text that is reinstated in other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 57. Renumbers ss. 985.03(32) and 985.231(3), F.S., as s. 985.475, F.S.; amends section and subsection titles; corrects cross-references; makes technical drafting and conforming changes.

Section 58. Renumbers s. 985.308, F.S., as 985.48, F.S.

Section 59. Renumbers ss. 985.03(7) and 985.311(1) through (5), F.S., as s. 985.483, F.S.; amends subsection titles; corrects cross-references; makes technical drafting and conforming changes.

Section 60. Renumbers s. 985.312, F.S., as s. 985.486, F.S.; corrects cross-references.

Section 61. Renumbers s. 985.309, F.S., as s. 985.489, F.S.; corrects cross-references.

Section 62. Renumbers s. 985.314, F.S., as s. 985.494, F.S.; corrects cross-references.

Section 63. Creates s. 985.511, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 64. Renumbers s. 985.204, F.S., as s. 985.512, F.S.

Section 65. Renumbers s. 985.231(1)(e), F.S., as s. 985.513 F.S.; reinstates text that is struck by other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 66. Creates s. 985.514, F.S.; reinstates text that is struck by other sections of bill; corrects cross-references.

Section 67. Renumbers s. 985.234, F.S., as s. 985.534, F.S.; corrects a cross-reference; makes technical drafting changes.

Section 68. Renumbers ss. 985.235, and 985.236, F.S., as ss. 985.535, and 985.536, F.S., respectively.

Section 69. Renumbers s. 985.226, F.S., as 985.556, F.S.; amends section and subsection titles; strikes text that is reinstated in other sections of bill; corrects cross-references; makes technical drafting and conforming changes.

Section 70. Renumbers s. 985.227, F.S., as s. 985.557, F.S.; amends section and subsection titles; corrects cross-references; makes technical drafting and conforming changes.

Section 71. Renumbers s. 985.225, F.S., as s. 985.56, F.S.; corrects cross-references; makes technical drafting changes.

Section 72. Renumbers s. 985.233(1) through (4), F.S., as s. 985.565, F.S.; amends paragraph titles; adds text to reflect current context of ch. 985, F.S.; corrects cross-references; makes technical drafting and conforming changes.

Section 73. Renumbers s. 985.417, F.S., as s. 985.57, F.S.

Section 74. Renumbers s. 985.404(1) through (12), F.S., as s. 985.601, F.S.; strikes text that is reinstated in other sections of bill; changes reference to Department of Labor and Employment Security to Agency for Workforce Innovation; corrects cross-references; makes conforming changes.

Section 75. Renumbers 985.4043, F.S., as s. 985.6015, F.S.; makes technical drafting changes.

Section 76. Renumbers s. 985.3045, F.S., as s. 985.605, F.S.; amends section title; strikes obsolete language; reinstates text that is struck previously in section; correct cross-references; makes technical drafting and conforming changes.

Section 77. Renumbers s. 985.3046, F.S., as s. 985.606, F.S.; amends section title; strikes obsolete language.

Section 78. Renumbers s. 985.305, F.S., as s. 985.61, F.S.

Section 79. Renumbers s. 985.2066, F.S., as s. 985.614, F.S.; makes technical drafting changes.

Section 80. Renumbers s. 985.315, F.S., as s. 985.618, F.S.; corrects cross-references.

Section 81. Renumbers s. 985.3155, F.S., as s. 985.622, F.S.

Section 82. Renumbers s. 985.317, F.S., as s. 985.625, F.S.; corrects a cross-reference.

Section 83. Renumbers s. 985.419, F.S., as s. 985.629, F.S.

Section 84. Renumbers s. 985.412, F.S., as s. 985.632, F.S.

Section 85. Renumbers s. 985.42, F.S., as s. 985.636, F.S.

Section 86. Renumbers s. 985.405, F.S., as s. 985.64, F.S.; amend section title; makes technical drafting changes.

Section 87. Renumbers ss. 985.01(2) and 985.407(1) through (5), F.S., as s. 985.644, F.S.

Section 88. Renumbers s. 985.408, F.S., as s. 985.648, F.S.; corrects a cross-reference; makes technical drafting changes.

Section 89. Renumbers s. 985.409, F.S., as s. 985.652, F.S.

Section 90. Renumbers s. 985.406, F.S., as s. 985.66, F.S.; amends section title; corrects a cross-reference; makes technical drafting changes.

Section 91. Renumbers s. 985.4135, F.S., as 985.664, F.S.; corrects a cross-reference.

Section 92. Renumbers ss. 985.416 and 985.4145, F.S., as ss. 985.668 and 985.672, F.S., respectively.

Section 93. Renumbers s. 985.415, F.S., as s. 985.676, F.S.; corrects cross-references; makes technical drafting changes.

Section 94. Renumbers s. 985.41, F.S., as s. 985.682, F.S.; corrects a cross-reference; makes technical drafting changes.

Section 95. Renumbers s. 985.2155, F.S., as s. 985.686, F.S.

Section 96. Renumbers s. 985.411, F.S., as 985.688, F.S.; corrects cross-references; makes technical drafting changes.

Section 97. Renumbers ss. 985.4075, 985.4041, and 985.4042, F.S., as ss. 985.69, 985.692, and 985.694, F.S., respectively.

Section 98. Renumbers ss. 985.4045 and 985.4046, F.S., as ss. 985.701 and 985.711, F.S., respectively.

Section 99. Renumbers s. 985.3141, F.S., as 985.721, F.S.; corrects a cross-reference.

Section 100. Renumbers s. 985.2065, F.S., as s. 985.731, F.S.; makes technical drafting changes.

Section 101. Renumbers ss. 985.501, 985.502, 985.503, 985.504, 985.505, 985.506, and 985.507, F.S., as ss. 985.801, 985.802, 985.803, 985.804, 985.805, 985.805, and 986.807, F.S., respectively.

Section 102. Renumbers s. 985.5025, F.S., as s. 985.8025, F.S.; corrects a cross-reference.

Section 103. Repeals ss. 985.215(6), 985.231(1)(b), (c), (f), and (i) and (2) and 985.233(4)(d), F.S.

Section 104. Amends s. 29.004, F.S.; corrects a cross-reference.

Section 105. Amends s. 29.008, F.S.; corrects a cross-reference.

Section 106. Amends s. 253.025(17), F.S.; corrects a cross-reference.

Section 107. Amends s. 318.21(1), F.S.; corrects a cross-reference.

Section 108. Amends s. 397.334, F.S.; corrects a cross-reference.

Section 109. Amends s. 400.953(3), F.S.; corrects a cross-reference.

Section 110. Amends s. 419.001(1)(d), F.S.; corrects a cross-reference.

Section 111. Amends s. 435.04(2)(tt) and (uu); corrects cross-references.

Section 112. Amends s. 790.115(4), F.S.; corrects cross-references.

Section 113. Amends s. 790.22(8) and (9), F.S.; corrects cross-references.

Section 114. Amends s. 921.0022(3)(c), F.S.; corrects a cross-reference.

Section 115. Amends s. 938.10, F.S.; corrects a cross-reference.

Section 116. Amends s. 943.053(9), F.S.; corrects a cross-reference.

Section 117. Amends s. 943.0582, F.S.; corrects a cross-reference.

Section 118. Amends s. 943.0585(4)(a), F.S.; corrects a cross-reference.

Section 119. Amends s. 943.059(4)(a), F.S.; corrects a cross-reference.

Section 120. Amends s. 948.51(2), F.S.; corrects a cross-reference.

Section 121. Amends s. 958.046, F.S.; corrects a cross-reference.

Section 122. Amends s. 960.001(1)(b) and (j), F.S.; corrects cross-references.

Section 123. Amends s. 984.03(48), F.S.; corrects a cross-reference.

Section 124. Amends s. 984.05, F.S.; corrects a cross-reference.

Section 125. Amends s. 984.09(4)(b), F.S.; corrects a cross-reference.

Section 126. Amends s. 984.226(2) and (6), F.S.; corrects cross-references.

Section 127. Amends s. 1003.52(22), F.S.; corrects a cross-reference.

Section 128. Amends s. 1006.08(2), F.S.; corrects a cross-reference.

Section 129. Amends s. 1006.13(5)(a), F.S.; corrects a cross-reference.

Section 130. Amends s. 1012.797(1), F.S.; corrects a cross-reference.

Section 131. Provides an effective date of January 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The DJJ states that the bill's renumbering and reorganization of ch. 985, F.S., will require republication of department forms, policies, manuals, and contracts that contain references to current ch. 985, F.S., sections. The DJJ anticipates that printing and labor costs for such republication will be less than $5,000. It is also expected that Florida's court system may incur minimal costs for republication. Representatives from the Office of the State Court Administrator have indicated that such costs can be absorbed by existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to juvenile justice; reorganizing ch. 985,
3 F.S.; providing new section numbers and part titles;
4 amending s. 985.01, F.S., relating to purposes and intent
5 for the chapter; amending s. 985.02, F.S., relating to the
6 legislative intent for the juvenile justice system;
7 revising a reference and cross-references to conform;
8 amending s. 985.03, F.S., relating to definitions for the
9 chapter; amending, renumbering, and revising references
10 and cross-references to conform; creating s. 985.0301,
11 F.S., relating to the jurisdiction of the juvenile court;
12 amending and renumbering s. 985.201, F.S.; amending and
13 renumbering a provision of s. 985.219, F.S., that relates
14 to such jurisdiction; revising references and cross-
15 references to conform; creating s. 985.032, F.S., relating
16 to legal representation for delinquency cases; renumbering
17 s. 985.202, F.S.; creating s. 985.033, F.S., relating to
18 the right to counsel; amending and renumbering s. 985.203,
19 F.S.; revising references to conform; creating s. 985.035,
20 F.S., relating to open hearings; renumbering s. 985.205,
21 F.S.; creating s. 985.036, F.S., relating to the rights of
22 victims in juvenile proceedings; amending and renumbering
23 s. 985.206, F.S.; providing for the release of certain
24 information to victims; creating s. 985.037, F.S.,
25 relating to punishment for contempt of court and
26 alternative sanctions; amending and renumbering s.
27 985.216, F.S.; revising provisions relating to contempt of
28 court; creating s. 985.039, F.S., relating to cost of
29 supervision and care; amending and renumbering s.

30 985.2311, F.S.; amending and renumbering s. 985.04, F.S.;
31 clarifying a provision relating to the release of certain
32 information; revising references and cross-references to
33 conform; creating s. 985.045, F.S., relating to court
34 records; amending and renumbering s. 985.05, F.S.;
35 revising references and cross-references to conform;
36 creating s. 985.046, F.S., relating to the statewide
37 information-sharing system and interagency workgroup;
38 renumbering s. 985.06, F.S.; creating s. 985.047, F.S.,
39 relating to information systems; renumbering s. 985.08,
40 F.S.; creating s. 985.101, F.S., relating to taking a
41 child into custody; amending and renumbering s. 985.207,
42 F.S.; creating s. 985.105, F.S., relating to intake and
43 case management; renumbering a provision of s. 985.215,
44 F.S., relating to transporting a child who has been taken
45 into custody; revising a reference and cross-references to
46 conform; creating s. 985.105, F.S., relating to youth
47 custody officers; amending and renumbering s. 985.2075,
48 F.S.; creating s. 985.11, F.S., relating to fingerprinting
49 and photographing; amending and renumbering s. 985.212,
50 F.S.; revising a cross-reference to conform; creating s.
51 985.115, F.S., relating to release or delivery from
52 custody; amending and renumbering provisions of s.
53 985.211, F.S., that relate to such release or delivery;
54 revising cross-references to conform; creating s. 985.12,
55 F.S., relating to civil citations; amending and
56 renumbering s. 985.301, F.S.; revising a cross-reference
57 to conform; creating s. 985.125, F.S., relating to
58 prearrest or postarrest diversion programs; renumbering s.

59 985.3065, F.S.; creating s. 985.13, F.S., relating to
60 probable cause affidavits; amending and renumbering
61 provisions of s. 985.211, F.S., that relate to probable
62 cause affidavits and certain requirements upon the taking
63 of a child into custody; revising cross-references to
64 conform; creating s. 985.135, F.S., relating to juvenile
65 assessment centers; amending and renumbering s. 985.209,
66 F.S.; creating s. 985.14, F.S., relating to the intake and
67 case management system; amending, renumbering, and
68 redesignating provisions of s. 985.21, F.S., that relate
69 to intake and case management; revising cross-references
70 to conform; creating s. 985.145, F.S., relating to the
71 responsibilities of the juvenile probation officer during
72 intake and to screenings and assessments; amending and
73 redesignating provisions of s. 985.21, F.S., that relate
74 to such responsibilities, screenings, and assessments;
75 revising cross-references to conform; creating s. 985.15,
76 F.S., relating to filing decisions in juvenile cases;
77 revising cross-references to conform; creating s. 985.155,
78 F.S., relating to neighborhood restorative justice;
79 renumbering s. 985.303, F.S.; creating s. 985.16, F.S.,
80 relating to community arbitration; amending and
81 renumbering s. 985.304; F.S.; revising a reference to
82 conform; creating s. 985.18, F.S., relating to medical,
83 psychiatric, psychological, substance abuse, and
84 educational examination and treatment; renumbering s.
85 985.224, F.S.; redesignating a provision of s. 985.215,
86 F.S., that relates to comprehensive evaluations of certain
87 youth; creating s. 985.185, F.S., relating to evaluations

88 for dispositions; amending and renumbering provisions of
89 s. 985.229, F.S., that relate to such evaluations;
90 creating s. 985.19, F.S., relating to incompetency in
91 juvenile delinquency cases; renumbering s. 985.223, F.S.;
92 creating s. 985.195, F.S., relating to transfer to other
93 treatment services; renumbering s. 985.418, F.S.; creating
94 s. 985.24, F.S., relating to the use of detention and to
95 prohibitions on the use of detention; renumbering
96 provisions of s. 985.213, F.S., that relate to the use of
97 detention; renumbering s. 985.214, F.S.; creating s.
98 985.245, F.S., relating to the risk assessment instrument;
99 amending and renumbering a provision of s. 985.213, F.S.,
100 that relates to such instrument; revising cross-references
101 to conform; creating s. 985.25, F.S., relating to
102 detention intake; amending, renumbering, and redesignating
103 provisions of s. 985.215, F.S., that relate to detention
104 intake; revising cross-references to conform; creating s.
105 985.255, F.S., relating to detention criteria and
106 detention hearings; amending and renumbering a provision
107 of s. 985.215, F.S., that relates to such criteria and
108 hearings; revising cross-references to conform; revising a
109 cross-reference to conform; creating s. 985.26, F.S.,
110 relating to length of detention; amending, renumbering,
111 and redesignating provisions of s. 985.215, F.S., that
112 relate to length of detention; revising cross-references
113 to conform; creating s. 985.265, F.S., relating to
114 detention transfer and release, education of juvenile
115 offenders while in detention or on detention status, and
116 holding of juvenile offenders in adult jails; amending and

117 renumbering provisions of s. 985.215, F.S., that relate to
118 transfer, release, and holding juvenile offenders in adult
119 jails; renumbering a provision of s. 985.213, F.S., that
120 relates to education of juvenile offenders while in
121 detention or on detention status; revising references and
122 cross-references to conform; creating s. 985.27, F.S.,
123 relating to postcommitment detention of juvenile offenders
124 while such offenders are awaiting residential placement;
125 amending and redesignating provisions of s. 985.215, F.S.,
126 that relate to such detention; limiting the use of such
127 detention; revising references to "detention" to clarify
128 that such term means "secure detention" in certain
129 circumstances; creating s. 985.275, F.S., relating to the
130 detention of an escapee; amending and renumbering s.
131 985.208, F.S.; revising a cross-reference to conform;
132 creating s. 985.318, F.S., relating to petitions;
133 renumbering s. 985.218, F.S.; creating s. 985.319, F.S.,
134 relating to process and service; renumbering provisions of
135 s. 985.219, F.S., that relate to process and service;
136 creating s. 985.325, relating to prohibitions against
137 threatening or dismissing employees; amending and
138 renumbering s. 985.22, F.S.; revising cross-references to
139 conform; creating s. 985.331, F.S., relating to court and
140 witness fees; renumbering s. 985.221, F.S.; creating s.
141 985.335, F.S., relating to answering a petition;
142 renumbering s. 985.222, F.S.; creating s. 985.345, F.S.,
143 relating to delinquency pretrial intervention programs;
144 renumbering s. 985.306, F.S.; creating s. 985.35, F.S.,
145 relating to adjudicatory hearings, withholding of

146 adjudication, and orders of adjudication; amending and
147 renumbering s. 985.228, F.S.; repealing a provision
148 prohibiting a person from possessing a firearm in certain
149 circumstances; revising a reference and cross-references
150 to conform; creating s. 985.43, F.S., relating to
151 predisposition reports and other evaluations; amending and
152 renumbering provisions of s. 985.229, F.S., that relate to
153 such reports and evaluations; revising cross-references to
154 conform; creating s. 985.433, F.S., relating to
155 disposition hearings in delinquency cases; amending and
156 renumbering s. 985.23, F.S.; clarifying who is considered
157 a party to a juvenile case; specifying who must be given
158 an opportunity to comment on the issue of disposition;
159 revising cross-references to conform; amending a provision
160 of s. 985.231, F.S., relating to requirement of written
161 disposition orders; creating s. 985.435, F.S., relating to
162 probation, postcommitment probation, and community
163 service; amending and redesignating a provision of s.
164 985.231, F.S., relating to probation, postcommitment
165 probation, and community control; creating s. 985.437,
166 F.S., relating to restitution; revising a reference and
167 cross-reference to conform; creating s. 985.439, F.S.,
168 relating to violations of probation or postcommitment
169 probation; revising cross-references to conform; creating
170 s. 985.441, F.S., relating to commitment; providing a
171 requirement for commitment of a child as a juvenile sexual
172 offender; revising cross-references to conform; creating
173 s. 985.442, F.S., relating to the form of commitment;
174 renumbering s. 985.232, F.S.; creating s. 985.445, F.S.,

175 relating to disposition of delinquency cases involving
176 grand theft of a motor vehicle; amending and redesignating
177 a provision of s. 985.231, F.S., that relates to
178 disposition in such cases; creating s. 985.45, F.S.,
179 relating to liability and remuneration for work; amending
180 and redesignating a provision of s. 985.231, F.S., that
181 relates to liability and remuneration; creating s.
182 985.455, F.S., relating to other dispositional issues;
183 amending and redesignating provisions of s. 985.231, F.S.,
184 that relate to determination of sanctions, rehabilitation
185 programs, and certain contact with the victim subsequent
186 to disposition; redesignating provisions of s. 985.231,
187 F.S., that specify the duration of commitment and
188 suspension of disposition; revising a cross-reference to
189 conform; creating s. 985.46, F.S., relating to conditional
190 release; amending and renumbering s. 985.316, F.S.;
191 revising a cross-reference to conform; creating s.
192 985.465, F.S., relating to juvenile correctional
193 facilities and juvenile prisons; amending and renumbering
194 s. 985.313, F.S.; creating s. 985.47, F.S., relating to
195 serious and habitual juvenile offenders; amending and
196 renumbering a provision of s. 985.03, F.S., that relates
197 to such offenders; amending and renumbering s. 985.31,
198 F.S.; revising a reference and cross-references to
199 conform; creating s. 985.475, F.S., relating to juvenile
200 sexual offenders; amending and renumbering a provision of
201 s. 985.03, F.S., that relates to such offenders; revising
202 a cross-reference to conform; amending and renumbering a
203 provision of s. 985.231, F.S., that relates to such

204 offenders; revising cross-references to conform; creating
205 s. 985.48, F.S., relating to juvenile sexual offender
206 commitment programs and sexual abuse intervention
207 networks; renumbering s. 985.308, F.S.; creating s.
208 985.483, F.S., relating to intensive residential treatment
209 programs for juvenile offenders less than 13 years of age;
210 amending and renumbering a provision of s. 985.03, F.S.,
211 that relates to such offenders; amending and renumbering
212 s. 985.311, F.S.; revising cross-references to conform;
213 creating s. 985.486, F.S, relating to the prerequisites
214 for commitment of juvenile offenders less than 13 years of
215 age to intensive residential treatment programs; amending
216 and renumbering s. 985.312, F.S.; revising cross-
217 references to conform; creating s. 985.489, F.S., relating
218 to boot camp for children; amending and renumbering s.
219 985.309, F.S.; revising cross-references to conform;
220 creating s. 985.494, F.S., relating to commitment programs
221 for juvenile felony offenders; amending and renumbering s.
222 985.314, F.S.; revising cross-references to conform;
223 creating s. 985.511, F.S., relating to the child's right
224 to counsel and the cost of representation; creating s.
225 985.512, F.S., relating to the powers of the court with
226 respect to certain children; renumbering s. 985.204, F.S.;
227 creating s. 985.513, F.S., relating to the powers of the
228 court over parents or guardians at disposition of the
229 child's case; amending and redesignating provisions of s.
230 985.231, F.S., that relate to such powers; revising cross-
231 references to conform; creating s. 985.514, F.S., relating
232 to the responsibilities of the parents or guardians of a

233 child for certain fees related to the cost of care;
234 revising a cross-reference to conform; creating s.
235 985.534, F.S., relating to appeals in juvenile cases;
236 renumbering s. 985.234, F.S.; creating s. 985.535, F.S.,
237 relating to time for taking appeal by the state;
238 renumbering s. 985.235, F.S.; creating s. 985.536, F.S.,
239 relating to orders or decisions when the state appeals;
240 renumbering s. 985.236, F.S.; creating s. 985.556, F.S.,
241 relating to voluntary and involuntary waivers of juvenile
242 court jurisdiction and hearings for such waivers; amending
243 and renumbering s. 985.226, F.S.; revising cross-
244 references to conform; creating s. 985.557, F.S., relating
245 to discretionary and mandatory criteria for the direct
246 filing of an information against a juvenile offender in
247 the criminal division of the circuit court; amending and
248 renumbering s. 985.227, F.S.; revising cross-references to
249 conform; creating s. 985.56, F.S., relating to indictment
250 of juvenile offenders; amending and renumbering s.
251 985.225, F.S.; revising a reference and cross-references
252 to conform; creating s. 985.565, F.S., relating to powers,
253 procedures, and alternatives available to the court when
254 sentencing juvenile offenders prosecuted as adults;
255 amending, renumbering, and redesignating provisions of s.
256 985.233, F.S., that relate to such powers, procedures, and
257 alternatives; revising cross-references to conform;
258 creating s. 985.57, F.S., relating to the transfer of
259 children from the Department of Corrections to the
260 Department of Juvenile Justice; renumbering s. 985.417;
261 creating s. 985.601, F.S., relating to administering the

262 juvenile justice continuum; renumbering provisions of s.
263 985.404, F.S., that relate to such administration;
264 amending and renumbering s. 985.4043, F.S.; creating s.
265 985.6015, F.S., relating to the Shared County/State
266 Juvenile Detention Trust Fund; creating s. 985.605, F.S.,
267 relating to requirements for prevention service programs;
268 amending and renumbering s. 985.3045, F.S.; revising
269 cross-references to conform; creating s. 985.606, F.S.,
270 relating to requirements for agencies and entities
271 providing prevention services; amending and renumbering s.
272 985.3046, F.S.; revising a cross-reference to conform;
273 creating s. 985.61, F.S., relating to criteria for early
274 delinquency intervention programs; renumbering s. 985.305,
275 F.S.; creating s. 985.614, F.S., relating to interagency
276 cooperation for children who are locked out of their
277 homes; amending and renumbering s. 985.2066, F.S.;
278 creating s. 985.618, F.S., relating to educational and
279 career-related programs; amending and renumbering s.
280 985.315, F.S.; revising a cross-reference to conform;
281 creating s. 985.622, F.S., relating to a multiagency plan
282 for vocational education; renumbering s. 985.3155, F.S.;
283 creating s. 985.625, F.S., relating to literacy programs
284 for juvenile offenders; amending and renumbering s.
285 985.317, F.S.; revising a cross-reference to conform;
286 creating s. 985.629, F.S., relating to contracts for the
287 transfer of Florida children in federal custody;
288 renumbering s. 985.419, F.S.; creating s. 985.632, F.S.,
289 relating to quality assurance and cost-effectiveness;
290 renumbering s. 985.412, F.S.; creating s. 985.636, F.S.,

291 relating to the Office of the Inspector General within the
292 Department of Juvenile Justice; renumbering s. 985.42,
293 F.S.; creating s. 985.64, F.S., relating to the authority
294 of the Department of Juvenile Justice to adopt rules;
295 amending and renumbering s. 985.405, F.S.; creating s.
296 985.644, F.S., relating to the contracting powers and the
297 personnel standards and screening requirements of the
298 Department of Juvenile Justice; renumbering a provision of
299 s. 985.01, F.S., that relates to such powers; renumbering
300 s. 985.407, F.S.; creating s. 985.648, F.S., relating to
301 consultants; renumbering s. 985.408, F.S.; creating s.
302 985.652, F.S., relating to participation of certain
303 juvenile programs in the State Risk Management Trust Fund;
304 renumbering s. 985.409, F.S.; creating s. 985.66, F.S.,
305 relating to juvenile justice training academies, the
306 Juvenile Justice Standards and Training Commission, and
307 the Juvenile Justice Trust Fund; amending and renumbering
308 s. 985.406, F.S.; revising a cross-reference to conform;
309 creating s. 985.664, F.S., relating to juvenile justice
310 circuit boards and juvenile justice county councils;
311 amending and renumbering s. 985.4135, F.S.; revising a
312 cross-reference to conform; creating s. 985.668, F.S.,
313 relating to innovation zones; renumbering s. 985.416,
314 F.S.; creating s. 985.672, F.S., relating to direct-
315 support organizations; renumbering s. 985.4145, F.S.;
316 creating s. 985.676, F.S., relating to community juvenile
317 justice partnership grants; amending and renumbering s.
318 985.415, F.S.; revising cross-references to conform;
319 creating s. 985.682, F.S., relating to studies and

320 criteria for siting juvenile facilities; amending and
321 renumbering s. 985.41, F.S.; creating s. 985.686, F.S.,
322 relating to shared county and state responsibility for
323 juvenile detention; renumbering s. 985.2155, F.S.;
324 creating s. 985.688, F.S., relating to administering
325 county and municipal delinquency programs and facilities;
326 amending and renumbering s. 985.411, F.S.; revising a
327 cross-reference to conform; creating s. 985.69, F.S.,
328 relating to one-time startup funding for juvenile justice
329 purposes; renumbering s. 985.4075, F.S.; creating s.
330 985.692, F.S., relating to the Juvenile Welfare Trust
331 Fund; renumbering s. 985.4041, F.S.; creating s. 985.694,
332 F.S., relating to the Juvenile Care and Maintenance Trust
333 Fund; renumbering s. 985.4042, F.S.; creating s. 985.701,
334 F.S., relating to prohibiting sexual misconduct, reporting
335 requirements, and penalties; renumbering s. 985.4045,
336 F.S.; creating s. 985.711, F.S., relating to penalties for
337 the introduction, removal, or possession of certain
338 articles; renumbering s. 985.4046, F.S.; creating s.
339 985.721, F.S., relating to escapes from secure detention
340 or residential commitment facilities; amending and
341 renumbering s. 985.3141, F.S.; revising a cross-reference
342 to conform; creating s. 985.731, F.S., relating to
343 sheltering or aiding unmarried minors; renumbering s.
344 985.2065, F.S.; creating s. 985.801, F.S., relating to
345 legislative findings, policy, and implementation of the
346 Interstate Compact on Juveniles; renumbering s. 985.501,
347 F.S.; creating s. 985.802, F.S., relating to execution of
348 the interstate compact; renumbering s. 985.502, F.S.;

349 creating s. 985.803, F.S., relating to the administrator
350 of the juvenile compact; renumbering s. 985.503, F.S.;
351 creating s. 985.804, F.S., relating to supplementary
352 agreements to the compact; renumbering s. 985.504, F.S.;
353 creating s. 985.805, F.S., relating to financial
354 arrangements related to the compact; renumbering s.
355 985.505, F.S.; creating s. 985.806, F.S., relating to the
356 responsibilities of state departments, agencies, and
357 officers; renumbering s. 985.506, F.S.; creating s.
358 985.807, F.S., relating to procedures in addition to those
359 provided under the compact; renumbering s. 985.507, F.S.;
360 creating s. 985.8025, F.S., relating to the State Council
361 for Interstate Juvenile Offender Supervision; renumbering
362 s. 985.5023, F.S.; repealing ss. 985.215(6),
363 985.231(1)(b), (c), (f), and (i), and (2) and
364 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025,
365 318.21, 397.334, 400.953, 419.001, 435.04, 790.115,
366 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585,
367 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09,
368 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.;
369 conforming cross-references; providing an effective date.
370
371 WHEREAS, the Legislature recognizes that chapter 985,
372 Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON
373 JUVENILES," which sets forth the policies and procedures
374 applicable to Florida's juvenile justice system, has become
375 disjointed and unorganized due to numerous amendments since its
376 original enactment and that, as a result, it is difficult for

377 judges, attorneys, affected parties, and the public to use the
378 chapter in practice, and
379 WHEREAS, the Legislature recognizes that chapter 985,
380 Florida Statutes, would be better organized and easier to use if
381 it provided a chronological presentation of delinquency
382 proceedings from the introduction of the child into the juvenile
383 justice system to the child's case outcome and if each section of
384 the chapter was topically organized to contain all related
385 policies and procedures, and
386 WHEREAS, the Legislature intends for the following
387 legislation to strictly effect a technical reorganization of
388 chapter 985, Florida Statutes, without any substantive change to
389 its contents, for the purpose of simplifying the chapter's
390 presentation and providing greater clarity for its users, NOW,
391 THEREFORE,
392
393 Be It Enacted by the Legislature of the State of Florida:
394
395 Section 1. The provisions of chapter 985, Florida Statutes,
396 are substantially reorganized and renumbered or redesignated as
397 follows:
398 (1) Chapter 985, Florida Statutes, is retitled "JUVENILE
399 JUSTICE; INTERSTATE COMPACT ON JUVENILES."
400 (2) Part I of chapter 985, Florida Statutes, consisting of
401 ss. 985.01, 985.02, 985.03, 985.0301, 985.032, 985.033, 985.035,
402 985.036, 985.037, and 985.039, Florida Statutes, is titled
403 "GENERAL PROVISIONS."
404 (3) Part II of chapter 985, Florida Statutes, consisting of
405 ss. 985.04, 985.045, 985.046, and 985.047, Florida Statutes, is

406 retitled "RECORDS AND INFORMATION."
407 (4) Part III of chapter 985, Florida Statutes, consisting
408 of ss. 985.101, 985.105, 985.11, 985.115, 985.12, 985.125,
409 985.13, 985.135, 985.14, 985.145, 985.15, 985.155, and 985.16,
410 Florida Statutes, is retitled "CUSTODY AND INTAKE; INTERVENTION
411 AND DIVERSION."
412 (5) Part IV of chapter 985, Florida Statutes, consisting of
413 ss. 985.18, 985.185, 985.19, and 985.195, Florida Statutes, is
414 retitled "EXAMINATIONS AND EVALUATIONS."
415 (6) Part V of chapter 985, Florida Statutes, consisting of
416 ss. 985.24, 985.245, 985.25, 985.255, 985.26, 985.265, 985.27,
417 and 985.275, Florida Statutes, is retitled "DETENTION."
418 (7) Part VI of chapter 985, Florida Statutes, consisting of
419 ss. 985.318, 985.319, 985.325, 985.331, 985.335, 985.345, and
420 985.35, Florida Statutes, is created and entitled "PETITION,
421 ARRAIGNMENT, AND ADJUDICATION."
422 (8) Part VII of chapter 985, Florida Statutes, consisting
423 of ss. 985.43, 985.433, 985.435, 985.437, 985.439, 985.441,
424 985.442, 985.445, 985.45, 985.455, 985.46, 985.465, 985.47,
425 985.475, 985.48, 985.483, 985.486, 985.489, and 985.494, Florida
426 Statutes, is created and entitled "DISPOSITION; POSTDISPOSITION."
427 (9) Part VIII of chapter 985, Florida Statutes, consisting
428 of ss. 985.511, 985.512, 985.513, and 985.514, Florida Statutes,
429 is created and entitled "AUTHORITY OF THE COURT OVER PARENTS OR
430 GUARDIANS."
431 (10) Part IX of chapter 985, Florida Statutes, consisting
432 of ss. 985.534, 985.535, and 985.536, Florida Statutes, is
433 created and entitled "APPEAL."
434 (11) Part X of chapter 985, Florida Statutes, consisting of

435 ss. 985.556, 985.557, 985.56, 985.565, and 985.57, Florida
436 Statutes, is created and entitled "TRANSFER TO ADULT COURT."
437 (12) Part XI of chapter 985, Florida Statutes, consisting
438 of ss. 985.601, 985.6015, 985.605, 985.606, 985.61, 985.614,
439 985.618, 985.622, 985.625, 985.629, 985.632, 985.636, 985.64,
440 985.644, 985.648, 985.652, 985.66, 985.664, 985.668, 985.672,
441 985.676, 985.68, 985.682, 985.686, 985.688, 985.69, 985.692, and
442 985.694, Florida Statutes, is created and entitled "DEPARTMENT OF
443 JUVENILE JUSTICE."
444 (13) Part XII of chapter 985, Florida Statutes, consisting
445 of ss. 985.701, 985.711, 985.721, and 985.731, Florida Statutes,
446 is created and entitled "MISCELLANEOUS OFFENSES."
447 (14) Part XIII of chapter 985, Florida Statutes, consisting
448 of ss. 985.801, 985.802, 985.8025, 985.803, 985.804, 985.805,
449 985.806, and 985.807, Florida Statutes, is created and entitled
450 "INTERSTATE COMPACT ON JUVENILES."
451 Section 2. Paragraph (f) of subsection (1) and subsection
452 (3) of section 985.01, Florida Statutes, are amended to read:
453 985.01 Purposes and intent~~; personnel standards and~~
454 ~~screening~~.--
455 (1) The purposes of this chapter are:
456 (f) To provide children committed to the department ~~of~~
457 ~~Juvenile Justice~~ with training in life skills, including career
458 education.
459 (2)~~(3)~~ It is the intent of the Legislature that this
460 chapter be liberally interpreted and construed in conformity with
461 its declared purposes.
462 Section 3. Paragraph (a) of subsection (4) of section
463 985.02, Florida Statutes, is amended to read:

464 985.02 Legislative intent for the juvenile justice
465 system.--
466 (4) DETENTION.--
467 (a) The Legislature finds that there is a need for a secure
468 placement for certain children alleged to have committed a
469 delinquent act. The Legislature finds that detention ~~under part~~
470 ~~II~~ should be used only when less restrictive interim placement
471 alternatives prior to adjudication and disposition are not
472 appropriate. The Legislature further finds that decisions to
473 detain should be based in part on a prudent assessment of risk
474 and be limited to situations where there is clear and convincing
475 evidence that a child presents a risk of failing to appear or
476 presents a substantial risk of inflicting bodily harm on others
477 as evidenced by recent behavior; presents a history of committing
478 a serious property offense prior to adjudication, disposition, or
479 placement; has acted in direct or indirect contempt of court; or
480 requests protection from imminent bodily harm.
481 Section 4. Subsections (1) through (6), (8) through (31),
482 (33) through (48), and (50) through (60) of section 985.03,
483 Florida Statutes, are renumbered, respectively, as subsections
484 (1) through (6), (7) through (30), (31) through (46), and (47)
485 through (57), and subsections (2), (9), (16), (21), (22), (46),
486 and (60) of that section are amended, to read:
487 985.03 Definitions.--As used in this chapter, the term:
488 (2) "Adjudicatory hearing" means a hearing for the court to
489 determine whether or not the facts support the allegations stated
490 in the petition, as is provided for under s. 985.35 ~~985.228~~ in
491 delinquency cases.
492 (8) ~~(9)~~ "Child who has been found to have committed a

493 delinquent act" means a child who, under this chapter, is found
494 by a court to have committed a violation of law or to be in
495 direct or indirect contempt of court, except that this definition
496 does not include an act constituting contempt of court arising
497 out of a dependency proceeding or a proceeding concerning a child
498 or family in need of services ~~under part III of this chapter~~.
499 (15) ~~(16)~~ (a) "Delinquency program" means any intake,
500 probation, or similar program; regional detention center or
501 facility; or community-based program, whether owned and operated
502 by or contracted by the department, or institution owned and
503 operated by or contracted by the department, which provides
504 intake, supervision, or custody and care of children who are
505 alleged to be or who have been found to be delinquent under this
506 chapter ~~part II~~.
507 (b) "Delinquency program staff" means supervisory and
508 direct care staff of a delinquency program as well as support
509 staff who have direct contact with children in a delinquency
510 program.
511 (c) "Delinquency prevention programs" means programs
512 designed for the purpose of reducing the occurrence of
513 delinquency, including youth and street gang activity, and
514 juvenile arrests. The term excludes arbitration, diversionary or
515 mediation programs, and community service work or other treatment
516 available subsequent to a child committing a delinquent act.
517 (20) ~~(21)~~ "Detention hearing" means a hearing for the court
518 to determine if a child should be placed in temporary custody, as
519 provided for under part V ~~ss. 985.213 and 985.215~~ in delinquency
520 cases.
521 (21) ~~(22)~~ "Disposition hearing" means a hearing in which the

522 court determines the most appropriate dispositional services in
523 the least restrictive available setting provided for under part
524 VII ~~s. 985.231~~, in delinquency cases.
525 (44) ~~(46)~~ "Restrictiveness level" means the level of
526 programming and security provided by programs that service the
527 supervision, custody, care, and treatment needs of committed
528 children. Sections 985.721 ~~985.3141~~ and 985.601(10) ~~985.404(11)~~
529 apply to children placed in programs at any residential
530 commitment level. The restrictiveness levels of commitment are as
531 follows:
532 (a) Minimum-risk nonresidential.--Programs or program
533 models at this commitment level work with youth who remain in the
534 community and participate at least 5 days per week in a day
535 treatment program. Youth assessed and classified for programs at
536 this commitment level represent a minimum risk to themselves and
537 public safety and do not require placement and services in
538 residential settings. Youth in this level have full access to,
539 and reside in, the community. Youth who have been found to have
540 committed delinquent acts that involve firearms, that are sexual
541 offenses, or that would be life felonies or first degree felonies
542 if committed by an adult may not be committed to a program at
543 this level.
544 (b) Low-risk residential.--Programs or program models at
545 this commitment level are residential but may allow youth to have
546 unsupervised access to the community. Youth assessed and
547 classified for placement in programs at this commitment level
548 represent a low risk to themselves and public safety but do
549 require placement and services in residential settings. Children
550 who have been found to have committed delinquent acts that

551 involve firearms, delinquent acts that are sexual offenses, or
552 delinquent acts that would be life felonies or first degree
553 felonies if committed by an adult shall not be committed to a
554 program at this level.
555 (c) Moderate-risk residential.--Programs or program models
556 at this commitment level are residential but may allow youth to
557 have supervised access to the community. Facilities are either
558 environmentally secure, staff secure, or are hardware-secure with
559 walls, fencing, or locking doors. Facilities shall provide 24-
560 hour awake supervision, custody, care, and treatment of
561 residents. Youth assessed and classified for placement in
562 programs at this commitment level represent a moderate risk to
563 public safety and require close supervision. The staff at a
564 facility at this commitment level may seclude a child who is a
565 physical threat to himself or herself or others. Mechanical
566 restraint may also be used when necessary.
567 (d) High-risk residential.--Programs or program models at
568 this commitment level are residential and do not allow youth to
569 have access to the community except that, temporary release
570 providing community access for up to 72 continuous hours may be
571 approved by a court for a youth who has made successful progress
572 in his or her program in order for the youth to attend a family
573 emergency or, during the final 60 days of his or her placement,
574 to visit his or her home, enroll in school or a vocational
575 program, complete a job interview, or participate in a community
576 service project. High-risk residential facilities are hardware-
577 secure with perimeter fencing and locking doors. Facilities shall
578 provide 24-hour awake supervision, custody, care, and treatment
579 of residents. Youth assessed and classified for this level of

580 placement require close supervision in a structured residential
581 setting. Placement in programs at this level is prompted by a
582 concern for public safety that outweighs placement in programs at
583 lower commitment levels. The staff at a facility at this
584 commitment level may seclude a child who is a physical threat to
585 himself or herself or others. Mechanical restraint may also be
586 used when necessary. The facility may provide for single cell
587 occupancy.
588 (e) Maximum-risk residential.--Programs or program models
589 at this commitment level include juvenile correctional facilities
590 and juvenile prisons. The programs are long-term residential and
591 do not allow youth to have access to the community. Facilities
592 are maximum-custody hardware-secure with perimeter security
593 fencing and locking doors. Facilities shall provide 24-hour awake
594 supervision, custody, care, and treatment of residents. The staff
595 at a facility at this commitment level may seclude a child who is
596 a physical threat to himself or herself or others. Mechanical
597 restraint may also be used when necessary. The facility shall
598 provide for single cell occupancy, except that youth may be
599 housed together during prerelease transition. Youth assessed and
600 classified for this level of placement require close supervision
601 in a maximum security residential setting. Placement in a program
602 at this level is prompted by a demonstrated need to protect the
603 public.
604 (57) ~~(60)~~ "Waiver hearing" means a hearing provided for
605 under s. 985.556(4) ~~985.226(3)~~.
606 Section 5. Section 985.201, Florida Statutes, is amended
607 and renumbered as section 985.0301, Florida Statutes, and
608 subsection (8) of section 985.219, Florida Statutes, is amended

609 and renumbered as subsection (2) of section 985.0301, Florida
610 Statutes, to read:
611 985.0301 ~~985.201~~ Jurisdiction.--
612 (1) The circuit court has exclusive original jurisdiction
613 of proceedings in which a child is alleged to have committed a
614 delinquent act or violation of law.
615 (2) ~~(8)~~ The jurisdiction of the court shall attach to the
616 child and the case when the summons is served upon the child and
617 a parent or legal or actual custodian or guardian of the child,
618 or when the child is taken into custody with or without service
619 of summons and before or after the filing of a petition,
620 whichever first occurs, and thereafter the court may control the
621 child and the case in accordance with this chapter ~~part~~.
622 (3) ~~(2)~~ During the prosecution of any violation of law
623 against any person who has been presumed to be an adult, if it is
624 shown that the person was a child at the time the offense was
625 committed and that the person does not meet the criteria for
626 prosecution and sentencing as an adult, the court shall
627 immediately transfer the case, together with the physical custody
628 of the person and all physical evidence, papers, documents, and
629 testimony, original and duplicate, connected therewith, to the
630 appropriate court for proceedings under this chapter. The circuit
631 court is exclusively authorized to assume jurisdiction over any
632 juvenile offender who is arrested and charged with violating a
633 federal law or a law of the District of Columbia, who is found or
634 is living or domiciled in a county in which the circuit court is
635 established, and who is surrendered to the circuit court as
636 provided in 18 U.S.C. s. 5001.

637 (4) ~~(3)~~ (a) Petitions alleging delinquency ~~filed under this~~
638 ~~part~~ shall be filed in the county where the delinquent act or
639 violation of law occurred, but the circuit court for that county
640 may transfer the case to the circuit court of the circuit in
641 which the child resides or will reside at the time of detention
642 or placement for dispositional purposes. A child who has been
643 detained shall be transferred to the appropriate detention center
644 or facility or other placement directed by the receiving court.
645 (b) The jurisdiction to be exercised by the court when a
646 child is taken into custody before the filing of a petition under
647 subsection (2) ~~s. 985.219(8)~~ shall be exercised by the circuit
648 court for the county in which the child is taken into custody,
649 which court shall have personal jurisdiction of the child and the
650 child's parent or legal guardian. Upon the filing of a petition
651 in the appropriate circuit court, the court that is exercising
652 initial jurisdiction of the person of the child shall, if the
653 child has been detained, immediately order the child to be
654 transferred to the detention center or facility or other
655 placement as ordered by the court having subject matter
656 jurisdiction of the case.
657 (5) ~~(4)~~ (a) Notwithstanding ss. 743.07, 985.43 ~~985.229~~,
658 985.433 ~~985.23~~, 985.435, 985.439, and 985.441 ~~985.231~~, and except
659 as provided in ss. 985.465 and 985.47 ~~985.31~~ and paragraph (f)
660 ~~985.313~~, when the jurisdiction of any child who is alleged to
661 have committed a delinquent act or violation of law is obtained,
662 the court shall retain jurisdiction, unless relinquished by its
663 order, until the child reaches 19 years of age, with the same
664 power over the child that the court had prior to the child
665 becoming an adult.

666 (b) Notwithstanding ss. 743.07 and 985.455(3), and except
667 as provided in s. 985.47, the term of any order placing a child
668 in a probation program must be until the child's 19th birthday
669 unless he or she is released by the court on the motion of an
670 interested party or on his or her own motion.
671 (c) Notwithstanding ss. 743.07 and 985.455(3), and except
672 as provided in s. 985.47, the term of the commitment must be
673 until the child is discharged by the department or until he or
674 she reaches the age of 21 years. Notwithstanding ss. 743.07,
675 985.435, 985.437, 985.439, 985.441, 985.445, 985.455, and 985.513
676 and except as provided in this section and s. 985.47, a child may
677 not be held under a commitment from a court under s. 985.439, s.
678 985.441(1)(a) or (b), s. 985.445, or s. 985.455 after becoming 21
679 years of age.
680 (d) ~~(b)1.~~ The court may retain jurisdiction over a child
681 committed to the department for placement in a juvenile prison or
682 in a high-risk or maximum-risk residential commitment program to
683 allow the child to participate in a juvenile conditional release
684 program pursuant to s. 985.46 ~~985.316~~. In no case shall the
685 jurisdiction of the court be retained beyond the child's 22nd
686 birthday. However, if the child is not successful in the
687 conditional release program, the department may use the transfer
688 procedure under s. 985.441(3) ~~985.404~~.
689 (e) ~~2.~~ The court may retain jurisdiction over a child
690 committed to the department for placement in an intensive
691 residential treatment program for 10-year-old to 13-year-old
692 offenders, in the residential commitment program in a juvenile
693 prison, in a residential sex offender program, or in a program
694 for serious or habitual juvenile offenders as provided in s.

695 985.47 ~~985.311~~ or s. 985.483 ~~985.31~~ until the child reaches the
696 age of 21. If the court exercises this jurisdiction retention, it
697 shall do so solely for the purpose of the child completing the
698 intensive residential treatment program for 10-year-old to 13-
699 year-old offenders, in the residential commitment program in a
700 juvenile prison, in a residential sex offender program, or the
701 program for serious or habitual juvenile offenders. Such
702 jurisdiction retention does not apply for other programs, other
703 purposes, or new offenses.
704 (f) The court may retain jurisdiction over a child
705 committed to a juvenile correctional facility or a juvenile
706 prison until the child reaches the age of 21 years, specifically
707 for the purpose of allowing the child to complete such program.
708 (g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious
709 or habitual juvenile offender shall not be held under commitment
710 from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565
711 after becoming 21 years of age. This subparagraph shall apply
712 only for the purpose of completing the serious or habitual
713 juvenile offender program under this chapter and shall be used
714 solely for the purpose of treatment.
715 2. The court may retain jurisdiction over a child who has
716 been placed in a program or facility for serious or habitual
717 juvenile offenders until the child reaches the age of 21,
718 specifically for the purpose of the child completing the program.
719 (h) The court may retain jurisdiction over a juvenile
720 sexual offender who has been placed in a program or facility for
721 juvenile sexual offenders until the juvenile sexual offender
722 reaches the age of 21, specifically for the purpose of completing
723 the program.

724 (i) ~~(c)~~ The court may retain jurisdiction over a child and
725 the child's parent or legal guardian whom the court has ordered
726 to pay restitution until the restitution order is satisfied. To
727 retain jurisdiction, the court shall enter a restitution order,
728 which is separate from any disposition or order of commitment, on
729 or prior to the date that the court's jurisdiction would cease
730 under this section. The contents of the restitution order shall
731 be limited to the child's name and address, the name and address
732 of the parent or legal guardian, the name and address of the
733 payee, the case number, the date and amount of restitution
734 ordered, any amount of restitution paid, the amount of
735 restitution due and owing, and a notation that costs, interest,
736 penalties, and attorney's fees may also be due and owing. The
737 terms of the restitution order are subject to ~~the provisions of~~
738 s. 775.089(5).
739 (j) ~~(d)~~ This subsection does not prevent the exercise of
740 jurisdiction by any court having jurisdiction of the child if the
741 child, after becoming an adult, commits a violation of law.
742 (6) The court may at any time enter an order ending its
743 jurisdiction over any child.
744 Section 6. Section 985.202, Florida Statutes, is renumbered
745 as section 985.032, Florida Statutes.
746 Section 7. Section 985.203, Florida Statutes, is renumbered
747 as section 985.033, Florida Statutes, subsections (2) through (4)
748 are redesignated subsections (3) through (5), subsection (1) of
749 that section is amended, and a new subsection (2) is added to
750 read:
751 985.033 ~~985.203~~ Right to counsel.--

752 (1) A child is entitled to representation by legal counsel
753 at all stages of any delinquency court proceedings under this
754 chapter ~~part~~. If the child and the parents or other legal
755 guardian are indigent and unable to employ counsel for the child,
756 the court shall appoint counsel under ~~pursuant to~~ s. 27.52.
757 Determination of indigence and costs of representation shall be
758 as provided by ss. 27.52 and 938.29. Legal counsel representing a
759 child who exercises the right to counsel shall be allowed to
760 provide advice and counsel to the child at any time subsequent to
761 the child's arrest, including prior to a detention hearing while
762 in secure detention care. A child shall be represented by legal
763 counsel at all stages of all court proceedings unless the right
764 to counsel is freely, knowingly, and intelligently waived by the
765 child. If the child appears without counsel, the court shall
766 advise the child of his or her rights with respect to
767 representation of court-appointed counsel.
768 (2) This section does not apply to transfer proceedings
769 under s. 985.441(3), unless the court sets a hearing to review
770 the transfer.
771 Section 8. Section 985.205, Florida Statutes, is renumbered
772 as section 985.035, Florida Statutes.
773 Section 9. Section 985.206, Florida Statutes, is renumbered
774 as section 985.036, Florida Statutes, and amended to read:
775 985.036 ~~985.206~~ Rights of victims; juvenile proceedings.--
776 (1) Nothing in this chapter prohibits:
777 (a) ~~(1)~~ The victim of the offense;
778 (b) ~~(2)~~ The victim's parent or guardian if the victim is a
779 minor;

780 (c) ~~(3)~~ The lawful representative of the victim or of the
781 victim's parent or guardian if the victim is a minor; or
782 (d) ~~(4)~~ The next of kin if the victim is a homicide victim,
783
784 from the right to be informed of, to be present during, and to be
785 heard when relevant at, all crucial stages of the proceedings
786 involving the juvenile offender, to the extent that such rights
787 do not interfere with the constitutional rights of the juvenile
788 offender. A person enumerated in this section may not reveal to
789 any outside party any confidential information obtained under
790 ~~pursuant to~~ this subsection ~~paragraph~~ regarding a case involving
791 a juvenile offense, except as is reasonably necessary to pursue
792 legal remedies.
793 (2) A law enforcement agency may release a copy of the
794 juvenile offense report to the victim of the offense. However,
795 information gained by the victim under this chapter, including
796 the next of kin of a homicide victim, regarding any case handled
797 in juvenile court must not be revealed to any outside party,
798 except as is reasonably necessary in pursuit of legal remedies.
799 Section 10. Section 985.216, Florida Statutes, is
800 renumbered as section 985.037, Florida Statutes, and subsection
801 (2) and paragraphs (b) and (d) of subsection (4) of that section
802 are amended to read:
803 985.037 ~~985.216~~ Punishment for contempt of court;
804 alternative sanctions.--
805 (2) PLACEMENT IN A SECURE FACILITY.--A child may be placed
806 in a secure facility for purposes of punishment for contempt of
807 court if alternative sanctions are unavailable or inappropriate,

808 or if the child has already been ordered to serve an alternative
809 sanction but failed to comply with the sanction.
810 ~~(a)~~ A delinquent child who has been held in direct or
811 indirect contempt may be placed in a secure detention facility
812 not to exceed 5 days for a first offense and not to exceed 15
813 days for a second or subsequent offense.
814 ~~(b) A child in need of services who has been held in direct~~
815 ~~contempt or indirect contempt may be placed, not to exceed 5 days~~
816 ~~for a first offense and not to exceed 15 days for a second or~~
817 ~~subsequent offense, in a staff secure shelter or a staff secure~~
818 ~~residential facility solely for children in need of services if~~
819 ~~such placement is available, or, if such placement is not~~
820 ~~available, the child may be placed in an appropriate mental~~
821 ~~health facility or substance abuse facility for assessment. In~~
822 ~~addition to disposition under this paragraph, a child in need of~~
823 ~~services who is held in direct contempt or indirect contempt may~~
824 ~~be placed in a physically secure facility as provided under s.~~
825 ~~984.226 if conditions of eligibility are met.~~
826 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
827 PROCESS.--
828 (b) If a child is charged with indirect contempt of court,
829 the court must hold a hearing within 24 hours to determine
830 whether the child committed indirect contempt of a valid court
831 order. At the hearing, the following due process rights must be
832 provided to the child:
833 1. Right to a copy of the order to show cause alleging
834 facts supporting the contempt charge.
835 2. Right to an explanation of the nature and the
836 consequences of the proceedings.

837 3. Right to legal counsel and the right to have legal
838 counsel appointed by the court if the juvenile is indigent, under
839 ~~pursuant to~~ s. 985.033 ~~985.203~~.
840 4. Right to confront witnesses.
841 5. Right to present witnesses.
842 6. Right to have a transcript or record of the proceeding.
843 7. Right to appeal to an appropriate court.
844
845 The child's parent or guardian may address the court regarding
846 the due process rights of the child. The court shall review the
847 placement of the child every 72 hours to determine whether it is
848 appropriate for the child to remain in the facility.
849 (d) In addition to any other sanction imposed under this
850 section, the court may direct the Department of Highway Safety
851 and Motor Vehicles to withhold issuance of, or suspend, a child's
852 driver's license or driving privilege. The court may order that a
853 child's driver's license or driving privilege be withheld or
854 suspended for up to 1 year for a first offense of contempt and up
855 to 2 years for a second or subsequent offense. If the child's
856 driver's license or driving privilege is suspended or revoked for
857 any reason at the time the sanction for contempt is imposed, the
858 court shall extend the period of suspension or revocation by the
859 additional period ordered under this paragraph. If the child's
860 driver's license is being withheld at the time the sanction for
861 contempt is imposed, the period of suspension or revocation
862 ordered under this paragraph shall begin on the date on which the
863 child is otherwise eligible to drive. ~~For a child in need of~~
864 ~~services whose driver's license or driving privilege is suspended~~
865 ~~under this paragraph, the court may direct the Department of~~

866 ~~Highway Safety and Motor Vehicles to issue the child a license~~
867 ~~for driving privileges restricted to business or employment~~
868 ~~purposes only, as defined in s. 322.271, or for the purpose of~~
869 ~~completing court-ordered community service, if the child is~~
870 ~~otherwise qualified for a license. However, the department may~~
871 ~~not issue a restricted license unless specifically ordered to do~~
872 ~~so by the court.~~
873 Section 11. Section 985.2311, Florida Statutes, is
874 renumbered as section 985.039, Florida Statutes, and paragraph
875 (b) of subsection (1) and subsection (10) of that section are
876 amended to read:
877 985.039 ~~985.2311~~ Cost of supervision; cost of care.--
878 (1) Except as provided in subsection (3) or subsection (4):
879 (b) When any child is placed into secure detention or
880 placed on committed status and the temporary legal custody of
881 such child is placed with the department ~~of Juvenile Justice~~, the
882 court shall order the parent of such child to pay to the
883 department a fee for the cost of the care of such child in the
884 amount of $5 per day for each day that the child is in the
885 temporary legal custody of the department.
886 (10) The department or the collection agency shall provide
887 to the payor documentation of the payment of any fee paid
888 pursuant to this section. Except as provided in subsection (9),
889 all payments received by the department or the collection agency
890 pursuant to this section shall be deposited in the department's
891 ~~state~~ Grants and Donations Trust Fund ~~within the Department of~~
892 ~~Juvenile Justice~~.
893 Section 12. Section 985.04, Florida Statutes, is amended to
894 read:

895 985.04 Oaths; records; confidential information.--
896 (1)~~(3)(a)~~ Except as provided in subsections (2), (3) ~~(4),~~
897 ~~(5),~~ ~~and~~ (6), and (7) and s. 943.053, all information obtained
898 under this chapter ~~part~~ in the discharge of official duty by any
899 judge, any employee of the court, any authorized agent of the
900 department ~~of Juvenile Justice~~, the Parole Commission, the
901 Department of Corrections, the juvenile justice circuit boards,
902 any law enforcement agent, or any licensed professional or
903 licensed community agency representative participating in the
904 assessment or treatment of a juvenile is confidential and may be
905 disclosed only to the authorized personnel of the court, the
906 department ~~of Juvenile Justice~~ and its designees, the Department
907 of Corrections, the Parole Commission, law enforcement agents,
908 school superintendents and their designees, any licensed
909 professional or licensed community agency representative
910 participating in the assessment or treatment of a juvenile, and
911 others entitled under this chapter to receive that information,
912 or upon order of the court. Within each county, the sheriff, the
913 chiefs of police, the district school superintendent, and the
914 department shall enter into an interagency agreement for the
915 purpose of sharing information about juvenile offenders among all
916 parties. The agreement must specify the conditions under which
917 summary criminal history information is to be made available to
918 appropriate school personnel, and the conditions under which
919 school records are to be made available to appropriate department
920 personnel. Such agreement shall require notification to any
921 classroom teacher of assignment to the teacher's classroom of a
922 juvenile who has been placed in a probation or commitment program
923 for a felony offense. The agencies entering into such agreement

924 must comply with s. 943.0525, and must maintain the
925 confidentiality of information that is otherwise exempt from s.
926 119.07(1), as provided by law.
927 (2) ~~(5)~~ Notwithstanding any other provisions of this chapter
928 ~~part~~, the name, photograph, address, and crime or arrest report
929 of a child:
930 (a) Taken into custody if the child has been taken into
931 custody by a law enforcement officer for a violation of law
932 which, if committed by an adult, would be a felony;
933 (b) Found by a court to have committed three or more
934 violations of law which, if committed by an adult, would be
935 misdemeanors;
936 (c) Transferred to the adult system under ~~pursuant to~~ s.
937 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56 ~~985.225~~, or
938 waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;
939 (d) Taken into custody by a law enforcement officer for a
940 violation of law subject to ~~the provisions of~~ s. 985.557
941 ~~985.227~~(2)(b) or (d); or
942 (e) Transferred to the adult system but sentenced to the
943 juvenile system under ~~pursuant to~~ s. 985.565 ~~985.233~~
944
945 shall not be considered confidential and exempt from ~~the~~
946 ~~provisions of~~ s. 119.07(1) solely because of the child's age.
947 (3) ~~(6)~~ A law enforcement agency may release a copy ~~This~~
948 ~~part does not prohibit the release~~ of the juvenile offense report
949 ~~by a law enforcement agency~~ to the victim of the offense.
950 However, information gained by the victim under ~~pursuant to~~ this
951 chapter, including the next of kin of a homicide victim,
952 regarding any case handled in juvenile court, must not be

953 revealed to any outside party, except as is reasonably necessary
954 in pursuit of legal remedies.
955 (4) ~~(7)~~ (a) Notwithstanding any other provision of this
956 section, when a child of any age is taken into custody by a law
957 enforcement officer for an offense that would have been a felony
958 if committed by an adult, or a crime of violence, the law
959 enforcement agency must notify the superintendent of schools that
960 the child is alleged to have committed the delinquent act.
961 (b) Notwithstanding paragraph (a) or any other provision of
962 this section, when a child of any age is formally charged by a
963 state attorney with a felony or a delinquent act that would be a
964 felony if committed by an adult, the state attorney shall notify
965 the superintendent of the child's school that the child has been
966 charged with such felony or delinquent act. The information
967 obtained by the superintendent of schools under ~~pursuant to~~ this
968 section must be released within 48 hours after receipt to
969 appropriate school personnel, including the principal of the
970 school of the child. The principal must immediately notify the
971 child's immediate classroom teachers. Upon notification, the
972 principal is authorized to begin disciplinary actions under
973 ~~pursuant to~~ s. 1006.09(1)-(4).
974 (c) ~~(b)~~ The department shall disclose to the school
975 superintendent the presence of any child in the care and custody
976 or under the jurisdiction or supervision of the department who
977 has a known history of criminal sexual behavior with other
978 juveniles; is an alleged juvenile sexual ~~sex~~ offender, as defined
979 in s. 39.01; or has pled guilty or nolo contendere to, or has
980 been found to have committed, a violation of chapter 794, chapter
981 796, chapter 800, s. 827.071, or s. 847.0133, regardless of

982 adjudication. Any employee of a district school board who
983 knowingly and willfully discloses such information to an
984 unauthorized person commits a misdemeanor of the second degree,
985 punishable as provided in s. 775.082 or s. 775.083.
986 (5) ~~(1)~~ Authorized agents of the department ~~of Juvenile~~
987 ~~Justice~~ may administer oaths and affirmations.
988 (6) ~~(2)~~ Records maintained by the department ~~of Juvenile~~
989 ~~Justice~~, including copies of records maintained by the court,
990 which pertain to a child found to have committed a delinquent act
991 which, if committed by an adult, would be a crime specified in
992 ss. 435.03 and 435.04 may not be destroyed under ~~pursuant to~~ this
993 section for a period of 25 years after the youth's final referral
994 to the department, except in cases of the death of the child.
995 Such records, however, shall be sealed by the court for use only
996 in meeting the screening requirements for personnel in s.
997 402.3055 and the other sections cited above, or under ~~pursuant to~~
998 departmental rule; however, current criminal history information
999 must be obtained from the Department of Law Enforcement in
1000 accordance with s. 943.053. The information shall be released to
1001 those persons specified in the above cited sections for the
1002 purposes of complying with those sections. The court may punish
1003 by contempt any person who releases or uses the records for any
1004 unauthorized purpose.
1005 (7) ~~(4)~~(a) Records in the custody of the department ~~of~~
1006 ~~Juvenile Justice~~ regarding children are not open to inspection by
1007 the public. Such records may be inspected only upon order of the
1008 Secretary of Juvenile Justice or his or her authorized agent by
1009 persons who have sufficient reason and upon such conditions for
1010 their use and disposition as the secretary or his or her

1011 authorized agent deems proper. The information in such records
1012 may be disclosed only to other employees of the department ~~of~~
1013 ~~Juvenile Justice~~ who have a need therefor in order to perform
1014 their official duties ~~duty~~; to other persons as authorized by
1015 rule of the department ~~of Juvenile Justice~~; and, upon request, to
1016 the Department of Corrections. The secretary or his or her
1017 authorized agent may permit properly qualified persons to inspect
1018 and make abstracts from records for statistical purposes under
1019 whatever conditions upon their use and disposition the secretary
1020 or his or her authorized agent deems proper, provided adequate
1021 assurances are given that children's names and other identifying
1022 information will not be disclosed by the applicant.
1023 (b) The destruction of records pertaining to children
1024 committed to or supervised by the department ~~of Juvenile Justice~~
1025 pursuant to a court order, which records are retained until a
1026 child reaches the age of 24 years or until a serious or habitual
1027 delinquent child reaches the age of 26 years, shall be subject to
1028 chapter 943.
1029 (8) Criminal history information made available to
1030 governmental agencies by the Department of Law Enforcement or
1031 other criminal justice agencies shall not be used for any purpose
1032 other than that specified in the provision authorizing the
1033 releases.
1034 Section 13. Section 985.05, Florida Statutes, is renumbered
1035 as section 985.045, Florida Statutes, and amended to read:
1036 985.045 ~~985.05~~ Court records.--
1037 (1) The clerk of the court shall make and keep records of
1038 all cases brought before it under ~~pursuant to~~ this chapter ~~part~~.
1039 The court shall preserve the records pertaining to a child

1040 charged with committing a delinquent act or violation of law
1041 until the child reaches 24 years of age or reaches 26 years of
1042 age if he or she is a serious or habitual delinquent child, until
1043 5 years after the last entry was made, or until 3 years after the
1044 death of the child, whichever is earlier, and may then destroy
1045 them, except that records made of traffic offenses in which there
1046 is no allegation of delinquency may be destroyed as soon as this
1047 can be reasonably accomplished. The court shall make official
1048 records of all petitions and orders filed in a case arising under
1049 ~~pursuant to~~ this chapter ~~part~~ and of any other pleadings,
1050 certificates, proofs of publication, summonses, warrants, and
1051 writs that are filed pursuant to the case.
1052 (2) The clerk shall keep all official records required by
1053 this section separate from other records of the circuit court,
1054 except those records pertaining to motor vehicle violations,
1055 which shall be forwarded to the Department of Highway Safety and
1056 Motor Vehicles. Except as provided in ss. 943.053 and
1057 985.04(7) ~~(4)~~, official records required by this chapter are not
1058 open to inspection by the public, but may be inspected only upon
1059 order of the court by persons deemed by the court to have a
1060 proper interest therein, except that a child and the parents,
1061 guardians, or legal custodians of the child and their attorneys,
1062 law enforcement agencies, the Department of Juvenile Justice and
1063 its designees, the Parole Commission, the Department of
1064 Corrections, and the Justice Administrative Commission shall
1065 always have the right to inspect and copy any official record
1066 pertaining to the child. The court may permit authorized
1067 representatives of recognized organizations compiling statistics
1068 for proper purposes to inspect, and make abstracts from, official

1069 records under whatever conditions upon the use and disposition of
1070 such records the court may deem proper and may punish by contempt
1071 proceedings any violation of those conditions.
1072 (3) All orders of the court entered under ~~pursuant to~~ this
1073 chapter ~~part~~ must be in writing and signed by the judge, except
1074 that the clerk or deputy clerk may sign a summons or notice to
1075 appear.
1076 (4) A court record of proceedings under this chapter ~~part~~
1077 is not admissible in evidence in any other civil or criminal
1078 proceeding, except that:
1079 (a) Orders transferring a child for trial as an adult are
1080 admissible in evidence in the court in which he or she is tried,
1081 but create no presumption as to the guilt of the child; nor may
1082 such orders be read to, or commented upon in the presence of, the
1083 jury in any trial.
1084 (b) Orders binding an adult over for trial on a criminal
1085 charge, made by the committing trial court judge, are admissible
1086 in evidence in the court to which the adult is bound over.
1087 (c) Records of proceedings under this chapter ~~part~~ forming
1088 a part of the record on appeal must be used in the appellate
1089 court in the manner provided in s. 985.534 ~~985.234~~.
1090 (d) Records are admissible in evidence in any case in which
1091 a person is being tried upon a charge of having committed
1092 perjury, to the extent such records are necessary to prove the
1093 charge.
1094 (e) Records of proceedings under this chapter ~~part~~ may be
1095 used to prove disqualification under ~~pursuant to~~ ss. 110.1127,
1096 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176,
1097 and 985.644 ~~985.407~~.

1098 (5) This chapter does not prohibit a circuit court from
1099 providing a restitution order containing the information
1100 prescribed in s. 985.0301(5)(i) ~~985.201(4)(c)~~ to a collection
1101 court or a private collection agency for the sole purpose of
1102 collecting unpaid restitution ordered in a case in which the
1103 circuit court has retained jurisdiction over the child and the
1104 child's parent or legal guardian. The collection court or private
1105 collection agency shall maintain the confidential status of the
1106 information to the extent such confidentiality is provided by
1107 law.
1108 Section 14. Sections 985.06 and 985.08, Florida Statutes,
1109 are renumbered, respectively, as sections 985.046 and 985.047,
1110 Florida Statutes.
1111 Section 15. Section 985.207, Florida Statutes, is amended
1112 and renumbered as section 985.101, Florida Statutes, and
1113 subsection (3) of section 985.215, Florida Statutes, is
1114 renumbered as subsection (2) of section 985.101, Florida
1115 Statutes, and amended to read:
1116 985.101 ~~985.207~~ Taking a child into custody.--
1117 (1) A child may be taken into custody under the following
1118 circumstances:
1119 (a) Pursuant to an order of the circuit court issued under
1120 this chapter ~~part~~, based upon sworn testimony, either before or
1121 after a petition is filed.
1122 (b) For a delinquent act or violation of law, pursuant to
1123 Florida law pertaining to a lawful arrest. If such delinquent act
1124 or violation of law would be a felony if committed by an adult or
1125 involves a crime of violence, the arresting authority shall
1126 immediately notify the district school superintendent, or the

1127 superintendent's designee, of the school district with
1128 educational jurisdiction of the child. Such notification shall
1129 include other education providers such as the Florida School for
1130 the Deaf and the Blind, university developmental research
1131 schools, and private elementary and secondary schools. The
1132 information obtained by the superintendent of schools pursuant to
1133 this section must be released within 48 hours after receipt to
1134 appropriate school personnel, including the principal of the
1135 child's school, or as otherwise provided by law. The principal
1136 must immediately notify the child's immediate classroom teachers.
1137 Information provided by an arresting authority under ~~pursuant to~~
1138 this paragraph may not be placed in the student's permanent
1139 record and shall be removed from all school records no later than
1140 9 months after the date of the arrest.
1141 (c) By a law enforcement officer for failing to appear at a
1142 court hearing after being properly noticed.
1143 (d) By a law enforcement officer who has probable cause to
1144 believe that the child is in violation of the conditions of the
1145 child's probation, home detention, post commitment probation, or
1146 conditional release supervision, has absconded from
1147 nonresidential commitment, or has escaped from residential
1148 commitment.
1149
1150 Nothing in this subsection shall be construed to allow the
1151 detention of a child who does not meet the detention criteria in
1152 part V ~~s. 985.215~~.
1153 (2) ~~(3)~~ Except in emergency situations, a child may not be
1154 placed into or transported in any police car or similar vehicle
1155 that at the same time contains an adult under arrest, unless the

1156 adult is alleged or believed to be involved in the same offense
1157 or transaction as the child.
1158 (3) ~~(2)~~ When a child is taken into custody as provided in
1159 this section, the person taking the child into custody shall
1160 attempt to notify the parent, guardian, or legal custodian of the
1161 child. The person taking the child into custody shall continue
1162 such attempt until the parent, guardian, or legal custodian of
1163 the child is notified or the child is delivered to a juvenile
1164 probation officer under ss. 985.14 and 985.145 ~~pursuant to s.~~
1165 ~~985.21~~, whichever occurs first. If the child is delivered to a
1166 juvenile probation officer before the parent, guardian, or legal
1167 custodian is notified, the juvenile probation officer shall
1168 continue the attempt to notify until the parent, guardian, or
1169 legal custodian of the child is notified. Following notification,
1170 the parent or guardian must provide identifying information,
1171 including name, address, date of birth, social security number,
1172 and driver's license number or identification card number of the
1173 parent or guardian to the person taking the child into custody or
1174 the juvenile probation officer.
1175 (4) ~~(3)~~ Taking a child into custody is not an arrest except
1176 for the purpose of determining whether the taking into custody or
1177 the obtaining of any evidence in conjunction therewith is lawful.
1178 Section 16. Section 985.2075, Florida Statutes, is
1179 renumbered as section 985.105, Florida Statutes and subsections
1180 (1) and (2) of that section are amended to read:
1181 985.105 ~~985.2075~~ Youth custody officer.--
1182 (1) There is created within the department ~~of Juvenile~~
1183 ~~Justice~~ the position of youth custody officer. The duties of each
1184 youth custody officer shall be to take youth into custody if the

1185 officer has probable cause to believe that the youth has violated
1186 the conditions of probation, home detention, conditional release,
1187 or postcommitment probation, or has failed to appear in court
1188 after being properly noticed. The authority of the youth custody
1189 officer to take youth into custody is specifically limited to
1190 this purpose.
1191 (2) A youth custody officer must meet the minimum
1192 qualifications for employment or appointment, be certified under
1193 chapter 943, and comply with the requirements for continued
1194 employment required by s. 943.135. The department ~~of Juvenile~~
1195 ~~Justice~~ must comply with the responsibilities provided for an
1196 employing agency under s. 943.133 for each youth custody officer.
1197 Section 17. Section 985.212, Florida Statutes, is
1198 renumbered as section 985.11, Florida Statutes, and paragraph (b)
1199 of subsection (1) of that section is amended to read:
1200 985.11 ~~985.212~~ Fingerprinting and photographing.--
1201 (1)
1202 (b) A child who is charged with or found to have committed
1203 one of the following offenses shall be fingerprinted, and the
1204 fingerprints shall be submitted to the Department of Law
1205 Enforcement as provided in s. 943.051(3)(b):
1206 1. Assault, as defined in s. 784.011.
1207 2. Battery, as defined in s. 784.03.
1208 3. Carrying a concealed weapon, as defined in s. 790.01(1).
1209 4. Unlawful use of destructive devices or bombs, as defined
1210 in s. 790.1615(1).
1211 5. Negligent treatment of children, as defined in former s.
1212 827.05.

1213 6. Assault on a law enforcement officer, a firefighter, or
1214 other specified officers, as defined in s. 784.07(2)(a).
1215 7. Open carrying of a weapon, as defined in s. 790.053.
1216 8. Exposure of sexual organs, as defined in s. 800.03.
1217 9. Unlawful possession of a firearm, as defined in s.
1218 790.22(5).
1219 10. Petit theft, as defined in s. 812.014.
1220 11. Cruelty to animals, as defined in s. 828.12(1).
1221 12. Arson, resulting in bodily harm to a firefighter, as
1222 defined in s. 806.031(1).
1223 13. Unlawful possession or discharge of a weapon or firearm
1224 at a school-sponsored event or on school property as defined in
1225 s. 790.115.
1226
1227 A law enforcement agency may fingerprint and photograph a child
1228 taken into custody upon probable cause that such child has
1229 committed any other violation of law, as the agency deems
1230 appropriate. Such fingerprint records and photographs shall be
1231 retained by the law enforcement agency in a separate file, and
1232 these records and all copies thereof must be marked "Juvenile
1233 Confidential." These records are not available for public
1234 disclosure and inspection under s. 119.07(1) except as provided
1235 in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be available to
1236 other law enforcement agencies, criminal justice agencies, state
1237 attorneys, the courts, the child, the parents or legal custodians
1238 of the child, their attorneys, and any other person authorized by
1239 the court to have access to such records. In addition, such
1240 records may be submitted to the Department of Law Enforcement for
1241 inclusion in the state criminal history records and used by

1242 criminal justice agencies for criminal justice purposes. These
1243 records may, in the discretion of the court, be open to
1244 inspection by anyone upon a showing of cause. The fingerprint and
1245 photograph records shall be produced in the court whenever
1246 directed by the court. Any photograph taken pursuant to this
1247 section may be shown by a law enforcement officer to any victim
1248 or witness of a crime for the purpose of identifying the person
1249 who committed such crime.
1250 Section 18. Subsections (2) and (5) of section 985.211,
1251 Florida Statutes, are renumbered, respectively, as subsections
1252 (2) and (3) of section 985.115, Florida Statutes, and subsections
1253 (1) and (7) of section 985.211, Florida Statutes, are renumbered,
1254 respectively, as subsections (1) and (4) of section 985.115,
1255 Florida Statutes, and amended to read:
1256 985.115 ~~985.211~~ Release or delivery from custody.--
1257 (1) A child taken into custody shall be released from
1258 custody as soon as is reasonably possible.
1259 (2) Unless otherwise ordered by the court under s. 985.255
1260 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there is a need
1261 to hold the child, a person taking a child into custody shall
1262 attempt to release the child as follows:
1263 (a) To the child's parent, guardian, or legal custodian or,
1264 if the child's parent, guardian, or legal custodian is
1265 unavailable, unwilling, or unable to provide supervision for the
1266 child, to any responsible adult. Prior to releasing the child to
1267 a responsible adult, other than the parent, guardian, or legal
1268 custodian, the person taking the child into custody may conduct a
1269 criminal history background check of the person to whom the child
1270 is to be released. If the person has a prior felony conviction,

1271 or a conviction for child abuse, drug trafficking, or
1272 prostitution, that person is not a responsible adult for the
1273 purposes of this section. The person to whom the child is
1274 released shall agree to inform the department or the person
1275 releasing the child of the child's subsequent change of address
1276 and to produce the child in court at such time as the court may
1277 direct, and the child shall join in the agreement.
1278 (b) Contingent upon specific appropriation, to a shelter
1279 approved by the department or to an authorized agent under
1280 ~~pursuant to~~ s. 39.401(2)(b).
1281 (c) If the child is believed to be suffering from a serious
1282 physical condition which requires either prompt diagnosis or
1283 prompt treatment, to a law enforcement officer who shall deliver
1284 the child to a hospital for necessary evaluation and treatment.
1285 (d) If the child is believed to be mentally ill as defined
1286 in s. 394.463(1), to a law enforcement officer who shall take the
1287 child to a designated public receiving facility as defined in s.
1288 394.455 for examination under ~~pursuant to the provisions of~~ s.
1289 394.463.
1290 (e) If the child appears to be intoxicated and has
1291 threatened, attempted, or inflicted physical harm on himself or
1292 herself or another, or is incapacitated by substance abuse, to a
1293 law enforcement officer who shall deliver the child to a
1294 hospital, addictions receiving facility, or treatment resource.
1295 (f) If available, to a juvenile assessment center equipped
1296 and staffed to assume custody of the child for the purpose of
1297 assessing the needs of the child in custody. The center may then
1298 release or deliver the child under ~~pursuant to~~ this section with
1299 a copy of the assessment.

1300 (3) ~~(5)~~ Upon taking a child into custody, a law enforcement
1301 officer may deliver the child, for temporary custody not to
1302 exceed 6 hours, to a secure booking area of a jail or other
1303 facility intended or used for the detention of adults, for the
1304 purpose of fingerprinting or photographing the child or awaiting
1305 appropriate transport to the department or as provided in s.
1306 985.13(2) ~~subsection (4)~~, provided no regular sight and sound
1307 contact between the child and adult inmates or trustees is
1308 permitted and the receiving facility has adequate staff to
1309 supervise and monitor the child's activities at all times.
1310 (4) ~~(7)~~ Nothing in this section or s. 985.13 shall prohibit
1311 the proper use of law enforcement diversion programs. Law
1312 enforcement agencies may initiate and conduct diversion programs
1313 designed to divert a child from the need for department custody
1314 or judicial handling. Such programs may be cooperative projects
1315 with local community service agencies.
1316 Section 19. Section 985.301, Florida Statutes, is
1317 renumbered as section 985.12, Florida Statutes, and subsection
1318 (4) of that section is amended to read:
1319 985.12 ~~985.301~~ Civil citation.--
1320 (4) If the juvenile fails to report timely for a work
1321 assignment, complete a work assignment, or comply with assigned
1322 intervention services within the prescribed time, or if the
1323 juvenile commits a third or subsequent misdemeanor, the law
1324 enforcement officer shall issue a report alleging the child has
1325 committed a delinquent act, at which point a juvenile probation
1326 officer shall perform a preliminary determination as provided
1327 under s. 985.145 ~~985.21(4)~~.

1328 Section 20. Section 985.3065, Florida Statutes, is
1329 renumbered as section 985.125, Florida Statutes.
1330 Section 21. Subsections (3), (4), and (6) of section
1331 985.211, Florida Statutes, are renumbered as section 985.13,
1332 Florida Statutes, and amended to read:
1333 985.13 Probable cause affidavits.--
1334 (1) ~~(3)~~ If the child is released, the person taking the
1335 child into custody shall make a written report or probable cause
1336 affidavit to the appropriate juvenile probation officer within 24
1337 hours after such release, stating the facts and the reason for
1338 taking the child into custody. Such written report or probable
1339 cause affidavit shall:
1340 (a) Identify the child, the parents, guardian, or legal
1341 custodian, and the person to whom the child was released.
1342 (b) Contain sufficient information to establish the
1343 jurisdiction of the court and to make a prima facie showing that
1344 the child has committed a violation of law or a delinquent act.
1345 (2) ~~(4)~~ A person taking a child into custody who determines,
1346 under part V ~~pursuant to s. 985.215~~, that the child should be
1347 detained or released to a shelter designated by the department,
1348 shall make a reasonable effort to immediately notify the parent,
1349 guardian, or legal custodian of the child and shall, without
1350 unreasonable delay, deliver the child to the appropriate juvenile
1351 probation officer or, if the court has so ordered under ~~pursuant~~
1352 ~~to~~ s. 985.255 or s. 985.26 ~~985.215~~, to a detention center or
1353 facility. Upon delivery of the child, the person taking the child
1354 into custody shall make a written report or probable cause
1355 affidavit to the appropriate juvenile probation officer. Such
1356 written report or probable cause affidavit must:

1357 (a) Identify the child and, if known, the parents,
1358 guardian, or legal custodian.
1359 (b) Establish that the child was legally taken into
1360 custody, with sufficient information to establish the
1361 jurisdiction of the court and to make a prima facie showing that
1362 the child has committed a violation of law.
1363 (3) ~~(6)~~ (a) A copy of the probable cause affidavit or written
1364 report made by the person taking the child into custody shall be
1365 filed, by the law enforcement agency which employs the person
1366 making such affidavit or written report, with the clerk of the
1367 circuit court for the county in which the child is taken into
1368 custody or in which the affidavit or report is made within 24
1369 hours after the affidavit or report is made, excluding Saturdays,
1370 Sundays, and legal holidays. Such affidavit or report is a case
1371 for the purpose of assigning a uniform case number under ~~pursuant~~
1372 ~~to~~ this subsection.
1373 (b) Upon the filing of a copy of a probable cause affidavit
1374 or written report by a law enforcement agency with the clerk of
1375 the circuit court, the clerk shall immediately assign a uniform
1376 case number to the affidavit or report, forward a copy to the
1377 state attorney, and forward a copy to the intake office of the
1378 department which serves the county in which the case arose.
1379 (c) Each letter of recommendation, written notice, report,
1380 or other paper required by law pertaining to the case shall bear
1381 the uniform case number of the case, and a copy shall be filed
1382 with the clerk of the circuit court by the issuing agency. The
1383 issuing agency shall furnish copies to the juvenile probation
1384 officer and the state attorney.

1385 (d) Upon the filing of a petition based on the allegations
1386 of a previously filed probable cause affidavit or written report,
1387 the agency filing the petition shall include the appropriate
1388 uniform case number on the petition.
1389 Section 22. Section 985.209, Florida Statutes, is
1390 renumbered as section 985.135, Florida Statutes, and subsection
1391 (1) of that section is amended to read:
1392 985.135 ~~985.209~~ Juvenile assessment centers.--
1393 (1) As used in this section, "center" means a juvenile
1394 assessment center comprising community operated facilities and
1395 programs which provide collocated central intake and screening
1396 services for youth referred to the department ~~of Juvenile~~
1397 ~~Justice~~.
1398 Section 23. Subsections (1) and (2) of section 985.21,
1399 Florida Statutes, are renumbered as section 985.14, Florida
1400 Statutes, and amended to read:
1401 985.14 ~~985.21~~ Intake and case management system.--
1402 (1)~~(a) During the intake process, the juvenile probation~~
1403 ~~officer shall screen each child or shall cause each child to be~~
1404 ~~screened in order to determine:~~
1405 ~~1. Appropriateness for release, referral to a diversionary~~
1406 ~~program including, but not limited to, a teen court program,~~
1407 ~~referral for community arbitration, or referral to some other~~
1408 ~~program or agency for the purpose of nonofficial or nonjudicial~~
1409 ~~handling.~~
1410 ~~2. The presence of medical, psychiatric, psychological,~~
1411 ~~substance abuse, educational, or vocational problems, or other~~
1412 ~~conditions that may have caused the child to come to the~~
1413 ~~attention of law enforcement or the Department of Juvenile~~

1414 ~~Justice. The child shall also be screened to determine whether~~
1415 ~~the child poses a danger to himself or herself or others in the~~
1416 ~~community. The results of this screening shall be made available~~
1417 ~~to the court and to court officers. In cases where such~~
1418 ~~conditions are identified, and a nonjudicial handling of the case~~
1419 ~~is chosen, the juvenile probation officer shall attempt to refer~~
1420 ~~the child to a program or agency, together with all available and~~
1421 ~~relevant assessment information concerning the child's~~
1422 ~~precipitating condition.~~
1423 ~~3~~. The department ~~of Juvenile Justice~~ shall develop an
1424 intake and a case management system whereby a child brought into
1425 intake is assigned a juvenile probation officer if the child was
1426 not released, referred to a diversionary program, referred for
1427 community arbitration, or referred to some other program or
1428 agency for the purpose of nonofficial or nonjudicial handling,
1429 and shall make every reasonable effort to provide case management
1430 services for the child; provided, however, that case management
1431 for children committed to residential programs may be transferred
1432 as provided in s. 985.46 ~~985.316~~.
1433 (2) The intake process shall be performed by the department
1434 through a case management system. The purpose of the intake
1435 process is to assess the child's needs and risks and to determine
1436 the most appropriate treatment plan and setting for the child's
1437 programmatic needs and risks. The intake process shall result in
1438 choosing the most appropriate services through a balancing of the
1439 interests and needs of the child with those of the family and the
1440 public. The juvenile probation officer shall be responsible for
1441 making informed decisions and recommendations to other agencies,
1442 the state attorney, and the courts so that the child and family

1443 may receive the least intrusive service alternative throughout
1444 the judicial process. The department shall establish uniform
1445 procedures for the juvenile probation officer to provide a
1446 preliminary screening of the child and family for substance abuse
1447 and mental health services prior to the filing of a petition or
1448 as soon as possible thereafter and prior to a disposition
1449 hearing.
1450 ~~4. In addition to duties specified in other sections and~~
1451 ~~through departmental rules, the assigned juvenile probation~~
1452 ~~officer shall be responsible for the following:~~
1453 ~~a. Ensuring that a risk assessment instrument establishing~~
1454 ~~the child's eligibility for detention has been accurately~~
1455 ~~completed and that the appropriate recommendation was made to the~~
1456 ~~court.~~
1457 ~~b. Inquiring as to whether the child understands his or her~~
1458 ~~rights to counsel and against self-incrimination.~~
1459 ~~c. Performing the preliminary screening and making~~
1460 ~~referrals for comprehensive assessment regarding the child's need~~
1461 ~~for substance abuse treatment services, mental health services,~~
1462 ~~retardation services, literacy services, or other educational or~~
1463 ~~treatment services.~~
1464 ~~d. Coordinating the multidisciplinary assessment when~~
1465 ~~required, which includes the classification and placement process~~
1466 ~~that determines the child's priority needs, risk classification,~~
1467 ~~and treatment plan. When sufficient evidence exists to warrant a~~
1468 ~~comprehensive assessment and the child fails to voluntarily~~
1469 ~~participate in the assessment efforts, it is the responsibility~~
1470 ~~of the juvenile probation officer to inform the court of the need~~
1471 ~~for the assessment and the refusal of the child to participate in~~

1472 ~~such assessment. This assessment, classification, and placement~~
1473 ~~process shall develop into the predisposition report.~~
1474 ~~e. Making recommendations for services and facilitating the~~
1475 ~~delivery of those services to the child, including any mental~~
1476 ~~health services, educational services, family counseling~~
1477 ~~services, family assistance services, and substance abuse~~
1478 ~~services. The juvenile probation officer shall serve as the~~
1479 ~~primary case manager for the purpose of managing, coordinating,~~
1480 ~~and monitoring the services provided to the child. Each program~~
1481 ~~administrator within the Department of Children and Family~~
1482 ~~Services shall cooperate with the primary case manager in~~
1483 ~~carrying out the duties and responsibilities described in this~~
1484 ~~section.~~
1485
1486 ~~The Department of Juvenile Justice shall annually advise the~~
1487 ~~Legislature and the Executive Office of the Governor of the~~
1488 ~~resources needed in order for the intake and case management~~
1489 ~~system to maintain a staff-to-client ratio that is consistent~~
1490 ~~with accepted standards and allows the necessary supervision and~~
1491 ~~services for each child. The intake process and case management~~
1492 ~~system shall provide a comprehensive approach to assessing the~~
1493 ~~child's needs, relative risks, and most appropriate handling, and~~
1494 ~~shall be based on an individualized treatment plan.~~
1495 (3) ~~(b)~~ The intake and case management system shall
1496 facilitate consistency in the recommended placement of each
1497 child, and in the assessment, classification, and placement
1498 process, with the following purposes:
1499 (a) ~~1.~~ An individualized, multidisciplinary assessment
1500 process that identifies the priority needs of each individual

1501 child for rehabilitation and treatment and identifies any needs
1502 of the child's parents or guardians for services that would
1503 enhance their ability to provide adequate support, guidance, and
1504 supervision for the child. This process shall begin with the
1505 detention risk assessment instrument and decision, shall include
1506 the intake preliminary screening and comprehensive assessment for
1507 substance abuse treatment services, mental health services,
1508 retardation services, literacy services, and other educational
1509 and treatment services as components, additional assessment of
1510 the child's treatment needs, and classification regarding the
1511 child's risks to the community and, for a serious or habitual
1512 delinquent child, shall include the assessment for placement in a
1513 serious or habitual delinquent children program under ~~pursuant to~~
1514 s. 985.47 ~~985.31~~. The completed multidisciplinary assessment
1515 process shall result in the predisposition report.
1516 (b)~~2.~~ A classification system that assigns a relative risk
1517 to the child and the community based upon assessments including
1518 the detention risk assessment results when available to classify
1519 the child's risk as it relates to placement and supervision
1520 alternatives.
1521 (c)~~3.~~ An admissions process that facilitates for each child
1522 the utilization of the treatment plan and setting most
1523 appropriate to meet the child's programmatic needs and provide
1524 the minimum program security needed to ensure public safety.
1525 (4) The department shall annually advise the Legislature
1526 and the Executive Office of the Governor of the resources needed
1527 in order for the intake and case management system to maintain a
1528 staff-to-client ratio that is consistent with accepted standards
1529 and allows the necessary supervision and services for each child.

1530 The intake process and case management system shall provide a
1531 comprehensive approach to assessing the child's needs, relative
1532 risks, and most appropriate handling, and shall be based on an
1533 individualized treatment plan.
1534 ~~(2) The intake process shall be performed by the department~~
1535 ~~through a case management system. The purpose of the intake~~
1536 ~~process is to assess the child's needs and risks and to determine~~
1537 ~~the most appropriate treatment plan and setting for the child's~~
1538 ~~programmatic needs and risks. The intake process shall result in~~
1539 ~~choosing the most appropriate services through a balancing of the~~
1540 ~~interests and needs of the child with those of the family and the~~
1541 ~~public. The juvenile probation officer is responsible for making~~
1542 ~~informed decisions and recommendations to other agencies, the~~
1543 ~~state attorney, and the courts so that the child and family may~~
1544 ~~receive the least intrusive service alternative throughout the~~
1545 ~~judicial process. The department shall establish uniform~~
1546 ~~procedures for the juvenile probation officer to provide, prior~~
1547 ~~to the filing of a petition or as soon as possible thereafter and~~
1548 ~~prior to a disposition hearing, a preliminary screening of the~~
1549 ~~child and family for substance abuse and mental health services.~~
1550 Section 24. Subsections (3), (4), and (5) of section
1551 985.21, Florida Statutes, are renumbered as section 985.145,
1552 Florida Statutes, and amended to read:
1553 985.145 Responsibilities of juvenile probation officer
1554 during intake; screenings and assessments.--
1555 (1) The juvenile probation officer shall serve as the
1556 primary case manager for the purpose of managing, coordinating,
1557 and monitoring the services provided to the child. Each program
1558 administrator within the Department of Children and Family

1559 Services shall cooperate with the primary case manager in
1560 carrying out the duties and responsibilities described in this
1561 section. In addition to duties specified in other sections and
1562 through departmental rules, the assigned juvenile probation
1563 officer shall be responsible for the following:
1564 (a) ~~(3)~~ Reviewing probable cause affidavit.--The juvenile
1565 probation officer shall make a preliminary determination as to
1566 whether the report, affidavit, or complaint is complete,
1567 consulting with the state attorney as may be necessary. A report,
1568 affidavit, or complaint alleging that a child has committed a
1569 delinquent act or violation of law shall be made to the intake
1570 office operating in the county in which the child is found or in
1571 which the delinquent act or violation of law occurred. Any person
1572 or agency having knowledge of the facts may make such a written
1573 report, affidavit, or complaint and shall furnish to the intake
1574 office facts sufficient to establish the jurisdiction of the
1575 court and to support a finding by the court that the child has
1576 committed a delinquent act or violation of law.
1577 (b) ~~(4)~~ Notification concerning apparent insufficiencies in
1578 probable cause affidavit.--~~The juvenile probation officer shall~~
1579 ~~make a preliminary determination as to whether the report,~~
1580 ~~affidavit, or complaint is complete, consulting with the state~~
1581 ~~attorney as may be necessary.~~ In any case where the juvenile
1582 probation officer or the state attorney finds that the report,
1583 affidavit, or complaint is insufficient by the standards for a
1584 probable cause affidavit, the juvenile probation officer or state
1585 attorney shall return the report, affidavit, or complaint,
1586 without delay, to the person or agency originating the report,
1587 affidavit, or complaint or having knowledge of the facts or to

1588 the appropriate law enforcement agency having investigative
1589 jurisdiction of the offense, and shall request, and the person or
1590 agency shall promptly furnish, additional information in order to
1591 comply with the standards for a probable cause affidavit.
1592 (c) Screening.--During the intake process, the juvenile
1593 probation officer shall screen each child or shall cause each
1594 child to be screened in order to determine:
1595 1. Appropriateness for release; referral to a diversionary
1596 program, including, but not limited to, a teen court program;
1597 referral for community arbitration; or referral to some other
1598 program or agency for the purpose of nonofficial or nonjudicial
1599 handling.
1600 2. The presence of medical, psychiatric, psychological,
1601 substance abuse, educational, or vocational problems, or other
1602 conditions that may have caused the child to come to the
1603 attention of law enforcement or the department. The child shall
1604 also be screened to determine whether the child poses a danger to
1605 himself or herself or others in the community. The results of
1606 this screening shall be made available to the court and to court
1607 officers. In cases where such conditions are identified and a
1608 nonjudicial handling of the case is chosen, the juvenile
1609 probation officer shall attempt to refer the child to a program
1610 or agency, together with all available and relevant assessment
1611 information concerning the child's precipitating condition.
1612 (d) Completing risk assessment instrument.--The juvenile
1613 probation officer shall ensure that a risk assessment instrument
1614 establishing the child's eligibility for detention has been
1615 accurately completed and that the appropriate recommendation was
1616 made to the court.

1617 (e) Rights.--The juvenile probation officer shall inquire
1618 as to whether the child understands his or her rights to counsel
1619 and against self-incrimination.
1620 (f) Multidisciplinary assessment.--The juvenile probation
1621 officer shall coordinate the multidisciplinary assessment when
1622 required, which includes the classification and placement process
1623 that determines the child's priority needs, risk classification,
1624 and treatment plan. When sufficient evidence exists to warrant a
1625 comprehensive assessment and the child fails to voluntarily
1626 participate in the assessment efforts, the juvenile probation
1627 officer shall inform the court of the need for the assessment and
1628 the refusal of the child to participate in such assessment. This
1629 assessment, classification, and placement process shall develop
1630 into the predisposition report.
1631 (g) Comprehensive assessment.--The juvenile probation
1632 officer, pursuant to uniform procedures established by the
1633 department and upon determining that the report, affidavit, or
1634 complaint is complete, shall:
1635 1. Perform the preliminary screening and make referrals for
1636 a comprehensive assessment regarding the child's need for
1637 substance abuse treatment services, mental health services,
1638 retardation services, literacy services, or other educational or
1639 treatment services.
1640 2. When indicated by the preliminary screening, provide for
1641 a comprehensive assessment of the child and family for substance
1642 abuse problems, using community-based licensed programs with
1643 clinical expertise and experience in the assessment of substance
1644 abuse problems.

1645 3. When indicated by the preliminary screening, provide for
1646 a comprehensive assessment of the child and family for mental
1647 health problems, using community-based psychologists,
1648 psychiatrists, or other licensed mental health professionals who
1649 have clinical expertise and experience in the assessment of
1650 mental health problems.
1651 (h) Referrals for services.--The juvenile probation officer
1652 shall make recommendations for services and facilitate the
1653 delivery of those services to the child, including any mental
1654 health services, educational services, family counseling
1655 services, family assistance services, and substance abuse
1656 services.
1657 (i) Recommendation concerning a petition.--Upon determining
1658 that the report, affidavit, or complaint complies with the
1659 standards of a probable cause affidavit and that the interest of
1660 the child and the public will be best served, the juvenile
1661 probation officer may recommend that a delinquency petition not
1662 be filed. If such a recommendation is made, the juvenile
1663 probation officer shall advise in writing the person or agency
1664 making the report, affidavit, or complaint, the victim, if any,
1665 and the law enforcement agency having investigative jurisdiction
1666 over the offense of the recommendation; the reasons therefore;
1667 and that the person or agency may submit, within 10 days after
1668 the receipt of such notice, the report, affidavit, or complaint
1669 to the state attorney for special review. The state attorney,
1670 upon receiving a request for special review, shall consider the
1671 facts presented by the report, affidavit, or complaint, and by
1672 the juvenile probation officer who made the recommendation that

1673 no petition be filed, before making a final decision as to
1674 whether a petition or information should or should not be filed.
1675 (j) Completing intake report.--Subject to the interagency
1676 agreement authorized under this paragraph, the juvenile probation
1677 officer for each case in which a child is alleged to have
1678 committed a violation of law or delinquent act and is not
1679 detained shall submit a written report to the state attorney,
1680 including the original report, complaint, or affidavit, or a copy
1681 thereof, including a copy of the child's prior juvenile record,
1682 within 20 days after the date the child is taken into custody. In
1683 cases in which the child is in detention, the intake office
1684 report must be submitted within 24 hours after the child is
1685 placed into detention. The intake office report may include a
1686 recommendation that a petition or information be filed or that no
1687 petition or information be filed and may set forth reasons for
1688 the recommendation. The state attorney and the department may, on
1689 a district-by-district basis, enter into interagency agreements
1690 denoting the cases that will require a recommendation and those
1691 for which a recommendation is unnecessary.
1692 ~~(a) The juvenile probation officer, upon determining that~~
1693 ~~the report, affidavit, or complaint is complete, pursuant to~~
1694 ~~uniform procedures established by the department, shall:~~
1695 ~~1. When indicated by the preliminary screening, provide for~~
1696 ~~a comprehensive assessment of the child and family for substance~~
1697 ~~abuse problems, using community based licensed programs with~~
1698 ~~clinical expertise and experience in the assessment of substance~~
1699 ~~abuse problems.~~
1700 ~~2. When indicated by the preliminary screening, provide for~~
1701 ~~a comprehensive assessment of the child and family for mental~~

1702 ~~health problems, using community-based psychologists,~~
1703 ~~psychiatrists, or other licensed mental health professionals with~~
1704 ~~clinical expertise and experience in the assessment of mental~~
1705 ~~health problems.~~
1706
1707 ~~When indicated by the comprehensive assessment, the department is~~
1708 ~~authorized to contract within appropriated funds for services~~
1709 ~~with a local nonprofit community mental health or substance abuse~~
1710 ~~agency licensed or authorized under chapter 394, or chapter 397,~~
1711 ~~or other authorized nonprofit social service agency providing~~
1712 ~~related services. The determination of mental health or substance~~
1713 ~~abuse services shall be conducted in coordination with existing~~
1714 ~~programs providing mental health or substance abuse services in~~
1715 ~~conjunction with the intake office. Client information resulting~~
1716 ~~from the screening and evaluation shall be documented pursuant to~~
1717 ~~rules established by the department and shall serve to assist the~~
1718 ~~juvenile probation officer in providing the most appropriate~~
1719 ~~services and recommendations in the least intrusive manner. Such~~
1720 ~~client information shall be used in the multidisciplinary~~
1721 ~~assessment and classification of the child, but such information,~~
1722 ~~and any information obtained directly or indirectly through the~~
1723 ~~assessment process, is inadmissible in court prior to the~~
1724 ~~disposition hearing, unless the child's written consent is~~
1725 ~~obtained. At the disposition hearing, documented client~~
1726 ~~information shall serve to assist the court in making the most~~
1727 ~~appropriate custody, adjudicatory, and dispositional decision. If~~
1728 ~~the screening and assessment indicate that the interest of the~~
1729 ~~child and the public will be best served thereby, the juvenile~~
1730 ~~probation officer, with the approval of the state attorney, may~~

1731 ~~refer the child for care, diagnostic and evaluation services,~~
1732 ~~substance abuse treatment services, mental health services,~~
1733 ~~retardation services, a diversionary or arbitration or mediation~~
1734 ~~program, community service work, or other programs or treatment~~
1735 ~~services voluntarily accepted by the child and the child's~~
1736 ~~parents or legal guardians. The victim, if any, and the law~~
1737 ~~enforcement agency which investigated the offense shall be~~
1738 ~~notified immediately by the state attorney of the action taken~~
1739 ~~under this paragraph. Whenever a child volunteers to participate~~
1740 ~~in any work program under this chapter or volunteers to work in a~~
1741 ~~specified state, county, municipal, or community service~~
1742 ~~organization supervised work program or to work for the victim,~~
1743 ~~the child shall be considered an employee of the state for the~~
1744 ~~purposes of liability. In determining the child's average weekly~~
1745 ~~wage, unless otherwise determined by a specific funding program,~~
1746 ~~all remuneration received from the employer is considered a~~
1747 ~~gratuity, and the child is not entitled to any benefits otherwise~~
1748 ~~payable under s. 440.15, regardless of whether the child may be~~
1749 ~~receiving wages and remuneration from other employment with~~
1750 ~~another employer and regardless of the child's future wage-~~
1751 ~~earning capacity.~~
1752 ~~(b) The juvenile probation officer, upon determining that~~
1753 ~~the report, affidavit, or complaint complies with the standards~~
1754 ~~of a probable cause affidavit and that the interest of the child~~
1755 ~~and the public will be best served, may recommend that a~~
1756 ~~delinquency petition not be filed. If such a recommendation is~~
1757 ~~made, the juvenile probation officer shall advise in writing the~~
1758 ~~person or agency making the report, affidavit, or complaint, the~~
1759 ~~victim, if any, and the law enforcement agency having~~

1760 ~~investigative jurisdiction of the offense of the recommendation~~
1761 ~~and the reasons therefor; and that the person or agency may~~
1762 ~~submit, within 10 days after the receipt of such notice, the~~
1763 ~~report, affidavit, or complaint to the state attorney for special~~
1764 ~~review. The state attorney, upon receiving a request for special~~
1765 ~~review, shall consider the facts presented by the report,~~
1766 ~~affidavit, or complaint, and by the juvenile probation officer~~
1767 ~~who made the recommendation that no petition be filed, before~~
1768 ~~making a final decision as to whether a petition or information~~
1769 ~~should or should not be filed.~~
1770 ~~(c) Subject to the interagency agreement authorized under~~
1771 ~~this paragraph, the juvenile probation officer for each case in~~
1772 ~~which a child is alleged to have committed a violation of law or~~
1773 ~~delinquent act and is not detained shall submit a written report~~
1774 ~~to the state attorney, including the original report, complaint,~~
1775 ~~or affidavit, or a copy thereof, including a copy of the child's~~
1776 ~~prior juvenile record, within 20 days after the date the child is~~
1777 ~~taken into custody. In cases in which the child is in detention,~~
1778 ~~the intake office report must be submitted within 24 hours after~~
1779 ~~the child is placed into detention. The intake office report may~~
1780 ~~include a recommendation that a petition or information be filed~~
1781 ~~or that no petition or information be filed, and may set forth~~
1782 ~~reasons for the recommendation. The State Attorney and the~~
1783 ~~Department of Juvenile Justice may, on a district-by-district~~
1784 ~~basis, enter into interagency agreements denoting the cases that~~
1785 ~~will require a recommendation and those for which a~~
1786 ~~recommendation is unnecessary.~~
1787 ~~(d) The state attorney may in all cases take action~~
1788 ~~independent of the action or lack of action of the juvenile~~

1789 ~~probation officer, and shall determine the action which is in the~~
1790 ~~best interest of the public and the child. If the child meets the~~
1791 ~~criteria requiring prosecution as an adult pursuant to s.~~
1792 ~~985.226, the state attorney shall request the court to transfer~~
1793 ~~and certify the child for prosecution as an adult or shall~~
1794 ~~provide written reasons to the court for not making such request.~~
1795 ~~In all other cases, the state attorney may:~~
1796 ~~1. File a petition for dependency;~~
1797 ~~2. File a petition pursuant to chapter 984;~~
1798 ~~3. File a petition for delinquency;~~
1799 ~~4. File a petition for delinquency with a motion to~~
1800 ~~transfer and certify the child for prosecution as an adult;~~
1801 ~~5. File an information pursuant to s. 985.227;~~
1802 ~~6. Refer the case to a grand jury;~~
1803 ~~7. Refer the child to a diversionary, pretrial~~
1804 ~~intervention, arbitration, or mediation program, or to some other~~
1805 ~~treatment or care program if such program commitment is~~
1806 ~~voluntarily accepted by the child or the child's parents or legal~~
1807 ~~guardians; or~~
1808 ~~8. Decline to file.~~
1809 ~~(e) In cases in which a delinquency report, affidavit, or~~
1810 ~~complaint is filed by a law enforcement agency and the state~~
1811 ~~attorney determines not to file a petition, the state attorney~~
1812 ~~shall advise the clerk of the circuit court in writing that no~~
1813 ~~petition will be filed thereon.~~
1814 (2) ~~(5)~~ Prior to requesting that a delinquency petition be
1815 filed or prior to filing a dependency petition, the juvenile
1816 probation officer may request the parent or legal guardian of the
1817 child to attend a course of instruction in parenting skills,

1818 training in conflict resolution, and the practice of nonviolence;
1819 to accept counseling; or to receive other assistance from any
1820 agency in the community which notifies the clerk of the court of
1821 the availability of its services. Where appropriate, the juvenile
1822 probation officer shall request both parents or guardians to
1823 receive such parental assistance. The juvenile probation officer
1824 may, in determining whether to request that a delinquency
1825 petition be filed, take into consideration the willingness of the
1826 parent or legal guardian to comply with such request. The parent
1827 or guardian must provide the juvenile probation officer with
1828 identifying information, including the parent's or guardian's
1829 name, address, date of birth, social security number, and
1830 driver's license number or identification card number in order to
1831 comply with s. 985.039 ~~985.2311~~.
1832 (3) When indicated by the comprehensive assessment, the
1833 department is authorized to contract within appropriated funds
1834 for services with a local nonprofit community mental health or
1835 substance abuse agency licensed or authorized under chapter 394
1836 or chapter 397 or other authorized nonprofit social service
1837 agency providing related services. The determination of mental
1838 health or substance abuse services shall be conducted in
1839 coordination with existing programs providing mental health or
1840 substance abuse services in conjunction with the intake office.
1841 (4) Client information resulting from the screening and
1842 evaluation shall be documented under rules of the department and
1843 shall serve to assist the juvenile probation officer in providing
1844 the most appropriate services and recommendations in the least
1845 intrusive manner. Such client information shall be used in the
1846 multidisciplinary assessment and classification of the child, but

1847 such information, and any information obtained directly or
1848 indirectly through the assessment process, is inadmissible in
1849 court prior to the disposition hearing, unless the child's
1850 written consent is obtained. At the disposition hearing,
1851 documented client information shall serve to assist the court in
1852 making the most appropriate custody, adjudicatory, and
1853 dispositional decision.
1854 (5) If the screening and assessment indicate that the
1855 interest of the child and the public will be best served thereby,
1856 the juvenile probation officer, with the approval of the state
1857 attorney, may refer the child for care, diagnostic, and
1858 evaluation services; substance abuse treatment services; mental
1859 health services; retardation services; a diversionary,
1860 arbitration, or mediation program; community service work; or
1861 other programs or treatment services voluntarily accepted by the
1862 child and the child's parents or legal guardian. Whenever a child
1863 volunteers to participate in any work program under this chapter
1864 or volunteers to work in a specified state, county, municipal, or
1865 community service organization supervised work program or to work
1866 for the victim, the child shall be considered an employee of the
1867 state for the purposes of liability. In determining the child's
1868 average weekly wage, unless otherwise determined by a specific
1869 funding program, all remuneration received from the employer is
1870 considered a gratuity, and the child is not entitled to any
1871 benefits otherwise payable under s. 440.15, regardless of whether
1872 the child may be receiving wages and remuneration from other
1873 employment with another employer and regardless of the child's
1874 future wage-earning capacity.

1875 (6) The victim, if any, and the law enforcement agency that
1876 investigated the offense shall be notified immediately by the
1877 state attorney of the action taken under subsection (5).
1878 Section 25. Section 985.15, Florida Statutes, is created to
1879 read:
1880 985.15 Filing decisions.--
1881 (1) The state attorney may in all cases take action
1882 independent of the action or lack of action of the juvenile
1883 probation officer and shall determine the action that is in the
1884 best interest of the public and the child. If the child meets the
1885 criteria requiring prosecution as an adult under s. 985.556, the
1886 state attorney shall request the court to transfer and certify
1887 the child for prosecution as an adult or shall provide written
1888 reasons to the court for not making such a request. In all other
1889 cases, the state attorney may:
1890 (a) File a petition for dependency;
1891 (b) File a petition under chapter 984;
1892 (c) File a petition for delinquency;
1893 (d) File a petition for delinquency with a motion to
1894 transfer and certify the child for prosecution as an adult;
1895 (e) File an information under s. 985.557;
1896 (f) Refer the case to a grand jury;
1897 (g) Refer the child to a diversionary, pretrial
1898 intervention, arbitration, or mediation program, or to some other
1899 treatment or care program if such program commitment is
1900 voluntarily accepted by the child or the child's parents or legal
1901 guardian; or
1902 (h) Decline to file.

1903 (2) In cases in which a delinquency report, affidavit, or
1904 complaint is filed by a law enforcement agency and the state
1905 attorney determines not to file a petition, the state attorney
1906 shall advise the clerk of the circuit court in writing that no
1907 petition will be filed thereon.
1908 Section 26. Section 985.303, Florida Statutes, is
1909 renumbered as section 985.155, Florida Statutes.
1910 Section 27. Section 985.304, Florida Statutes, is
1911 renumbered as section 985.16, Florida Statutes, and subsection
1912 (3) of that section is amended to read:
1913 985.16 ~~985.304~~ Community arbitration.--
1914 (3) COMMUNITY ARBITRATORS.--The chief judge of each
1915 judicial circuit shall maintain a list of qualified persons who
1916 have agreed to serve as community arbitrators for the purpose of
1917 carrying out the provisions of this chapter ~~part~~. Community
1918 arbitrators shall meet the qualification and training
1919 requirements adopted in rule by the Supreme Court. Whenever
1920 possible, qualified volunteers shall be used as community
1921 arbitrators.
1922 (a) Each community arbitrator or member of a community
1923 arbitration panel shall be selected by the chief judge of the
1924 circuit, the senior circuit court judge assigned to juvenile
1925 cases in the circuit, and the state attorney. A community
1926 arbitrator or, in the case of a panel, the chief arbitrator shall
1927 have such powers as are necessary to conduct the proceedings in a
1928 fair and expeditious manner.
1929 (b) A community arbitrator or member of a community
1930 arbitration panel shall be trained or experienced in juvenile
1931 causes and shall be:

1932 1. Either a graduate of an accredited law school or of an
1933 accredited school with a degree in behavioral social work or
1934 trained in conflict resolution techniques; and
1935 2. A person of the temperament necessary to deal properly
1936 with cases involving children and with the family crises likely
1937 to be presented to him or her.
1938 Section 28. Subsections (1) through (4) and (5) through (8)
1939 of section 985.224, Florida Statutes, are renumbered,
1940 respectively, as subsections (1) through (4) and (6) through (9)
1941 of section 985.18, Florida Statutes, and paragraph (e) of
1942 subsection (10) of section 985.215, Florida Statutes, is
1943 renumbered as subsection (5) of section 985.18, Florida Statutes.
1944 Section 29. Subsections (1) and (2) of section 985.229,
1945 Florida Statutes, are renumbered as section 985.185, Florida
1946 Statutes, and amended to read:
1947 985.185 Evaluations for disposition.--
1948 (1) ~~Upon a finding that the child has committed a~~
1949 ~~delinquent act, the court may order a predisposition report~~
1950 ~~regarding the eligibility of the child for disposition other than~~
1951 ~~by adjudication and commitment to the department or for~~
1952 ~~disposition of adjudication, commitment to the department, and,~~
1953 ~~if appropriate, assignment of a residential commitment level. The~~
1954 ~~predisposition report shall be the result of the~~
1955 ~~multidisciplinary assessment when such assessment is needed, and~~
1956 ~~of the classification and placement process, and it shall~~
1957 ~~indicate and report the child's priority needs, recommendations~~
1958 ~~as to a classification of risk for the child in the context of~~
1959 ~~his or her program and supervision needs, and a plan for~~
1960 ~~treatment that recommends the most appropriate placement setting~~

1961 ~~to meet the child's needs with the minimum program security that~~
1962 ~~reasonably ensures public safety. A predisposition report shall~~
1963 ~~be ordered for any child for whom a residential commitment~~
1964 ~~disposition is anticipated or recommended by an officer of the~~
1965 ~~court or by the department.~~ A comprehensive evaluation for
1966 physical health, mental health, substance abuse, academic,
1967 educational, or vocational problems shall be ordered for any
1968 child for whom a residential commitment disposition is
1969 anticipated or recommended by an officer of the court or by the
1970 department. ~~If a comprehensive evaluation is ordered, the~~
1971 ~~predisposition report shall include a summary of the~~
1972 ~~comprehensive evaluation. The predisposition report shall be~~
1973 ~~submitted to the court upon completion of the report but no later~~
1974 ~~than 48 hours prior to the disposition hearing. The~~
1975 ~~predisposition report shall not be reviewed by the court without~~
1976 ~~the consent of the child and his or her legal counsel until the~~
1977 ~~child has been found to have committed a delinquent act.~~
1978 (2) ~~The court shall consider the child's entire assessment~~
1979 ~~and predisposition report and shall review the records of earlier~~
1980 ~~judicial proceedings~~ Prior to making a final disposition of the
1981 case,~~.~~ the court may~~, by~~ order~~, require~~ additional evaluations
1982 and studies to be performed by the department, by the county
1983 school system, or by any social, psychological, or psychiatric
1984 agencies of the state. The court shall order the educational
1985 needs assessment completed under s. 985.18(2) ~~pursuant to s.~~
1986 ~~985.224(2)~~ to be included in the assessment and predisposition
1987 report.

1988 Section 30. Sections 985.223 and 985.418, Florida Statutes,
1989 are renumbered, respectively, as sections 985.19 and 985.195,
1990 Florida Statutes.
1991 Section 31. Subsections (1) and (4) of section 985.213,
1992 Florida Statutes, are renumbered as subsections (1) and (4) of
1993 section 985.24, Florida Statutes, and subsections (1) and (2) of
1994 section 985.214, Florida Statutes, are renumbered as subsections
1995 (2) and (3) of section 985.24, Florida Statutes, and amended to
1996 read:
1997 985.24 ~~985.213~~ Use of detention; prohibitions.--
1998 (1) All determinations and court orders regarding the use
1999 of secure, nonsecure, or home detention shall be based primarily
2000 upon findings that the child:
2001 (a) Presents a substantial risk of not appearing at a
2002 subsequent hearing;
2003 (b) Presents a substantial risk of inflicting bodily harm
2004 on others as evidenced by recent behavior;
2005 (c) Presents a history of committing a property offense
2006 prior to adjudication, disposition, or placement;
2007 (d) Has committed contempt of court by:
2008 1. Intentionally disrupting the administration of the
2009 court;
2010 2. Intentionally disobeying a court order; or
2011 3. Engaging in a punishable act or speech in the court's
2012 presence which shows disrespect for the authority and dignity of
2013 the court; or
2014 (e) Requests protection from imminent bodily harm.
2015 ~~985.214 Prohibited uses of detention.--~~

2016 (2) ~~(1)~~ A child alleged to have committed a delinquent act
2017 or violation of law may not be placed into secure, nonsecure, or
2018 home detention care for any of the following reasons:
2019 (a) To allow a parent to avoid his or her legal
2020 responsibility.
2021 (b) To permit more convenient administrative access to the
2022 child.
2023 (c) To facilitate further interrogation or investigation.
2024 (d) Due to a lack of more appropriate facilities.
2025 (3) ~~(2)~~ A child alleged to be dependent under ~~part II of~~
2026 chapter 39 may not, under any circumstances, be placed into
2027 secure detention care.
2028 (4) The department ~~of Juvenile Justice~~ shall continue to
2029 identify alternatives to secure detention care and shall develop
2030 such alternatives and annually submit them to the Legislature for
2031 authorization and appropriation.
2032 Section 32. Subsection (2) of section 985.213, Florida
2033 Statutes, is renumbered as section 985.245, Florida Statutes, and
2034 amended to read:
2035 985.245 Risk assessment instrument.--
2036 (1) ~~(2)(a)~~ All determinations and court orders regarding
2037 placement of a child into detention care shall comply with all
2038 requirements and criteria provided in this part and shall be
2039 based on a risk assessment of the child, unless the child is
2040 placed into detention care as provided in s. 985.255(2)
2041 ~~subparagraph (b)3~~.
2042 (2)(a) ~~(b)1.~~ The risk assessment instrument for detention
2043 care placement determinations and orders shall be developed by
2044 the department ~~of Juvenile Justice~~ in agreement with

2045 representatives appointed by the following associations: the
2046 Conference of Circuit Judges of Florida, the Prosecuting
2047 Attorneys Association, the Public Defenders Association, the
2048 Florida Sheriffs Association, and the Florida Association of
2049 Chiefs of Police. Each association shall appoint two individuals,
2050 one representing an urban area and one representing a rural area.
2051 The parties involved shall evaluate and revise the risk
2052 assessment instrument as is considered necessary using the method
2053 for revision as agreed by the parties.
2054 (b) The risk assessment instrument shall take into
2055 consideration, but need not be limited to, prior history of
2056 failure to appear, prior offenses, offenses committed pending
2057 adjudication, any unlawful possession of a firearm, theft of a
2058 motor vehicle or possession of a stolen motor vehicle, and
2059 probation status at the time the child is taken into custody. The
2060 risk assessment instrument shall also take into consideration
2061 appropriate aggravating and mitigating circumstances, and shall
2062 be designed to target a narrower population of children than s.
2063 985.255 ~~985.215(2)~~. The risk assessment instrument shall also
2064 include any information concerning the child's history of abuse
2065 and neglect. The risk assessment shall indicate whether detention
2066 care is warranted, and, if detention care is warranted, whether
2067 the child should be placed into secure, nonsecure, or home
2068 detention care.
2069 (3)~~2.~~ If, at the detention hearing, the court finds a
2070 material error in the scoring of the risk assessment instrument,
2071 the court may amend the score to reflect factual accuracy.
2072 ~~3. A child who is charged with committing an offense of~~
2073 ~~domestic violence as defined in s. 741.28 and who does not meet~~

2074 ~~detention criteria may be held in secure detention if the court~~
2075 ~~makes specific written findings that:~~
2076 ~~a. Respite care for the child is not available; and~~
2077 ~~b. It is necessary to place the child in secure detention~~
2078 ~~in order to protect the victim from injury.~~
2079
2080 ~~The child may not be held in secure detention under this~~
2081 ~~subparagraph for more than 48 hours unless ordered by the court.~~
2082 ~~After 48 hours, the court shall hold a hearing if the state~~
2083 ~~attorney or victim requests that secure detention be continued.~~
2084 ~~The child may continue to be held in detention care if the court~~
2085 ~~makes a specific, written finding that detention care is~~
2086 ~~necessary to protect the victim from injury. However, the child~~
2087 ~~may not be held in detention care beyond the time limits set~~
2088 ~~forth in s. 985.215.~~
2089 (4)~~4.~~ For a child who is under the supervision of the
2090 department through probation, home detention, nonsecure
2091 detention, conditional release, postcommitment probation, or
2092 commitment and who is charged with committing a new offense, the
2093 risk assessment instrument may be completed and scored based on
2094 the underlying charge for which the child was placed under the
2095 supervision of the department and the new offense.
2096 Section 33. Subsection (1) and paragraph (b) of subsection
2097 (5) of section 985.215, Florida Statutes, are renumbered as
2098 section 985.25, Florida Statutes, and amended to read:
2099 985.25 ~~985.215~~ Detention intake.--
2100 (1) The juvenile probation officer shall receive custody of
2101 a child who has been taken into custody from the law enforcement
2102 agency and shall review the facts in the law enforcement report

2103 or probable cause affidavit and make such further inquiry as may
2104 be necessary to determine whether detention care is required.
2105 (a) During the period of time from the taking of the child
2106 into custody to the date of the detention hearing, the initial
2107 decision as to the child's placement into secure detention care,
2108 nonsecure detention care, or home detention care shall be made by
2109 the juvenile probation officer under ss. 985.24 and 985.245(1)
2110 ~~pursuant to ss. 985.213 and 985.214~~.
2111 (b) The juvenile probation officer shall base the decision
2112 whether or not to place the child into secure detention care,
2113 home detention care, or nonsecure detention care on an assessment
2114 of risk in accordance with the risk assessment instrument and
2115 procedures developed by the department ~~of Juvenile Justice~~ under
2116 s. 985.245 ~~985.213~~. However, a child charged with possessing or
2117 discharging a firearm on school property in violation of s.
2118 790.115 shall be placed in secure detention care.
2119 (c) If the juvenile probation officer determines that a
2120 child who is eligible for detention based upon the results of the
2121 risk assessment instrument should be released, the juvenile
2122 probation officer shall contact the state attorney, who may
2123 authorize release. If detention is not authorized, the child may
2124 be released by the juvenile probation officer in accordance with
2125 ss. 985.115 and 985.13 ~~s. 985.211~~.
2126
2127 Under no circumstances shall the juvenile probation officer or
2128 the state attorney or law enforcement officer authorize the
2129 detention of any child in a jail or other facility intended or
2130 used for the detention of adults, without an order of the court.
2131 (2) ~~(5)~~

2132 ~~(b)~~ The arresting law enforcement agency shall complete and
2133 present its investigation of an offense ~~under this subsection~~ to
2134 the appropriate state attorney's office within 8 days after
2135 placement of the child in secure detention. The investigation
2136 shall include, but is not limited to, police reports and
2137 supplemental police reports, witness statements, and evidence
2138 collection documents. The failure of a law enforcement agency to
2139 complete and present its investigation within 8 days shall not
2140 entitle a juvenile to be released from secure detention or to a
2141 dismissal of any charges.
2142 Section 34. Subsection (2) of section 985.215, Florida
2143 Statutes, is renumbered as section 985.255, Florida Statutes, and
2144 amended to read:
2145 985.255 Detention criteria; detention hearing.--
2146 (1)~~(2)~~ Subject to s. 985.25(1) ~~the provisions of subsection~~
2147 ~~(1)~~, a child taken into custody and placed into nonsecure or home
2148 detention care or detained in secure detention care prior to a
2149 detention hearing may continue to be detained by the court if:
2150 (a) The child is alleged to be an escapee from a
2151 residential commitment program, or an absconder from a
2152 nonresidential commitment program, a probation program, or
2153 conditional release supervision, or is alleged to have escaped
2154 while being lawfully transported to or from a residential
2155 commitment program.
2156 (b) The child is wanted in another jurisdiction for an
2157 offense which, if committed by an adult, would be a felony.
2158 (c) The child is charged with a delinquent act or violation
2159 of law and requests in writing through legal counsel to be

2160 detained for protection from an imminent physical threat to his
2161 or her personal safety.
2162 (d) The child is charged with committing an offense of
2163 domestic violence as defined in s. 741.28 and is detained as
2164 provided in subsection (2) ~~s. 985.213(2)(b)3~~.
2165 (e) The child is charged with possession or discharging a
2166 firearm on school property in violation of s. 790.115.
2167 (f) The child is charged with a capital felony, a life
2168 felony, a felony of the first degree, a felony of the second
2169 degree that does not involve a violation of chapter 893, or a
2170 felony of the third degree that is also a crime of violence,
2171 including any such offense involving the use or possession of a
2172 firearm.
2173 (g) The child is charged with any second degree or third
2174 degree felony involving a violation of chapter 893 or any third
2175 degree felony that is not also a crime of violence, and the
2176 child:
2177 1. Has a record of failure to appear at court hearings
2178 after being properly notified in accordance with the Rules of
2179 Juvenile Procedure;
2180 2. Has a record of law violations prior to court hearings;
2181 3. Has already been detained or has been released and is
2182 awaiting final disposition of the case;
2183 4. Has a record of violent conduct resulting in physical
2184 injury to others; or
2185 5. Is found to have been in possession of a firearm.
2186 (h) The child is alleged to have violated the conditions of
2187 the child's probation or conditional release supervision.
2188 However, a child detained under this paragraph may be held only

2189 in a consequence unit as provided in 985.439 ~~s. 985.231(1)(a)1.c~~.
2190 If a consequence unit is not available, the child shall be placed
2191 on home detention with electronic monitoring.
2192 (i) The child is detained on a judicial order for failure
2193 to appear and has previously willfully failed to appear, after
2194 proper notice, for an adjudicatory hearing on the same case
2195 regardless of the results of the risk assessment instrument. A
2196 child may be held in secure detention for up to 72 hours in
2197 advance of the next scheduled court hearing pursuant to this
2198 paragraph. The child's failure to keep the clerk of court and
2199 defense counsel informed of a current and valid mailing address
2200 where the child will receive notice to appear at court
2201 proceedings does not provide an adequate ground for excusal of
2202 the child's nonappearance at the hearings.
2203 (j) The child is detained on a judicial order for failure
2204 to appear and has previously willfully failed to appear, after
2205 proper notice, at two or more court hearings of any nature on the
2206 same case regardless of the results of the risk assessment
2207 instrument. A child may be held in secure detention for up to 72
2208 hours in advance of the next scheduled court hearing pursuant to
2209 this paragraph. The child's failure to keep the clerk of court
2210 and defense counsel informed of a current and valid mailing
2211 address where the child will receive notice to appear at court
2212 proceedings does not provide an adequate ground for excusal of
2213 the child's nonappearance at the hearings.
2214 (2) A child who is charged with committing an offense of
2215 domestic violence as defined in s. 741.28 and who does not meet
2216 detention criteria may be held in secure detention if the court
2217 makes specific written findings that:

2218 (a) Respite care for the child is not available.
2219 (b) It is necessary to place the child in secure detention
2220 in order to protect the victim from injury.
2221
2222 The child may not be held in secure detention under this
2223 subsection for more than 48 hours unless ordered by the court.
2224 After 48 hours, the court shall hold a hearing if the state
2225 attorney or victim requests that secure detention be continued.
2226 The child may continue to be held in detention care if the court
2227 makes a specific, written finding that detention care is
2228 necessary to protect the victim from injury. However, the child
2229 may not be held in detention care beyond the time limits set
2230 forth in this section or s. 985.26.
2231 (3)(a) A child who meets any of the ~~these~~ criteria in
2232 subsection (1) and who is ordered to be detained under that
2233 ~~pursuant to this~~ subsection shall be given a hearing within 24
2234 hours after being taken into custody. The purpose of the
2235 detention hearing is to determine the existence of probable cause
2236 that the child has committed the delinquent act or violation of
2237 law that ~~with which~~ he or she is charged with and the need for
2238 continued detention. Unless a child is detained under paragraph
2239 (1)(d) or paragraph (1)(e), the court shall use ~~utilize~~ the
2240 results of the risk assessment performed by the juvenile
2241 probation officer and, based on the criteria in ~~this~~ subsection
2242 (1), shall determine the need for continued detention. A child
2243 placed into secure, nonsecure, or home detention care may
2244 continue to be so detained by the court ~~pursuant to this~~
2245 ~~subsection~~.

2246 (b) If the court orders a placement more restrictive than
2247 indicated by the results of the risk assessment instrument, the
2248 court shall state, in writing, clear and convincing reasons for
2249 such placement.
2250 (c) Except as provided in s. 790.22(8) or in s. 985.27
2251 ~~subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or~~
2252 ~~paragraph (10)(d)~~, when a child is placed into secure or
2253 nonsecure detention care, or into a respite home or other
2254 placement pursuant to a court order following a hearing, the
2255 court order must include specific instructions that direct the
2256 release of the child from such placement no later than 5 p.m. on
2257 the last day of the detention period specified in s. 985.26 or s.
2258 985.27 ~~paragraph (5)(b) or paragraph (5)(c), or subparagraph~~
2259 ~~(10)(a)1.~~, whichever is applicable, unless the requirements of
2260 such applicable provision have been met or an order of
2261 continuance has been granted under s. 985.26(4) ~~pursuant to~~
2262 ~~paragraph (5)(f)~~.
2263 Section 35. Paragraphs (c) and (g) of subsection (5) of
2264 section 985.215, Florida Statutes, are renumbered as subsection
2265 (2) of section 985.26, Florida Statutes, paragraphs (a), (d),
2266 (e), and (f) of subsection (5) of section 985.215, Florida
2267 Statutes, are renumbered, respectively, as subsections (1), (3),
2268 (5), and (4) of section 985.26, Florida Statutes, and subsection
2269 (7) of section 985.215, Florida Statutes, is renumbered as
2270 subsection (6) of section 985.26, Florida Statutes, and amended
2271 to read:
2272 985.26 Length of detention.--
2273 (1) ~~(5)(a)~~ A child may not be placed into or held in secure,
2274 nonsecure, or home detention care for longer than 24 hours unless

2275 the court orders such detention care, and the order includes
2276 specific instructions that direct the release of the child from
2277 such detention care, in accordance with 985.255 ~~subsection (2)~~.
2278 The order shall be a final order, reviewable by appeal under
2279 ~~pursuant to~~ s. 985.534 ~~985.234~~ and the Florida Rules of Appellate
2280 Procedure. Appeals of such orders shall take precedence over
2281 other appeals and other pending matters.
2282 (2) ~~(c)~~ ~~Except as provided in paragraph (g),~~ A child may not
2283 be held in secure, nonsecure, or home detention care under a
2284 special detention order for more than 21 days unless an
2285 adjudicatory hearing for the case has been commenced in good
2286 faith by the court. However, upon good cause being shown that the
2287 nature of the charge requires additional time for the prosecution
2288 or defense of the case, the court may extend the length of
2289 detention for an additional 9 days if the child is charged with
2290 an offense that would be, if committed by an adult, a capital
2291 felony, a life felony, a felony of the first degree, or a felony
2292 of the second degree involving violence against any individual.
2293 (3) ~~(d)~~ Except as provided in subsection (2) ~~paragraph (g)~~,
2294 a child may not be held in secure, nonsecure, or home detention
2295 care for more than 15 days following the entry of an order of
2296 adjudication.
2297 (4) ~~(f)~~ The time limits in subsections (2) and (3)
2298 ~~paragraphs (c) and (d)~~ do not include periods of delay resulting
2299 from a continuance granted by the court for cause on motion of
2300 the child or his or her counsel or of the state. Upon the
2301 issuance of an order granting a continuance for cause on a motion
2302 by either the child, the child's counsel, or the state, the court
2303 shall conduct a hearing at the end of each 72-hour period,

2304 excluding Saturdays, Sundays, and legal holidays, to determine
2305 the need for continued detention of the child and the need for
2306 further continuance of proceedings for the child or the state.
2307 (5) ~~(e)~~ A child who was not in secure detention at the time
2308 of the adjudicatory hearing, but for whom residential commitment
2309 is anticipated or recommended, may be placed under a special
2310 detention order for a period not to exceed 72 hours, excluding
2311 weekends and legal holidays, for the purpose of conducting a
2312 comprehensive evaluation as provided in s. 985.185 ~~985.229(1)~~.
2313 Motions for the issuance of such special detention order may be
2314 made subsequent to a finding of delinquency. Upon said motion,
2315 the court shall conduct a hearing to determine the
2316 appropriateness of such special detention order and shall order
2317 the least restrictive level of detention necessary to complete
2318 the comprehensive evaluation process that is consistent with
2319 public safety. Such special detention order may be extended for
2320 an additional 72 hours upon further order of the court.
2321 ~~(g) Upon good cause being shown that the nature of the~~
2322 ~~charge requires additional time for the prosecution or defense of~~
2323 ~~the case, the court may extend the time limits for detention~~
2324 ~~specified in paragraph (c) an additional 9 days if the child is~~
2325 ~~charged with an offense that would be, if committed by an adult,~~
2326 ~~a capital felony, a life felony, a felony of the first degree, or~~
2327 ~~a felony of the second degree involving violence against any~~
2328 ~~individual.~~
2329 (6) ~~(7)~~ If a child is detained and a petition for
2330 delinquency is filed, the child shall be arraigned in accordance
2331 with the Florida Rules of Juvenile Procedure within 48 hours
2332 after the filing of the petition for delinquency.

2333 Section 36. Subsections (4), (8), (9), and (11) of section
2334 985.215, Florida Statutes, are renumbered, respectively, as
2335 subsections (5), (1), (2), and (3) of section 985.265, Florida
2336 Statutes, and subsection (3) of section 985.213, Florida
2337 Statutes, is renumbered as subsection (4) of section 985.265,
2338 Florida Statutes, and amended to read:
2339 985.265 Detention transfer and release; education; adult
2340 jails.--
2341 (1) ~~(8)~~ If a child is detained under ~~pursuant to~~ this part
2342 ~~section~~, the department ~~of Juvenile Justice~~ may transfer the
2343 child from nonsecure or home detention care to secure detention
2344 care only if significantly changed circumstances warrant such
2345 transfer.
2346 (2) ~~(9)~~ If a child is on release status and not detained
2347 under ~~pursuant to~~ this part ~~section~~, the child may be placed into
2348 secure, nonsecure, or home detention care only pursuant to a
2349 court hearing in which the original risk assessment instrument,
2350 rescored based on newly discovered evidence or changed
2351 circumstances with the results recommending detention, is
2352 introduced into evidence.
2353 (3) ~~(11)~~ (a) When a juvenile sexual offender is placed in
2354 detention, detention staff shall provide appropriate monitoring
2355 and supervision to ensure the safety of other children in the
2356 facility.
2357 (b) When a juvenile sexual offender, under ~~pursuant to~~ this
2358 subsection, is released from detention or transferred to home
2359 detention or nonsecure detention, detention staff shall
2360 immediately notify the appropriate law enforcement agency and
2361 school personnel.

2362 (4) ~~(3)~~ (a) While a child who is currently enrolled in school
2363 is in nonsecure or home detention care, the child shall continue
2364 to attend school unless otherwise ordered by the court.
2365 (b) While a child is in secure detention care, the child
2366 shall receive education commensurate with his or her grade level
2367 and educational ability.
2368 (5) ~~(4)~~ The court shall order the delivery of a child to a
2369 jail or other facility intended or used for the detention of
2370 adults:
2371 (a) When the child has been transferred or indicted for
2372 criminal prosecution as an adult under ~~pursuant to this~~ part X,
2373 except that the court may not order or allow a child alleged to
2374 have committed a misdemeanor who is being transferred for
2375 criminal prosecution pursuant to either s. 985.556 ~~985.226~~ or s.
2376 985.557 ~~985.227~~ to be detained or held in a jail or other
2377 facility intended or used for the detention of adults; however,
2378 such child may be held temporarily in a detention facility; or
2379 (b) When a child taken into custody in this state is wanted
2380 by another jurisdiction for prosecution as an adult.
2381
2382 The child shall be housed separately from adult inmates to
2383 prohibit a child from having regular contact with incarcerated
2384 adults, including trustees. "Regular contact" means sight and
2385 sound contact. Separation of children from adults shall permit no
2386 more than haphazard or accidental contact. The receiving jail or
2387 other facility shall contain a separate section for children and
2388 shall have an adequate staff to supervise and monitor the child's
2389 activities at all times. Supervision and monitoring of children
2390 includes physical observation and documented checks by jail or

2391 receiving facility supervisory personnel at intervals not to
2392 exceed 15 minutes. This subsection ~~paragraph~~ does not prohibit
2393 placing two or more children in the same cell. Under no
2394 circumstances shall a child be placed in the same cell with an
2395 adult.
2396 Section 37. Paragraphs (a) through (d) and paragraph (f) of
2397 subsection (10) of section 985.215, Florida Statutes, are
2398 renumbered as section 985.27, Florida Statutes, and amended to
2399 read:
2400 985.27 Postcommitment detention while awaiting placement.--
2401 (1) ~~(a)1. When a child is committed to the Department of~~
2402 ~~Juvenile Justice awaiting dispositional placement, removal of the~~
2403 ~~child from detention care shall occur within 5 days, excluding~~
2404 ~~Saturdays, Sundays, and legal holidays. Any child held in secure~~
2405 ~~detention during the 5 days must meet detention admission~~
2406 ~~criteria pursuant to this section. If the child is committed to a~~
2407 ~~moderate-risk residential program, the department may seek an~~
2408 ~~order from the court authorizing continued detention for a~~
2409 ~~specific period of time necessary for the appropriate residential~~
2410 ~~placement of the child. However, such continued detention in~~
2411 ~~secure detention care may not exceed 15 days after commitment,~~
2412 ~~excluding Saturdays, Sundays, and legal holidays, and except as~~
2413 ~~otherwise provided in this subsection.~~
2414 ~~2.~~ The court must place all children who are adjudicated
2415 and awaiting placement in a commitment program in detention care.
2416 Children who are in home detention care or nonsecure detention
2417 care may be placed on electronic monitoring.
2418 (a) A child who is awaiting placement in a low-risk
2419 residential program must be removed from detention within 5 days,

2420 excluding Saturdays, Sundays, and legal holidays. Any child held
2421 in secure detention during the 5 days must meet detention
2422 admission criteria under this part.
2423 ~~(b)~~ A child who is placed in home detention care, nonsecure
2424 detention care, or home or nonsecure detention care with
2425 electronic monitoring, while awaiting placement in a minimum-risk
2426 or~~,~~ low-risk~~, or moderate-risk~~ program, may be held in secure
2427 detention care for 5 days, if the child violates the conditions
2428 of the home detention care, the nonsecure detention care, or the
2429 electronic monitoring agreement. For any subsequent violation,
2430 the court may impose an additional 5 days in secure detention
2431 care.
2432 (b) A child who is awaiting placement in a moderate-risk
2433 residential program must be removed from detention within 5 days,
2434 excluding Saturdays, Sundays, and legal holidays. Any child held
2435 in secure detention during the 5 days must meet detention
2436 admission criteria under this part. The department may seek an
2437 order from the court authorizing continued detention for a
2438 specific period of time necessary for the appropriate residential
2439 placement of the child. However, such continued detention in
2440 secure detention care may not exceed 15 days after entry of the
2441 commitment order, excluding Saturdays, Sundays, and legal
2442 holidays, and except as otherwise provided in this section. A
2443 child who is placed in home detention care, nonsecure detention
2444 care, or home or nonsecure detention care with electronic
2445 monitoring, while awaiting placement in a moderate-risk program,
2446 may be held in secure detention care for 5 days, if the child
2447 violates the conditions of the home detention care, the nonsecure
2448 detention care, or the electronic monitoring agreement. For any

2449 subsequent violation, the court may impose an additional 5 days
2450 in secure detention care.
2451 (c) If the child is committed to a high-risk residential
2452 program, the child must be held in detention care until placement
2453 or commitment is accomplished.
2454 (d) If the child is committed to a maximum-risk residential
2455 program, the child must be held in detention care until placement
2456 or commitment is accomplished.
2457 (2) ~~(f)~~ Regardless of detention status, a child being
2458 transported by the department to a residential commitment
2459 facility of the department may be placed in secure detention
2460 overnight, not to exceed a 24-hour period, for the specific
2461 purpose of ensuring the safe delivery of the child to his or her
2462 residential commitment program, court, appointment, transfer, or
2463 release.
2464 Section 38. Section 985.208, Florida Statutes, is
2465 renumbered as section 985.275, Florida Statutes, and amended to
2466 read:
2467 985.275 ~~985.208~~ Detention of escapee or absconder on
2468 authority of the department.--
2469 (1) If an authorized agent of the department has reasonable
2470 grounds to believe that any delinquent child committed to the
2471 department has escaped from a residential commitment facility or
2472 from being lawfully transported thereto or therefrom, or has
2473 absconded from a nonresidential commitment facility, the agent
2474 may take the child into active custody and may deliver the child
2475 to the facility or, if it is closer, to a detention center for
2476 return to the facility. However, a child may not be held in
2477 detention longer than 24 hours, excluding Saturdays, Sundays, and

2478 legal holidays, unless a special order so directing is made by
2479 the judge after a detention hearing resulting in a finding that
2480 detention is required based on the criteria in s. 985.255
2481 ~~985.215(2)~~. The order shall state the reasons for such finding.
2482 The reasons shall be reviewable by appeal or in habeas corpus
2483 proceedings in the district court of appeal.
2484 (2) Any sheriff or other law enforcement officer, upon the
2485 request of the secretary of the department or duly authorized
2486 agent, shall take a child who has escaped from a residential
2487 commitment facility or from being lawfully transported thereto or
2488 therefrom, or has absconded from a nonresidential commitment
2489 facility, into custody and deliver the child to the appropriate
2490 juvenile probation officer.
2491 Section 39. Section 985.218, Florida Statutes, is
2492 renumbered as section 985.318, Florida Statutes.
2493 Section 40. Subsections (1) through (7) and (9) through
2494 (12) of section 985.219, Florida Statutes, are renumbered as
2495 subsections (1) through (11) of section 985.319, Florida
2496 Statutes, and subsection (6) of that section is amended to read:
2497 985.319 ~~985.219~~ Process and service.--
2498 (6) If the petition alleges that the child has committed a
2499 delinquent act or violation of law and the judge deems it
2500 advisable to do so, under ~~pursuant to~~ the criteria of s. 985.255
2501 ~~s. 985.215~~, the judge may, by endorsement upon the summons and
2502 after the entry of an order in which valid reasons are specified,
2503 order the child to be taken into custody immediately, and in such
2504 case the person serving the summons shall immediately take the
2505 child into custody.

2506 Section 41. Section 985.22, Florida Statutes, is renumbered
2507 as section 985.325, Florida Statutes, and amended to read:
2508 985.325 ~~985.22~~ Threatening or dismissing an employee
2509 prohibited.--
2510 (1) An employer, or the employer's agent, may not dismiss
2511 from employment an employee who is summoned to appear before the
2512 court under s. 985.319 ~~985.219~~ solely because of the nature of
2513 the summons or because the employee complies with the summons.
2514 (2) If an employer, or the employer's agent, threatens an
2515 employee with dismissal, or dismisses an employee, who is
2516 summoned to appear under s. 985.319 ~~985.219~~, the court may hold
2517 the employer in contempt.
2518 Section 42. Sections 985.221, 985.222, and 985.306, Florida
2519 Statutes, are renumbered, respectively, as sections 985.331,
2520 985.335, and 985.345, Florida Statutes.
2521 Section 43. Section 985.228, Florida Statutes, is
2522 renumbered as section 985.35, Florida Statutes, and amended to
2523 read:
2524 985.35 ~~985.228~~ Adjudicatory hearings; withheld
2525 adjudications; orders of adjudication.--
2526 (1) The adjudicatory hearing must be held as soon as
2527 practicable after the petition alleging that a child has
2528 committed a delinquent act or violation of law is filed and in
2529 accordance with the Florida Rules of Juvenile Procedure; but
2530 reasonable delay for the purpose of investigation, discovery, or
2531 procuring counsel or witnesses shall be granted. If the child is
2532 being detained, the time limitations ~~provided for~~ in s. 985.26(2)
2533 and (3) ~~985.215(5)(c) and (d)~~ apply.

2534 (2) Adjudicatory hearings shall be conducted without a jury
2535 by the court, applying in delinquency cases the rules of evidence
2536 in use in criminal cases; adjourning the hearings from time to
2537 time as necessary; and conducting a fundamentally fair hearing in
2538 language understandable, to the fullest extent practicable, to
2539 the child before the court.
2540 (a) In a hearing on a petition alleging that a child has
2541 committed a delinquent act or violation of law, the evidence must
2542 establish the findings beyond a reasonable doubt.
2543 (b) The child is entitled to the opportunity to introduce
2544 evidence and otherwise be heard in the child's own behalf and to
2545 cross-examine witnesses.
2546 (c) A child charged with a delinquent act or violation of
2547 law must be afforded all rights against self-incrimination.
2548 Evidence illegally seized or obtained may not be received to
2549 establish the allegations against the child.
2550 (3) If the court finds that the child named in a petition
2551 has not committed a delinquent act or violation of law, it shall
2552 enter an order so finding and dismissing the case.
2553 (4) If the court finds that the child named in the petition
2554 has committed a delinquent act or violation of law, it may, in
2555 its discretion, enter an order stating the facts upon which its
2556 finding is based but withholding adjudication of delinquency.
2557 (a) Upon withholding adjudication of delinquency, the court
2558 may place ~~and placing~~ the child in a probation program under the
2559 supervision of the department or under the supervision of any
2560 other person or agency specifically authorized and appointed by
2561 the court. The court may, as a condition of the program, impose
2562 as a penalty component restitution in money or in kind, community

2563 service, a curfew, urine monitoring, revocation or suspension of
2564 the driver's license of the child, or other nonresidential
2565 punishment appropriate to the offense, and may impose as a
2566 rehabilitative component a requirement of participation in
2567 substance abuse treatment, or school or other educational program
2568 attendance.
2569 (b) If the child is attending public school and the court
2570 finds that the victim or a sibling of the victim in the case was
2571 assigned to attend or is eligible to attend the same school as
2572 the child, the court order shall include a finding pursuant to
2573 the proceedings described in s. 985.455, regardless of whether
2574 adjudication is withheld ~~985.23(1)(d)~~.
2575 (c) If the court later finds that the child has not
2576 complied with the rules, restrictions, or conditions of the
2577 community-based program, the court may, after a hearing to
2578 establish the lack of compliance, but without further evidence of
2579 the state of delinquency, enter an adjudication of delinquency
2580 and shall thereafter have full authority under this chapter to
2581 deal with the child as adjudicated.
2582 (5) If the court finds that the child named in a petition
2583 has committed a delinquent act or violation of law, but elects
2584 not to proceed under subsection (4), it shall incorporate that
2585 finding in an order of adjudication of delinquency entered in the
2586 case, briefly stating the facts upon which the finding is made,
2587 and the court shall thereafter have full authority under this
2588 chapter to deal with the child as adjudicated.
2589 (6) Except as the term "conviction" is used in chapter 322,
2590 and except for use in a subsequent proceeding under this chapter,
2591 an adjudication of delinquency by a court with respect to any

2592 child who has committed a delinquent act or violation of law
2593 shall not be deemed a conviction; nor shall the child be deemed
2594 to have been found guilty or to be a criminal by reason of that
2595 adjudication; nor shall that adjudication operate to impose upon
2596 the child any of the civil disabilities ordinarily imposed by or
2597 resulting from conviction or to disqualify or prejudice the child
2598 in any civil service application or appointment, with the
2599 exception of the use of records of proceedings under this chapter
2600 ~~part~~ as provided in s. 985.045(4) ~~s. 985.05(4)~~.
2601 (7) Notwithstanding any other provision of law, an
2602 adjudication of delinquency for an offense classified as a felony
2603 shall disqualify a person from lawfully possessing a firearm
2604 until such person reaches 24 years of age.
2605 Section 44. Subsection (3) of section 985.229, Florida
2606 Statutes, is renumbered as subsection (3) of section 985.43,
2607 Florida Statutes, and section 985.43, Florida Statutes, is
2608 created to read:
2609 985.43 Predisposition reports; other evaluations.--
2610 (1) Upon a finding that the child has committed a
2611 delinquent act:
2612 (a) The court may order the department to prepare a
2613 predisposition report regarding the child's eligibility for
2614 disposition other than by adjudication and commitment to the
2615 department or for disposition of adjudication, commitment to the
2616 department, and, if appropriate, assignment of a residential
2617 commitment level. The predisposition report shall be the result
2618 of the multidisciplinary assessment, when such assessment is
2619 needed, and of the classification and placement process, and it
2620 shall indicate and report the child's priority needs,

2621 recommendations as to a classification of risk for the child in
2622 the context of his or her program and supervision needs, and a
2623 plan for treatment that recommends the most appropriate placement
2624 setting to meet the child's needs with the minimum program
2625 security that reasonably ensures public safety. A predisposition
2626 report shall be ordered for any child for whom a residential
2627 commitment disposition is anticipated or recommended by an
2628 officer of the court or by the department.
2629 (b) A comprehensive evaluation for physical health; mental
2630 health; substance abuse; or academic, educational, or vocational
2631 problems shall be ordered for any child for whom a residential
2632 commitment disposition is anticipated or recommended by an
2633 officer of the court or by the department. If a comprehensive
2634 evaluation is ordered, the predisposition report shall include a
2635 summary of the comprehensive evaluation.
2636 (c) A child who was not in secure detention at the time of
2637 the adjudicatory hearing, but for whom residential commitment is
2638 anticipated or recommended, may be placed under a special
2639 detention order, as provided in s. 985.26(5), for the purpose of
2640 conducting a comprehensive evaluation.
2641 (2) The court shall consider the child's entire assessment
2642 and predisposition report and shall review the records of earlier
2643 judicial proceedings prior to making a final disposition of the
2644 case. The court may, by order, require additional evaluations and
2645 studies to be performed by the department, the county school
2646 system, or any social, psychological, or psychiatric agency of
2647 the state. The court shall order the educational needs assessment
2648 completed under s. 985.18(2) to be included in the assessment and
2649 predisposition report.

2650 (3) The predisposition report, together with all other
2651 reports and evaluations used by the department in preparing the
2652 predisposition report, shall be made available to the child, the
2653 child's parents or legal guardian, the child's legal counsel, and
2654 the state attorney upon completion of the report and at a
2655 reasonable time prior to the disposition hearing. The
2656 predisposition report shall be submitted to the court upon
2657 completion of the report but no later than 48 hours prior to the
2658 disposition hearing. The predisposition report shall not be
2659 reviewed by the court without the consent of the child and his or
2660 her legal counsel until the child has been found to have
2661 committed a delinquent act.
2662 Section 45. Section 985.23, Florida Statutes, is renumbered
2663 as section 985.433, Florida Statutes, and amended to read:
2664 985.433 ~~985.23~~ Disposition hearings in delinquency
2665 cases.--When a child has been found to have committed a
2666 delinquent act, the following procedures shall be applicable to
2667 the disposition of the case:
2668 (1) ~~(7)~~ The court shall notify any victim of the offense, if
2669 such person is known and within the jurisdiction of the court, of
2670 the hearing.
2671 (2) The court ~~and~~ shall notify and summon or subpoena, if
2672 necessary, the parents, legal custodians, or guardians of the
2673 child to attend the disposition hearing if they reside in the
2674 state.
2675
2676 ~~It is the intent of the Legislature that the criteria set forth~~
2677 ~~in subsection (2) are general guidelines to be followed at the~~
2678 ~~discretion of the court and not mandatory requirements of~~

2679 ~~procedure. It is not the intent of the Legislature to provide for~~
2680 ~~the appeal of the disposition made pursuant to this section.~~
2681 (3) ~~(6)~~ The court may receive and consider any other
2682 relevant and material evidence, including other written or oral
2683 reports or statements, in its effort to determine the appropriate
2684 disposition to be made with regard to the child. The court may
2685 rely upon such evidence to the extent of its probative value,
2686 even though such evidence may not be technically competent in an
2687 adjudicatory hearing.
2688 (4) ~~(1)~~ Before the court determines and announces the
2689 disposition to be imposed, it shall:
2690 (a) State clearly, using common terminology, the purpose of
2691 the hearing and the right of persons present as parties to
2692 comment at the appropriate time on the issues before the court. ~~;~~
2693 (b) Discuss with the child his or her compliance with any
2694 home release plan or other plan imposed since the date of the
2695 offense. ~~;~~
2696 (c) Discuss with the child his or her feelings about the
2697 offense committed, the harm caused to the victim or others, and
2698 what penalty he or she should be required to pay for such
2699 transgression. ~~; and~~
2700 (d) Give all parties, as well as the victim or a
2701 representative of the victim, representatives of the school
2702 system, and the law enforcement officers involved in the case who
2703 are present at the hearing an opportunity to comment on the issue
2704 of disposition and any proposed rehabilitative plan. Parties to
2705 the case shall include the parents, legal custodians, or
2706 guardians of the child; the child's counsel; the state attorney;
2707 and representatives of the department ~~; the victim if any, or his~~

2708 ~~or her representative; representatives of the school system; and~~
2709 ~~the law enforcement officers involved in the case. If the child~~
2710 ~~is attending or is eligible to attend public school and the court~~
2711 ~~finds that the victim or a sibling of the victim in the case is~~
2712 ~~attending or may attend the same school as the child, the court~~
2713 ~~shall, on its own motion or upon the request of any party or any~~
2714 ~~parent or legal guardian of the victim, determine whether it is~~
2715 ~~appropriate to enter a no contact order in favor of the victim or~~
2716 ~~a sibling of the victim. If appropriate and acceptable to the~~
2717 ~~victim and the victim's parent or parents or legal guardian, the~~
2718 ~~court may reflect in the written disposition order that the~~
2719 ~~victim or the victim's parent stated in writing or in open court~~
2720 ~~that he or she did not object to the offender being permitted to~~
2721 ~~attend the same school or ride on the same school bus as the~~
2722 ~~victim or a sibling of the victim~~.
2723 (5) At the time of disposition, the court may make
2724 recommendations to the department as to specific treatment
2725 approaches to be employed.
2726 (6) ~~(2)~~ The first determination to be made by the court is a
2727 determination of the suitability or nonsuitability for
2728 adjudication and commitment of the child to the department. This
2729 determination shall include consideration of the recommendations
2730 of the department, which may include a predisposition report. The
2731 predisposition report shall include, whether as part of the
2732 child's multidisciplinary assessment, classification, and
2733 placement process components or separately, evaluation of the
2734 following criteria:
2735 (a) The seriousness of the offense to the community. If the
2736 court determines under chapter 874 that the child was a member of

2737 a criminal street gang at the time of the commission of the
2738 offense~~, which determination shall be made pursuant to chapter~~
2739 ~~874~~, the seriousness of the offense to the community shall be
2740 given great weight.
2741 (b) Whether the protection of the community requires
2742 adjudication and commitment to the department.
2743 (c) Whether the offense was committed in an aggressive,
2744 violent, premeditated, or willful manner.
2745 (d) Whether the offense was against persons or against
2746 property, greater weight being given to offenses against persons,
2747 especially if personal injury resulted.
2748 (e) The sophistication and maturity of the child.
2749 (f) The record and previous criminal history of the child,
2750 including without limitations:
2751 1. Previous contacts with the department, the former
2752 Department of Health and Rehabilitative Services, the Department
2753 of Children and Family Services, the Department of Corrections,
2754 other law enforcement agencies, and courts.~~;~~
2755 2. Prior periods of probation.~~;~~
2756 3. Prior adjudications of delinquency.~~; and~~
2757 4. Prior commitments to institutions.
2758 (g) The prospects for adequate protection of the public and
2759 the likelihood of reasonable rehabilitation of the child if
2760 committed to a community services program or facility.
2761 (h) The child's educational status, including, but not
2762 limited to, the child's strengths, abilities, and unmet and
2763 special educational needs. The report shall identify appropriate
2764 educational and vocational goals for the child. Examples of
2765 appropriate goals include:

2766 1. Attainment of a high school diploma or its equivalent.
2767 2. Successful completion of literacy course(s).
2768 3. Successful completion of vocational course(s).
2769 4. Successful attendance and completion of the child's
2770 current grade if enrolled in school.
2771 5. Enrollment in an apprenticeship or a similar program.
2772
2773 It is the intent of the Legislature that the criteria set forth
2774 in this subsection are general guidelines to be followed at the
2775 discretion of the court and not mandatory requirements of
2776 procedure. It is not the intent of the Legislature to provide for
2777 the appeal of the disposition made under this section. ~~At the~~
2778 ~~time of disposition, the court may make recommendations to the~~
2779 ~~department as to specific treatment approaches to be employed.~~
2780 (7) ~~(3)(a)~~ If the court determines that the child should be
2781 adjudicated as having committed a delinquent act and should be
2782 committed to the department, such determination shall be in
2783 writing or on the record of the hearing. The determination shall
2784 include a specific finding of the reasons for the decision to
2785 adjudicate and to commit the child to the department, including
2786 any determination that the child was a member of a criminal
2787 street gang.
2788 (a) ~~(b)~~ ~~If the court determines that commitment to the~~
2789 ~~department is appropriate,~~ The juvenile probation officer shall
2790 recommend to the court the most appropriate placement and
2791 treatment plan, specifically identifying the restrictiveness
2792 level most appropriate for the child. If the court has determined
2793 that the child was a member of a criminal street gang, that
2794 determination shall be given great weight in identifying the most

2795 appropriate restrictiveness level for the child. The court shall
2796 consider the department's recommendation in making its commitment
2797 decision.
2798 (b) ~~(c)~~ The court shall commit the child to the department
2799 at the restrictiveness level identified or may order placement at
2800 a different restrictiveness level. The court shall state for the
2801 record the reasons that ~~which~~ establish by a preponderance of the
2802 evidence why the court is disregarding the assessment of the
2803 child and the restrictiveness level recommended by the
2804 department. Any party may appeal the court's findings resulting
2805 in a modified level of restrictiveness under ~~pursuant to~~ this
2806 paragraph.
2807 (c) ~~(d)~~ The court may also require that the child be placed
2808 in a probation program following the child's discharge from
2809 commitment. Community-based sanctions under ~~pursuant to~~
2810 subsection (8) ~~(4)~~ may be imposed by the court at the disposition
2811 hearing or at any time prior to the child's release from
2812 commitment.
2813 ~~(e) The court shall be responsible for the fingerprinting~~
2814 ~~of any child at the disposition hearing if the child has been~~
2815 ~~adjudicated or had adjudication withheld for any felony in the~~
2816 ~~case currently before the court.~~
2817 (8) ~~(4)~~ If the court determines not to adjudicate and commit
2818 to the department, then the court shall determine what community-
2819 based sanctions it will impose in a probation program for the
2820 child. Community-based sanctions may include, but are not limited
2821 to, participation in substance abuse treatment, a day-treatment
2822 probation program, restitution in money or in kind, a curfew,
2823 revocation or suspension of the driver's license of the child,

2824 community service, and appropriate educational programs as
2825 determined by the district school board.
2826 (9) ~~(5)~~ After appropriate sanctions for the offense are
2827 determined, the court shall develop, approve, and order a plan of
2828 probation that ~~which~~ will contain rules, requirements,
2829 conditions, and rehabilitative programs, including the option of
2830 a day-treatment probation program, that ~~which~~ are designed to
2831 encourage responsible and acceptable behavior and to promote both
2832 the rehabilitation of the child and the protection of the
2833 community.
2834 (10) Any disposition order shall be in writing as prepared
2835 by the clerk of court and may thereafter be modified or set aside
2836 by the court.
2837 Section 46. Paragraph (a) of subsection (1) of section
2838 985.231, Florida Statutes, is renumbered as section 985.435,
2839 Florida Statutes, and amended to read:
2840 985.435 Probation and postcommitment probation; community
2841 service.--
2842 (1) ~~(a)~~ The court that has jurisdiction over ~~of~~ an
2843 adjudicated delinquent child may, by an order stating the facts
2844 upon which a determination of a sanction and rehabilitative
2845 program was made at the disposition hearing, ~~:~~
2846 ~~1.~~ place the child in a probation program or a
2847 postcommitment probation program. Such placement must be under
2848 the supervision of an authorized agent of the department or of
2849 any other person or agency specifically authorized and appointed
2850 by the court, whether in the child's own home, in the home of a
2851 relative of the child, or in some other suitable place under such
2852 reasonable conditions as the court may direct.

2853 (2) A probation program for an adjudicated delinquent child
2854 must include a penalty component such as:
2855 (a) Restitution in money or in kind;~~,~~
2856 (b) Community service;~~,~~
2857 (c) A curfew;~~,~~
2858 (d) Revocation or suspension of the driver's license of the
2859 child;~~,~~ or
2860 (e) Other nonresidential punishment appropriate to the
2861 offense.
2862 (3) A probation program ~~and~~ must also include a
2863 rehabilitative program component such as a requirement of
2864 participation in substance abuse treatment or in school or other
2865 educational program. The nonconsent of the child to treatment in
2866 a substance abuse treatment program in no way precludes the court
2867 from ordering such treatment ~~If the child is attending or is~~
2868 ~~eligible to attend public school and the court finds that the~~
2869 ~~victim or a sibling of the victim in the case is attending or may~~
2870 ~~attend the same school as the child, the court placement order~~
2871 ~~shall include a finding pursuant to the proceedings described in~~
2872 ~~s. 985.23(1)(d)~~. Upon the recommendation of the department at the
2873 time of disposition, or subsequent to disposition pursuant to the
2874 filing of a petition alleging a violation of the child's
2875 conditions of postcommitment probation, the court may order the
2876 child to submit to random testing for the purpose of detecting
2877 and monitoring the use of alcohol or controlled substances.
2878 (4)~~a.~~ A classification scale for levels of supervision
2879 shall be provided by the department, taking into account the
2880 child's needs and risks relative to probation supervision
2881 requirements to reasonably ensure the public safety. Probation

2882 programs for children shall be supervised by the department or by
2883 any other person or agency specifically authorized by the court.
2884 These programs must include, but are not limited to, structured
2885 or restricted activities as described in this section and s.
2886 985.439 ~~subparagraph~~, and shall be designed to encourage the
2887 child toward acceptable and functional social behavior.
2888 (5) If supervision or a program of community service is
2889 ordered by the court, the duration of such supervision or program
2890 must be consistent with any treatment and rehabilitation needs
2891 identified for the child and may not exceed the term for which
2892 sentence could be imposed if the child were committed for the
2893 offense, except that the duration of such supervision or program
2894 for an offense that is a misdemeanor of the second degree, or is
2895 equivalent to a misdemeanor of the second degree, may be for a
2896 period not to exceed 6 months. ~~When restitution is ordered by the~~
2897 ~~court, the amount of restitution may not exceed an amount the~~
2898 ~~child and the parent or guardian could reasonably be expected to~~
2899 ~~pay or make. A child who participates in any work program under~~
2900 ~~this part is considered an employee of the state for purposes of~~
2901 ~~liability, unless otherwise provided by law.~~
2902 (6)~~b.~~ The court may conduct judicial review hearings for a
2903 child placed on probation for the purpose of fostering
2904 accountability to the judge and compliance with other
2905 requirements, such as restitution and community service. The
2906 court may allow early termination of probation for a child who
2907 has substantially complied with the terms and conditions of
2908 probation.
2909 ~~c. If the conditions of the probation program or the~~
2910 ~~postcommitment probation program are violated, the department or~~

2911 ~~the state attorney may bring the child before the court on a~~
2912 ~~petition alleging a violation of the program. Any child who~~
2913 ~~violates the conditions of probation or postcommitment probation~~
2914 ~~must be brought before the court if sanctions are sought. A child~~
2915 ~~taken into custody under s. 985.207 for violating the conditions~~
2916 ~~of probation or postcommitment probation shall be held in a~~
2917 ~~consequence unit if such a unit is available. The child shall be~~
2918 ~~afforded a hearing within 24 hours after being taken into custody~~
2919 ~~to determine the existence of probable cause that the child~~
2920 ~~violated the conditions of probation or postcommitment probation.~~
2921 ~~A consequence unit is a secure facility specifically designated~~
2922 ~~by the department for children who are taken into custody under~~
2923 ~~s. 985.207 for violating probation or postcommitment probation,~~
2924 ~~or who have been found by the court to have violated the~~
2925 ~~conditions of probation or postcommitment probation. If the~~
2926 ~~violation involves a new charge of delinquency, the child may be~~
2927 ~~detained under s. 985.215 in a facility other than a consequence~~
2928 ~~unit. If the child is not eligible for detention for the new~~
2929 ~~charge of delinquency, the child may be held in the consequence~~
2930 ~~unit pending a hearing and is subject to the time limitations~~
2931 ~~specified in s. 985.215. If the child denies violating the~~
2932 ~~conditions of probation or postcommitment probation, the court~~
2933 ~~shall appoint counsel to represent the child at the child's~~
2934 ~~request. Upon the child's admission, or if the court finds after~~
2935 ~~a hearing that the child has violated the conditions of probation~~
2936 ~~or postcommitment probation, the court shall enter an order~~
2937 ~~revoking, modifying, or continuing probation or postcommitment~~
2938 ~~probation. In each such case, the court shall enter a new~~
2939 ~~disposition order and, in addition to the sanctions set forth in~~

2940 ~~this paragraph, may impose any sanction the court could have~~
2941 ~~imposed at the original disposition hearing. If the child is~~
2942 ~~found to have violated the conditions of probation or~~
2943 ~~postcommitment probation, the court may:~~
2944 ~~(I) Place the child in a consequence unit in that judicial~~
2945 ~~circuit, if available, for up to 5 days for a first violation,~~
2946 ~~and up to 15 days for a second or subsequent violation.~~
2947 ~~(II) Place the child on home detention with electronic~~
2948 ~~monitoring. However, this sanction may be used only if a~~
2949 ~~residential consequence unit is not available.~~
2950 ~~(III) Modify or continue the child's probation program or~~
2951 ~~postcommitment probation program.~~
2952 ~~(IV) Revoke probation or postcommitment probation and~~
2953 ~~commit the child to the department.~~
2954 ~~d. Notwithstanding s. 743.07 and paragraph (d), and except~~
2955 ~~as provided in s. 985.31, the term of any order placing a child~~
2956 ~~in a probation program must be until the child's 19th birthday~~
2957 ~~unless he or she is released by the court, on the motion of an~~
2958 ~~interested party or on its own motion.~~
2959 ~~2. Commit the child to a licensed child-caring agency~~
2960 ~~willing to receive the child, but the court may not commit the~~
2961 ~~child to a jail or to a facility used primarily as a detention~~
2962 ~~center or facility or shelter.~~
2963 ~~3. Commit the child to the department at a restrictiveness~~
2964 ~~level defined in s. 985.03. Such commitment must be for the~~
2965 ~~purpose of exercising active control over the child, including,~~
2966 ~~but not limited to, custody, care, training, urine monitoring,~~
2967 ~~and treatment of the child and release of the child from~~
2968 ~~residential commitment into the community in a postcommitment~~

2969 ~~nonresidential conditional release program. If the child is~~
2970 ~~eligible to attend public school following commitment and the~~
2971 ~~court finds that the victim or a sibling of the victim in the~~
2972 ~~case is or may be attending the same school as the child, the~~
2973 ~~commitment order shall include a finding pursuant to the~~
2974 ~~proceedings described in s. 985.23(1)(d). If the child is not~~
2975 ~~successful in the conditional release program, the department may~~
2976 ~~use the transfer procedure under s. 985.404. Notwithstanding s.~~
2977 ~~743.07 and paragraph (d), and except as provided in s. 985.31,~~
2978 ~~the term of the commitment must be until the child is discharged~~
2979 ~~by the department or until he or she reaches the age of 21.~~
2980 ~~4. Revoke or suspend the driver's license of the child.~~
2981 ~~5. Require the child and, if the court finds it~~
2982 ~~appropriate, the child's parent or guardian together with the~~
2983 ~~child, to render community service in a public service program.~~
2984 ~~6. As part of the probation program to be implemented by~~
2985 ~~the department, or, in the case of a committed child, as part of~~
2986 ~~the community-based sanctions ordered by the court at the~~
2987 ~~disposition hearing or before the child's release from~~
2988 ~~commitment, order the child to make restitution in money, through~~
2989 ~~a promissory note cosigned by the child's parent or guardian, or~~
2990 ~~in kind for any damage or loss caused by the child's offense in a~~
2991 ~~reasonable amount or manner to be determined by the court. The~~
2992 ~~clerk of the circuit court shall be the receiving and dispensing~~
2993 ~~agent. In such case, the court shall order the child or the~~
2994 ~~child's parent or guardian to pay to the office of the clerk of~~
2995 ~~the circuit court an amount not to exceed the actual cost~~
2996 ~~incurred by the clerk as a result of receiving and dispensing~~
2997 ~~restitution payments. The clerk shall notify the court if~~

2998 ~~restitution is not made, and the court shall take any further~~
2999 ~~action that is necessary against the child or the child's parent~~
3000 ~~or guardian. A finding by the court, after a hearing, that the~~
3001 ~~parent or guardian has made diligent and good faith efforts to~~
3002 ~~prevent the child from engaging in delinquent acts absolves the~~
3003 ~~parent or guardian of liability for restitution under this~~
3004 ~~subparagraph.~~
3005 ~~7. Order the child and, if the court finds it appropriate,~~
3006 ~~the child's parent or guardian together with the child, to~~
3007 ~~participate in a community work project, either as an alternative~~
3008 ~~to monetary restitution or as part of the rehabilitative or~~
3009 ~~probation program.~~
3010 ~~8. Commit the child to the department for placement in a~~
3011 ~~program or facility for serious or habitual juvenile offenders in~~
3012 ~~accordance with s. 985.31. Any commitment of a child to a program~~
3013 ~~or facility for serious or habitual juvenile offenders must be~~
3014 ~~for an indeterminate period of time, but the time may not exceed~~
3015 ~~the maximum term of imprisonment that an adult may serve for the~~
3016 ~~same offense. The court may retain jurisdiction over such child~~
3017 ~~until the child reaches the age of 21, specifically for the~~
3018 ~~purpose of the child completing the program.~~
3019 ~~9. In addition to the sanctions imposed on the child, order~~
3020 ~~the parent or guardian of the child to perform community service~~
3021 ~~if the court finds that the parent or guardian did not make a~~
3022 ~~diligent and good faith effort to prevent the child from engaging~~
3023 ~~in delinquent acts. The court may also order the parent or~~
3024 ~~guardian to make restitution in money or in kind for any damage~~
3025 ~~or loss caused by the child's offense. The court shall determine~~
3026 ~~a reasonable amount or manner of restitution, and payment shall~~

3027 ~~be made to the clerk of the circuit court as provided in~~
3028 ~~subparagraph 6.~~
3029 ~~10. Subject to specific appropriation, commit the juvenile~~
3030 ~~sexual offender to the department for placement in a program or~~
3031 ~~facility for juvenile sexual offenders in accordance with s.~~
3032 ~~985.308. Any commitment of a juvenile sexual offender to a~~
3033 ~~program or facility for juvenile sexual offenders must be for an~~
3034 ~~indeterminate period of time, but the time may not exceed the~~
3035 ~~maximum term of imprisonment that an adult may serve for the same~~
3036 ~~offense. The court may retain jurisdiction over a juvenile sexual~~
3037 ~~offender until the juvenile sexual offender reaches the age of~~
3038 ~~21, specifically for the purpose of completing the program.~~
3039 Section 47. Section 985.437, Florida Statutes, is created
3040 to read:
3041 985.437 Restitution.--
3042 (1) The court that has jurisdiction over an adjudicated
3043 delinquent child may, by an order stating the facts upon which a
3044 determination of a sanction and rehabilitative program was made
3045 at the disposition hearing, order the child to make restitution
3046 in the manner provided in this section. This order shall be part
3047 of the probation program to be implemented by the department or,
3048 in the case of a committed child, as part of the community-based
3049 sanctions ordered by the court at the disposition hearing or
3050 before the child's release from commitment.
3051 (2) The court may order the child to make restitution in
3052 money, through a promissory note cosigned by the child's parent
3053 or guardian, or in kind for any damage or loss caused by the
3054 child's offense in a reasonable amount or manner to be determined
3055 by the court. When restitution is ordered by the court, the

3056 amount of restitution may not exceed an amount the child and the
3057 parent or guardian could reasonably be expected to pay or make.
3058 (3) The clerk of the circuit court shall be the receiving
3059 and dispensing agent. In such case, the court shall order the
3060 child or the child's parent or guardian to pay to the office of
3061 the clerk of the circuit court an amount not to exceed the actual
3062 cost incurred by the clerk as a result of receiving and
3063 dispensing restitution payments. The clerk shall notify the court
3064 if restitution is not made, and the court shall take any further
3065 action that is necessary against the child or the child's parent
3066 or guardian.
3067 (4) A finding by the court, after a hearing, that the
3068 parent or guardian has made diligent and good faith efforts to
3069 prevent the child from engaging in delinquent acts absolves the
3070 parent or guardian of liability for restitution under this
3071 section.
3072 (5) The court may retain jurisdiction over a child and the
3073 child's parent or legal guardian whom the court has ordered to
3074 pay restitution until the restitution order is satisfied or until
3075 the court orders otherwise, as provided in s. 985.0301.
3076 Section 48. Section 985.439, Florida Statutes, is created
3077 to read:
3078 985.439 Violation of probation or postcommitment
3079 probation.--
3080 (1)(a) This section is applicable when the court has
3081 jurisdiction over an adjudicated delinquent child.
3082 (b) If the conditions of the probation program or the
3083 postcommitment probation program are violated, the department or
3084 the state attorney may bring the child before the court on a

3085 petition alleging a violation of the program. Any child who
3086 violates the conditions of probation or postcommitment probation
3087 must be brought before the court if sanctions are sought.
3088 (2) A child taken into custody under s. 985.101 for
3089 violating the conditions of probation or postcommitment probation
3090 shall be held in a consequence unit if such a unit is available.
3091 The child shall be afforded a hearing within 24 hours after being
3092 taken into custody to determine the existence of probable cause
3093 that the child violated the conditions of probation or
3094 postcommitment probation. A consequence unit is a secure facility
3095 specifically designated by the department for children who are
3096 taken into custody under s. 985.101 for violating probation or
3097 postcommitment probation, or who have been found by the court to
3098 have violated the conditions of probation or postcommitment
3099 probation. If the violation involves a new charge of delinquency,
3100 the child may be detained under part V in a facility other than a
3101 consequence unit. If the child is not eligible for detention for
3102 the new charge of delinquency, the child may be held in the
3103 consequence unit pending a hearing and is subject to the time
3104 limitations specified in part V.
3105 (3) If the child denies violating the conditions of
3106 probation or postcommitment probation, the court shall, upon the
3107 child's request, appoint counsel to represent the child.
3108 (4) Upon the child's admission, or if the court finds after
3109 a hearing that the child has violated the conditions of probation
3110 or postcommitment probation, the court shall enter an order
3111 revoking, modifying, or continuing probation or postcommitment
3112 probation. In each such case, the court shall enter a new
3113 disposition order and, in addition to the sanctions set forth in

3114 this section, may impose any sanction the court could have
3115 imposed at the original disposition hearing. If the child is
3116 found to have violated the conditions of probation or
3117 postcommitment probation, the court may:
3118 (a) Place the child in a consequence unit in that judicial
3119 circuit, if available, for up to 5 days for a first violation and
3120 up to 15 days for a second or subsequent violation.
3121 (b) Place the child on home detention with electronic
3122 monitoring. However, this sanction may be used only if a
3123 residential consequence unit is not available.
3124 (c) Modify or continue the child's probation program or
3125 postcommitment probation program.
3126 (d) Revoke probation or postcommitment probation and commit
3127 the child to the department.
3128 (5) Upon the recommendation of the department at the time
3129 of disposition, or subsequent to disposition pursuant to the
3130 filing of a petition alleging a violation of the child's
3131 conditions of postcommitment probation, the court may order the
3132 child to submit to random testing for the purpose of detecting
3133 and monitoring the use of alcohol or controlled substances.
3134 Section 49. Section 985.441, Florida Statutes, is created
3135 to read:
3136 985.441 Commitment.--
3137 (1) The court that has jurisdiction of an adjudicated
3138 delinquent child may, by an order stating the facts upon which a
3139 determination of a sanction and rehabilitative program was made
3140 at the disposition hearing:
3141 (a) Commit the child to a licensed child-caring agency
3142 willing to receive the child; however, the court may not commit

3143 the child to a jail or to a facility used primarily as a
3144 detention center or facility or shelter.
3145 (b) Commit the child to the department at a restrictiveness
3146 level defined in s. 985.03. Such commitment must be for the
3147 purpose of exercising active control over the child, including,
3148 but not limited to, custody, care, training, urine monitoring,
3149 and treatment of the child and release of the child from
3150 residential commitment into the community in a postcommitment
3151 nonresidential conditional release program. If the child is not
3152 successful in the conditional release program, the department may
3153 use the transfer procedure under subsection (3).
3154 (c) Commit the child to the department for placement in a
3155 program or facility for serious or habitual juvenile offenders in
3156 accordance with s. 985.47.
3157 1. Following a delinquency adjudicatory hearing under s.
3158 985.35 and a delinquency disposition hearing under s. 985.433
3159 that results in a commitment determination, the court shall, on
3160 its own or upon request by the state or the department, determine
3161 whether the protection of the public requires that the child be
3162 placed in a program for serious or habitual juvenile offenders
3163 and whether the particular needs of the child would be best
3164 served by a program for serious or habitual juvenile offenders as
3165 provided in s. 985.47. The determination shall be made under ss.
3166 985.47(1) and 985.433(7).
3167 2. Any commitment of a child to a program or facility for
3168 serious or habitual juvenile offenders must be for an
3169 indeterminate period of time, but the time may not exceed the
3170 maximum term of imprisonment that an adult may serve for the same
3171 offense.

3172 (d) Commit the child to the department for placement in a
3173 program or facility for juvenile sexual offenders in accordance
3174 with s. 985.48, subject to specific appropriation for such a
3175 program or facility.
3176 1. The child may only be committed for such placement
3177 pursuant to determination that the child is a juvenile sexual
3178 offender under the criteria specified in s. 985.475.
3179 2. Any commitment of a juvenile sexual offender to a
3180 program or facility for juvenile sexual offenders must be for an
3181 indeterminate period of time, but the time may not exceed the
3182 maximum term of imprisonment that an adult may serve for the same
3183 offense.
3184 (2) The nonconsent of the child to commitment or treatment
3185 in a substance abuse treatment program in no way precludes the
3186 court from ordering such commitment or treatment.
3187 (3) The department may transfer a child, when necessary to
3188 appropriately administer the child's commitment, from one
3189 facility or program to another facility or program operated,
3190 contracted, subcontracted, or designated by the department,
3191 including a postcommitment nonresidential conditional release
3192 program. The department shall notify the court that committed the
3193 child to the department and any attorney of record for the child,
3194 in writing, of its intent to transfer the child from a commitment
3195 facility or program to another facility or program of a higher or
3196 lower restrictiveness level. The court that committed the child
3197 may agree to the transfer or may set a hearing to review the
3198 transfer. If the court does not respond within 10 days after
3199 receipt of the notice, the transfer of the child shall be deemed
3200 granted.

3201 Section 50. Section 985.232, Florida Statutes, is
3202 renumbered as section 985.442, Florida Statutes.
3203 Section 51. Paragraph (j) of subsection (1) of section
3204 985.231, Florida Statutes, is renumbered as section 985.445,
3205 Florida Statutes, and amended to read:
3206 985.445 ~~985.231~~ ~~Powers of disposition in delinquency~~ Cases
3207 involving grand theft of a motor vehicle.--
3208 ~~(1)~~
3209 ~~(j)~~ If the offense committed by the child was grand theft
3210 of a motor vehicle, the court:
3211 (1)~~1.~~ Upon a first adjudication for a grand theft of a
3212 motor vehicle, may place the youth in a boot camp, unless the
3213 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
3214 shall order the youth to complete a minimum of 50 hours of
3215 community service.
3216 (2)~~2.~~ Upon a second adjudication for grand theft of a motor
3217 vehicle which is separate and unrelated to the previous
3218 adjudication, may place the youth in a boot camp, unless the
3219 child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and
3220 shall order the youth to complete a minimum of 100 hours of
3221 community service.
3222 (3)~~3.~~ Upon a third adjudication for grand theft of a motor
3223 vehicle which is separate and unrelated to the previous
3224 adjudications, shall place the youth in a boot camp or other
3225 treatment program, unless the child is ineligible under ~~pursuant~~
3226 ~~to~~ s. 985.489 ~~985.309~~, and shall order the youth to complete a
3227 minimum of 250 hours of community service.

3228 Section 52. Paragraph (g) of subsection (1) of section
3229 985.231, Florida Statutes, is renumbered as section 985.45,
3230 Florida Statutes, and amended to read:
3231 985.45 Liability and remuneration for work.--
3232 (1) ~~(g)~~ Whenever a child is required by the court to
3233 participate in any work program under this part or whenever a
3234 child volunteers to work in a specified state, county, municipal,
3235 or community service organization supervised work program or to
3236 work for the victim, either as an alternative to monetary
3237 restitution or as a part of the rehabilitative or probation
3238 program, the child is an employee of the state for the purposes
3239 of liability.
3240 (2) In determining the child's average weekly wage unless
3241 otherwise determined by a specific funding program, all
3242 remuneration received from the employer is a gratuity, and the
3243 child is not entitled to any benefits otherwise payable under s.
3244 440.15, regardless of whether the child may be receiving wages
3245 and remuneration from other employment with another employer and
3246 regardless of the child's future wage-earning capacity.
3247 Section 53. Paragraph (d) of subsection (1) of section
3248 985.231, Florida Statutes, is amended and renumbered as
3249 subsection (3) of section 985.455, Florida Statutes, and
3250 paragraph (h) of subsection (1) of section 985.231, Florida
3251 Statutes, is renumbered as subsection (4) of section 985.455,
3252 Florida Statutes, which is created to read:
3253 985.455 Other dispositional issues.--
3254 (1) The court that has jurisdiction over an adjudicated
3255 delinquent child may, by an order stating the facts upon which a

3256 determination of a sanction and rehabilitative program was made
3257 at the disposition hearing:
3258 (a) Require the child and, if the court finds it
3259 appropriate, the child's parent or guardian together with the
3260 child to render community service in a public service program.
3261 (b) Order the child and, if the court finds it appropriate,
3262 the child's parent or guardian together with the child to
3263 participate in a community work project, either as an alternative
3264 to monetary restitution or as part of the rehabilitative or
3265 probation program.
3266 (c) Revoke or suspend the driver's license of the child.
3267 (2) If the child is attending or is eligible to attend
3268 public school and the court finds that the victim or a sibling of
3269 the victim in the case is attending or may attend the same school
3270 as the child, the court shall, on its own motion or upon the
3271 request of any party or any parent or legal guardian of the
3272 victim, determine whether it is appropriate to enter a no contact
3273 order in favor of the victim or a sibling of the victim. If
3274 appropriate and acceptable to the victim and the victim's parent
3275 or parents or legal guardian, the court may reflect in the
3276 written disposition order that the victim or the victim's parent
3277 or parents or legal guardian stated in writing or in open court
3278 that he or she did not object to the offender being permitted to
3279 attend the same school or ride on the same school bus as the
3280 victim or a sibling of the victim. If applicable, the court
3281 placement or commitment order shall include a finding under this
3282 subsection.
3283 ~~(1)~~

3284 (3) ~~(d)~~ Any commitment of a delinquent child to the
3285 department must be for an indeterminate period of time, which may
3286 include periods of temporary release; however, the period of time
3287 may not exceed the maximum term of imprisonment that an adult may
3288 serve for the same offense, except that the duration of a
3289 minimum-risk nonresidential commitment for an offense that is a
3290 misdemeanor of the second degree, or is equivalent to a
3291 misdemeanor of the second degree, may be for a period not to
3292 exceed 6 months. The duration of the child's placement in a
3293 commitment program of any restrictiveness level shall be based on
3294 objective performance-based treatment planning. The child's
3295 treatment plan progress and adjustment-related issues shall be
3296 reported to the court quarterly, unless the court requests
3297 monthly reports. The child's length of stay in a commitment
3298 program may be extended if the child fails to comply with or
3299 participate in treatment activities. The child's length of stay
3300 in the program shall not be extended for purposes of sanction or
3301 punishment. Any temporary release from such program must be
3302 approved by the court. Any child so committed may be discharged
3303 from institutional confinement or a program upon the direction of
3304 the department with the concurrence of the court. The child's
3305 treatment plan progress and adjustment-related issues must be
3306 communicated to the court at the time the department requests the
3307 court to consider releasing the child from the commitment
3308 program. ~~Notwithstanding s. 743.07 and this subsection, and~~
3309 ~~except as provided in ss. 985.201 and 985.31, a child may not be~~
3310 ~~held under a commitment from a court under this section after~~
3311 ~~becoming 21 years of age.~~ The department shall give the court
3312 that committed the child to the department reasonable notice, in

3313 writing, of its desire to discharge the child from a commitment
3314 facility. The court that committed the child may thereafter
3315 accept or reject the request. If the court does not respond
3316 within 10 days after receipt of the notice, the request of the
3317 department shall be deemed granted. This section does not limit
3318 the department's authority to revoke a child's temporary release
3319 status and return the child to a commitment facility for any
3320 violation of the terms and conditions of the temporary release.
3321 (4) ~~(h)~~ The court may, upon motion of the child or upon its
3322 own motion, within 60 days after imposition of a disposition of
3323 commitment, suspend the further execution of the disposition and
3324 place the child in a probation program upon such terms and
3325 conditions as the court may require. The department shall forward
3326 to the court all relevant material on the child's progress while
3327 in custody not later than 3 working days prior to the hearing on
3328 the motion to suspend the disposition.
3329 Section 54. Section 985.316, Florida Statutes, is
3330 renumbered as section 985.46, Florida Statutes, and subsection
3331 (4) of that section is amended to read:
3332 985.46 ~~985.316~~ Conditional release.--
3333 (4) A juvenile under nonresidential commitment placement
3334 will continue to be on commitment status and subject to the
3335 transfer provision under s. 985.441(3) ~~985.404~~.
3336 Section 55. Section 985.313, Florida Statutes, is
3337 renumbered as section 985.465, Florida Statutes, and amended to
3338 read:
3339 985.465 ~~985.313~~ Juvenile correctional facilities or
3340 juvenile prison.--A juvenile correctional facility or juvenile
3341 prison is a physically secure residential commitment program with

3342 a designated length of stay from 18 months to 36 months,
3343 primarily serving children 13 years of age to 19 years of age, or
3344 until the jurisdiction of the court expires. ~~The court may retain~~
3345 ~~jurisdiction over the child until the child reaches the age of~~
3346 ~~21, specifically for the purpose of the child completing the~~
3347 ~~program.~~ Each child committed to this level must meet one of the
3348 following criteria:
3349 (1) The child ~~youth~~ is at least 13 years of age at the time
3350 of the disposition for the current offense and has been
3351 adjudicated on the current offense for:
3352 (a) Arson;
3353 (b) Sexual battery;
3354 (c) Robbery;
3355 (d) Kidnapping;
3356 (e) Aggravated child abuse;
3357 (f) Aggravated assault;
3358 (g) Aggravated stalking;
3359 (h) Murder;
3360 (i) Manslaughter;
3361 (j) Unlawful throwing, placing, or discharging of a
3362 destructive device or bomb;
3363 (k) Armed burglary;
3364 (l) Aggravated battery;
3365 (m) Carjacking;
3366 (n) Home-invasion robbery;
3367 (o) Burglary with an assault or battery;
3368 (p) Any lewd or lascivious offense committed upon or in the
3369 presence of a person less than 16 years of age; or

3370 (q) Carrying, displaying, using, threatening to use, or
3371 attempting to use a weapon or firearm during the commission of a
3372 felony.
3373 (2) The child ~~youth~~ is at least 13 years of age at the time
3374 of the disposition, the current offense is a felony, and the
3375 child has previously been committed three or more times to a
3376 delinquency commitment program.
3377 (3) The child ~~youth~~ is at least 13 years of age and is
3378 currently committed for a felony offense and transferred from a
3379 moderate-risk or high-risk residential commitment placement.
3380 (4) The child ~~youth~~ is at least 13 years of age at the time
3381 of the disposition for the current offense, the child ~~youth~~ is
3382 eligible for prosecution as an adult for the current offense, and
3383 the current offense is ranked at level 7 or higher on the
3384 Criminal Punishment Code offense severity ranking chart pursuant
3385 to s. 921.0022.
3386 Section 56. Subsection (49) of section 985.03, Florida
3387 Statutes, is amended and renumbered as subsection (1) of section
3388 985.47, Florida Statutes, subsections (2), (4), and (5) of
3389 section 985.31, Florida Statutes are amended and renumbered,
3390 respectively, as subsections (9), (11), and (12) of section
3391 985.47, Florida Statutes, paragraphs (e) through (i) and (k) of
3392 subsection (3) of section 985.31, Florida Statutes, are amended
3393 and renumbered, respectively, as subsections (2) through (6) and
3394 (7) of section 985.47, Florida Statutes, subsection (1) of
3395 section 985.31, Florida Statutes, is renumbered as subsection (8)
3396 of section 985.47, Florida Statutes, and paragraphs (a) through
3397 (d) and (j) of subsection (3) of section 985.31, Florida
3398 Statutes, are renumbered, respectively, as paragraphs (a) through

3399 (d) and (e) of subsection (10) of section 985.47, Florida
3400 Statutes, and amended to read:
3401 985.47 ~~985.31~~ Serious or habitual juvenile offender.--
3402 (1) ~~(49)~~ CRITERIA.--A "serious or habitual juvenile
3403 offender," for purposes of commitment to a residential facility
3404 and for purposes of records retention, means a child who has been
3405 found to have committed a delinquent act or a violation of law,
3406 in the case currently before the court, and who meets at least
3407 one of the following criteria:
3408 (a) The child ~~youth~~ is at least 13 years of age at the time
3409 of the disposition for the current offense and has been
3410 adjudicated on the current offense for:
3411 1. Arson;
3412 2. Sexual battery;
3413 3. Robbery;
3414 4. Kidnapping;
3415 5. Aggravated child abuse;
3416 6. Aggravated assault;
3417 7. Aggravated stalking;
3418 8. Murder;
3419 9. Manslaughter;
3420 10. Unlawful throwing, placing, or discharging of a
3421 destructive device or bomb;
3422 11. Armed burglary;
3423 12. Aggravated battery;
3424 13. Any lewd or lascivious offense committed upon or in the
3425 presence of a person less than 16 years of age; or
3426 14. Carrying, displaying, using, threatening, or attempting
3427 to use a weapon or firearm during the commission of a felony.

3428 (b) The child ~~youth~~ is at least 13 years of age at the time
3429 of the disposition, the current offense is a felony, and the
3430 child has previously been committed at least two times to a
3431 delinquency commitment program.
3432 (c) The child ~~youth~~ is at least 13 years of age and is
3433 currently committed for a felony offense and transferred from a
3434 moderate-risk or high-risk residential commitment placement.
3435 (2) ~~(3)(e)~~ DETERMINATION.--After a child has been
3436 adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~, the
3437 court shall determine whether the child meets the criteria for a
3438 serious or habitual juvenile offender under subsection (1)
3439 ~~pursuant to s. 985.03(49)~~. If the court determines that the child
3440 does not meet such criteria, ss. 985.435, 985.437, 985.439,
3441 985.441, 985.445, 985.45, and 985.455 ~~the provisions of s.~~
3442 ~~985.231(1)~~ shall apply.
3443 (3) ~~(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
3444 transferred for criminal prosecution, a circuit court judge may
3445 direct a juvenile probation officer to consult with designated
3446 staff from an appropriate serious or habitual juvenile offender
3447 program for the purpose of making recommendations to the court
3448 regarding the child's placement in such program.
3449 (4) ~~(g)~~ TIME AND PLACE FOR RECOMMENDATIONS.--Recommendations
3450 as to a child's placement in a serious or habitual juvenile
3451 offender program shall be presented to the court within 72 hours
3452 after the adjudication or conviction, and may be based on a
3453 preliminary screening of the child at appropriate sites,
3454 considering the child's location while court action is pending,
3455 which may include the nearest regional detention center or
3456 facility or jail.

3457 (5) ~~(h)~~ REPORTING RECOMMENDATIONS TO COURT.--Based on the
3458 recommendations of the multidisciplinary assessment, the juvenile
3459 probation officer shall make the following recommendations to the
3460 court:
3461 (a) ~~1.~~ For each child who has not been transferred for
3462 criminal prosecution, the juvenile probation officer shall
3463 recommend whether placement in such program is appropriate and
3464 needed.
3465 (b) ~~2.~~ For each child who has been transferred for criminal
3466 prosecution, the juvenile probation officer shall recommend
3467 whether the most appropriate placement for the child is a
3468 juvenile justice system program, including a serious or habitual
3469 juvenile offender program or facility, or placement in the adult
3470 correctional system.
3471
3472 If treatment provided by a serious or habitual juvenile offender
3473 program or facility is determined to be appropriate and needed
3474 and placement is available, the juvenile probation officer and
3475 the court shall identify the appropriate serious or habitual
3476 juvenile offender program or facility best suited to the needs of
3477 the child.
3478 (6) ~~(i)~~ ACTION ON RECOMMENDATIONS.--The treatment and
3479 placement recommendations shall be submitted to the court for
3480 further action under ~~pursuant to~~ this subsection ~~paragraph~~:
3481 (a) ~~1.~~ If it is recommended that placement in a serious or
3482 habitual juvenile offender program or facility is inappropriate,
3483 the court shall make an alternative disposition under ~~pursuant to~~
3484 s. 985.489 ~~985.309~~ or other alternative sentencing as applicable,
3485 using ~~utilizing~~ the recommendation as a guide.

3486 (b)~~2.~~ If it is recommended that placement in a serious or
3487 habitual juvenile offender program or facility is appropriate,
3488 the court may commit the child to the department for placement in
3489 the restrictiveness level designated for serious or habitual
3490 delinquent children programs.
3491 (7)~~(k)~~ DURATION OF COMMITMENT.--Any commitment of a child
3492 to the department for placement in a serious or habitual juvenile
3493 offender program or facility shall be for an indeterminate period
3494 of time, but the time shall not exceed the maximum term of
3495 imprisonment that ~~which~~ an adult may serve for the same offense.
3496 ~~Notwithstanding the provisions of ss. 743.07 and 985.231(1)(d), a~~
3497 ~~serious or habitual juvenile offender shall not be held under~~
3498 ~~commitment from a court pursuant to this section, s. 985.231, or~~
3499 ~~s. 985.233 after becoming 21 years of age. This provision shall~~
3500 ~~apply only for the purpose of completing the serious or habitual~~
3501 ~~juvenile offender program pursuant to this chapter and shall be~~
3502 ~~used solely for the purpose of treatment.~~
3503 (8)~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
3504 ~~provisions of~~ this chapter and the establishment of appropriate
3505 program guidelines and standards, contractual instruments, which
3506 shall include safeguards of all constitutional rights, shall be
3507 developed as follows:
3508 (a) The department shall provide for:
3509 1. The oversight of implementation of assessment and
3510 treatment approaches.
3511 2. The identification and prequalification of appropriate
3512 individuals or not-for-profit organizations, including minority
3513 individuals or organizations when possible, to provide assessment

3514 and treatment services to serious or habitual delinquent
3515 children.
3516 3. The monitoring and evaluation of assessment and
3517 treatment services for compliance with ~~the provisions of~~ this
3518 chapter and all applicable rules and guidelines pursuant thereto.
3519 4. The development of an annual report on the performance
3520 of assessment and treatment to be presented to the Governor, the
3521 Attorney General, the President of the Senate, the Speaker of the
3522 House of Representatives, and the Auditor General no later than
3523 January 1 of each year.
3524 (b) Assessment shall generally comprise the first 30 days
3525 of treatment and be provided by the same provider as treatment,
3526 but assessment and treatment services may be provided by separate
3527 providers, where warranted. Providers shall be selected who have
3528 the capacity to assess and treat the unique problems presented by
3529 children with different racial and ethnic backgrounds. The
3530 department shall retain contractual authority to reject any
3531 assessment or treatment provider for lack of qualification.
3532 (9) ~~(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.--
3533 (a) There is created the serious or habitual juvenile
3534 offender program. The program shall consist of at least 9 months
3535 of intensive secure residential treatment. Conditional release
3536 assessment and services shall be provided in accordance with s.
3537 985.46 ~~985.316~~. The components of the program shall include, but
3538 not be limited to:
3539 1. Diagnostic evaluation services.
3540 2. Appropriate treatment modalities, including substance
3541 abuse intervention, mental health services, and sexual behavior

3542 dysfunction interventions and gang-related behavior
3543 interventions.
3544 3. Prevocational and vocational services.
3545 4. Job training, job placement, and employability-skills
3546 training.
3547 5. Case management services.
3548 6. Educational services, including special education and
3549 pre-GED literacy.
3550 7. Self-sufficiency planning.
3551 8. Independent living skills.
3552 9. Parenting skills.
3553 10. Recreational and leisure time activities.
3554 11. Community involvement opportunities commencing, where
3555 appropriate, with the direct and timely payment of restitution to
3556 the victim.
3557 12. Intensive conditional release supervision.
3558 13. Graduated reentry into the community.
3559 14. A diversity of forms of individual and family treatment
3560 appropriate to and consistent with the child's needs.
3561 15. Consistent and clear consequences for misconduct.
3562 (b) The department is authorized to contract with private
3563 companies to provide some or all of the components indicated in
3564 paragraph (a).
3565 (c) The department shall involve local law enforcement
3566 agencies, the judiciary, school board personnel, the office of
3567 the state attorney, the office of the public defender, and
3568 community service agencies interested in or currently working
3569 with juveniles, in planning and developing this program.

3570 (d) The department is authorized to accept funds or in-kind
3571 contributions from public or private sources to be used for the
3572 purposes of this section.
3573 (10) ~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
3574 TREATMENT.--
3575 (a) Assessment and treatment shall be conducted by
3576 treatment professionals with expertise in specific treatment
3577 procedures. These~~, which~~ professionals shall exercise all
3578 professional judgment independently of the department.
3579 (b) Treatment provided to children in designated facilities
3580 shall be suited to the assessed needs of each individual child
3581 and shall be administered safely and humanely, with respect for
3582 human dignity.
3583 (c) The department may promulgate rules for the
3584 implementation and operation of programs and facilities for
3585 serious or habitual juvenile offenders.
3586 (d) Any provider who acts in good faith is immune from
3587 civil or criminal liability for his or her actions in connection
3588 with the assessment, treatment, or transportation of a serious or
3589 habitual juvenile offender under ~~the provisions of~~ this chapter.
3590 (e) ~~(j)~~ The following provisions shall apply to children in
3591 serious or habitual juvenile offender programs and facilities:
3592 1. A child shall begin participation in the conditional
3593 release component of the program based upon a determination made
3594 by the treatment provider and approved by the department.
3595 2. A child shall begin participation in the community
3596 supervision component of conditional release based upon a
3597 determination made by the treatment provider and approved by the
3598 department. The treatment provider shall give written notice of

3599 the determination to the circuit court having jurisdiction over
3600 the child. If the court does not respond with a written objection
3601 within 10 days, the child shall begin the conditional release
3602 component.
3603 3. A child shall be discharged from the program based upon
3604 a determination made by the treatment provider with the approval
3605 of the department.
3606 4. In situations where the department does not agree with
3607 the decision of the treatment provider, a reassessment shall be
3608 performed, and the department shall use ~~utilize~~ the reassessment
3609 determination to resolve the disagreement and make a final
3610 decision.
3611 (11) ~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--
3612 (a) Pursuant to ~~the provisions of~~ this section, the
3613 department shall implement the comprehensive assessment
3614 instrument for the treatment needs of serious or habitual
3615 juvenile offenders and for the assessment, which assessment shall
3616 include the criteria under subsection (1) ~~s. 985.03(49)~~ and shall
3617 also include, but not be limited to, evaluation of the child's:
3618 1. Amenability to treatment.
3619 2. Proclivity toward violence.
3620 3. Tendency toward gang involvement.
3621 4. Substance abuse or addiction and the level thereof.
3622 5. History of being a victim of child abuse or sexual
3623 abuse, or indication of sexual behavior dysfunction.
3624 6. Number and type of previous adjudications, findings of
3625 guilt, and convictions.
3626 7. Potential for rehabilitation.

3627 (b) The department shall contract with multiple individuals
3628 or not-for-profit organizations to perform the assessments and
3629 treatment, and shall ensure that the staff of each provider is
3630 ~~are~~ appropriately trained.
3631 (c) Assessment and treatment providers shall have a written
3632 procedure developed, in consultation with licensed treatment
3633 professionals, establishing conditions under which a child's
3634 blood and urine samples will be tested for substance abuse
3635 indications. ~~It is not unlawful for~~ The person receiving the test
3636 results may ~~to~~ divulge the test results to the relevant facility
3637 staff and department personnel; ~~.~~ however, such information is
3638 exempt from ~~the provisions of~~ ss. 119.01 and 119.07(1) and s.
3639 24(a), Art. I of the State Constitution.
3640 (d) Serologic blood test and urinalysis results obtained
3641 under ~~pursuant to~~ paragraph (c) are confidential, except that
3642 they may be shared with employees or officers of the department,
3643 the court, and any assessment or treatment provider and
3644 designated facility treating the child. No person to whom the
3645 results of a test have been disclosed under this section may
3646 disclose the test results to another person not authorized under
3647 this section.
3648 (e) The results of any serologic blood or urine test on a
3649 serious or habitual juvenile offender shall become a part of that
3650 child's medical file. Upon transfer of the child to any other
3651 designated treatment facility, such file shall be transferred in
3652 an envelope marked confidential. The results of any test designed
3653 to identify the human immunodeficiency virus, or its antigen or
3654 antibody, shall be accessible only to persons designated by rule
3655 of the department. The provisions of such rule shall be

3656 consistent with the guidelines established by the Centers for
3657 Disease Control and Prevention.
3658 (f) A record of the assessment and treatment of each
3659 serious or habitual juvenile offender shall be maintained by the
3660 provider, which shall include data pertaining to the child's
3661 treatment and such other information as may be required under
3662 rules of the department. Unless waived by express and informed
3663 consent by the child or the guardian or, if the child is
3664 deceased, by the child's personal representative or by the person
3665 who stands next in line of intestate succession, the privileged
3666 and confidential status of the clinical assessment and treatment
3667 record shall not be lost by either authorized or unauthorized
3668 disclosure to any person, organization, or agency.
3669 (g) The assessment and treatment record shall not be a
3670 public record, and no part of it shall be released, except that:
3671 1. The record shall be released to such persons and
3672 agencies as are designated by the child or the guardian.
3673 2. The record shall be released to persons authorized by
3674 order of court, excluding matters privileged by other provisions
3675 of law.
3676 3. The record or any part thereof shall be disclosed to a
3677 qualified researcher, as defined by rule; a staff member of the
3678 designated treatment facility; or an employee of the department
3679 when the administrator of the facility or the Secretary of
3680 Juvenile Justice deems it necessary for treatment of the child,
3681 maintenance of adequate records, compilation of treatment data,
3682 or evaluation of programs.
3683 4. Information from the assessment and treatment record may
3684 be used for statistical and research purposes if the information

3685 is abstracted in such a way as to protect the identity of
3686 individuals.
3687 (h) Notwithstanding other provisions of this section, the
3688 department may request, receive, and provide assessment and
3689 treatment information to facilitate treatment, rehabilitation,
3690 and continuity of care of any serious or habitual juvenile
3691 offender from any of the following:
3692 1. The Social Security Administration and the United States
3693 Department of Veterans Affairs.
3694 2. Law enforcement agencies, state attorneys, defense
3695 attorneys, and judges in regard to the child's status.
3696 3. Personnel in any facility in which the child may be
3697 placed.
3698 4. Community agencies and others expected to provide
3699 services to the child upon his or her return to the community.
3700 (i) Any law enforcement agency, designated treatment
3701 facility, governmental or community agency, or other entity that
3702 receives information under ~~pursuant to~~ this section shall
3703 maintain such information as a nonpublic record as otherwise
3704 provided herein.
3705 (j) Any agency, not-for-profit organization, or treatment
3706 professional who acts in good faith in releasing information
3707 under ~~pursuant to~~ this subsection shall not be subject to civil
3708 or criminal liability for such release.
3709 (k) Assessment and treatment records are confidential as
3710 described in this paragraph and exempt from ~~the provisions of~~ s.
3711 119.07(1) and s. 24(a), Art. I of the State Constitution.

3712 1. The department shall have full access to the assessment
3713 and treatment records to ensure coordination of services to the
3714 child.
3715 2. The principles of confidentiality of records ~~as~~ provided
3716 in s. 985.04 ~~shall~~ apply to the assessment and treatment records
3717 of serious or habitual juvenile offenders.
3718 (l) For purposes of effective administration, accurate
3719 tracking and recordkeeping, and optimal treatment decisions, each
3720 assessment and treatment provider shall maintain a central
3721 identification file on the serious or habitual juvenile offenders
3722 it treats.
3723 (m) The file of each serious or habitual juvenile offender
3724 shall contain, but is not limited to, pertinent children-in-need-
3725 of-services and delinquency record information maintained by the
3726 department; pertinent school records information on behavior,
3727 attendance, and achievement; and pertinent information on
3728 delinquency or children in need of services maintained by law
3729 enforcement agencies and the state attorney.
3730 (n) All providers under this section shall, as part of
3731 their contractual duties, collect, maintain, and report to the
3732 department all information necessary to comply with mandatory
3733 reporting pursuant to the promulgation of rules by the department
3734 for the implementation of serious or habitual juvenile offender
3735 programs and the monitoring and evaluation thereof.
3736 (o) The department is responsible for the development and
3737 maintenance of a statewide automated tracking system for serious
3738 or habitual juvenile offenders.
3739 (12) ~~(5)~~ DESIGNATED TREATMENT FACILITIES.--

3740 (a) Designated facilities shall be sited and constructed by
3741 the department, directly or by contract, pursuant to departmental
3742 rules, to ensure that facility design is compatible with
3743 treatment. The department is authorized to contract for the
3744 construction of the facilities and may also lease facilities. The
3745 number of beds per facility shall not exceed 25. An assessment of
3746 need for additional facilities shall be conducted prior to the
3747 siting or construction of more than one facility in any judicial
3748 circuit.
3749 (b) Designated facilities for serious or habitual juvenile
3750 offenders shall be separate and secure facilities established
3751 under the authority of the department for the treatment of such
3752 children.
3753 (c) Security for designated facilities for serious or
3754 habitual juvenile offenders shall be determined by the
3755 department. The department is authorized to contract for the
3756 provision of security.
3757 (d) With respect to the treatment of serious or habitual
3758 juvenile offenders under this section, designated facilities
3759 shall be immune from liability for civil damages except in
3760 instances when the failure to act in good faith results in
3761 serious injury or death, in which case liability shall be
3762 governed by s. 768.28.
3763 (e) Minimum standards and requirements for designated
3764 treatment facilities shall be contractually prescribed under
3765 ~~pursuant to~~ subsection (8) ~~(1)~~.
3766 Section 57. Subsection (32) of section 985.03, Florida
3767 Statutes, is amended and renumbered as subsection (1) of section
3768 985.475, Florida Statutes, and subsection (3) of section 985.231,

3769 Florida Statutes, is amended and renumbered as subsection (2) of
3770 section 985.475, Florida Statutes, to read:
3771 985.475 Juvenile sexual offenders.--
3772 (1) ~~(32)~~ CRITERIA.--A "juvenile sexual offender" means:
3773 (a) A juvenile who has been found by the court under s.
3774 985.35 ~~985.228~~ to have committed a violation of chapter 794,
3775 chapter 796, chapter 800, s. 827.071, or s. 847.0133;
3776 (b) A juvenile found to have committed any felony violation
3777 of law or delinquent act involving juvenile sexual abuse.
3778 "Juvenile sexual abuse" means any sexual behavior that ~~which~~
3779 occurs without consent, without equality, or as a result of
3780 coercion. For purposes of this subsection, the following
3781 definitions apply:
3782 1. "Coercion" means the exploitation of authority, use of
3783 bribes, threats of force, or intimidation to gain cooperation or
3784 compliance.
3785 2. "Equality" means two participants operating with the
3786 same level of power in a relationship, neither being controlled
3787 nor coerced by the other.
3788 3. "Consent" means an agreement including all of the
3789 following:
3790 a. Understanding what is proposed based on age, maturity,
3791 developmental level, functioning, and experience.
3792 b. Knowledge of societal standards for what is being
3793 proposed.
3794 c. Awareness of potential consequences and alternatives.
3795 d. Assumption that agreement or disagreement will be
3796 accepted equally.
3797 e. Voluntary decision.

3798 f. Mental competence.
3799
3800 Juvenile sexual offender behavior ranges from noncontact sexual
3801 behavior such as making obscene phone calls, exhibitionism,
3802 voyeurism, and the showing or taking of lewd photographs to
3803 varying degrees of direct sexual contact, such as frottage,
3804 fondling, digital penetration, rape, fellatio, sodomy, and
3805 various other sexually aggressive acts.
3806 (2) ~~(3)~~ Following a delinquency adjudicatory hearing under
3807 s. 985.35 ~~985.228~~, the court may on its own or upon request by
3808 the state or the department and subject to specific
3809 appropriation, determine whether a juvenile sexual offender
3810 placement is required for the protection of the public and what
3811 would be the best approach to address the treatment needs of the
3812 juvenile sexual offender. When the court determines that a
3813 juvenile has no history of a recent comprehensive assessment
3814 focused on sexually deviant behavior, the court may, subject to
3815 specific appropriation, order the department to conduct or
3816 arrange for an examination to determine whether the juvenile
3817 sexual offender is amenable to community-based treatment.
3818 (a) The report of the examination shall include, at a
3819 minimum, the following:
3820 1. The juvenile sexual offender's account of the incident
3821 and the official report of the investigation.
3822 2. The juvenile sexual offender's offense history.
3823 3. A multidisciplinary assessment of the sexually deviant
3824 behaviors, including an assessment by a certified psychologist,
3825 therapist, or psychiatrist.

3826 4. An assessment of the juvenile sexual offender's family,
3827 social, educational, and employment situation. The report shall
3828 set forth the sources of the evaluator's information.
3829 (b) The report shall assess the juvenile sexual offender's
3830 amenability to treatment and relative risk to the victim and the
3831 community.
3832 (c) The department shall provide a proposed plan to the
3833 court that shall include, at a minimum:
3834 1. The frequency and type of contact between the offender
3835 and therapist.
3836 2. The specific issues and behaviors to be addressed in the
3837 treatment and description of planned treatment methods.
3838 3. Monitoring plans, including any requirements regarding
3839 living conditions, school attendance and participation,
3840 lifestyle, and monitoring by family members, legal guardians, or
3841 others.
3842 4. Anticipated length of treatment.
3843 5. Recommended crime-related prohibitions and curfew.
3844 6. Reasonable restrictions on the contact between the
3845 juvenile sexual offender and either the victim or alleged victim.
3846 (d) After receipt of the report on the proposed plan of
3847 treatment, the court shall consider whether the community and the
3848 offender will benefit from use of juvenile sexual offender
3849 community-based treatment alternative disposition and consider
3850 the opinion of the victim or the victim's family as to whether
3851 the offender should receive a community-based treatment
3852 alternative disposition under this subsection.
3853 (e) If the court determines that this juvenile sexual
3854 offender community-based treatment alternative is appropriate,

3855 the court may place the offender on community supervision for up
3856 to 3 years. As a condition of community treatment and
3857 supervision, the court may order the offender to:
3858 1. Undergo available outpatient juvenile sexual offender
3859 treatment for up to 3 years. A program or provider may not be
3860 used for such treatment unless it has an appropriate program
3861 designed for sexual offender treatment. The department shall not
3862 change the treatment provider without first notifying the state
3863 attorney's office.
3864 2. Remain within described geographical boundaries and
3865 notify the court or the department counselor prior to any change
3866 in the offender's address, educational program, or employment.
3867 3. Comply with all requirements of the treatment plan.
3868 (f) The juvenile sexual offender treatment provider shall
3869 submit quarterly reports on the respondent's progress in
3870 treatment to the court and the parties to the proceedings. The
3871 juvenile sexual offender reports shall reference the treatment
3872 plan and include, at a minimum, the following:
3873 1. Dates of attendance.
3874 2. The juvenile sexual offender's compliance with the
3875 requirements of treatment.
3876 3. A description of the treatment activities.
3877 4. The sexual offender's relative progress in treatment.
3878 5. The offender's family support of the treatment
3879 objectives.
3880 6. Any other material specified by the court at the time of
3881 the disposition.
3882 (g) At the disposition hearing, the court may set case
3883 review hearings as the court considers appropriate.

3884 (h) If the juvenile sexual offender violates any condition
3885 of the disposition or the court finds that the juvenile sexual
3886 offender is failing to make satisfactory progress in treatment,
3887 the court may revoke the community-based treatment alternative
3888 and order commitment to the department under s. 985.441 ~~pursuant~~
3889 ~~to subsection (1)~~.
3890 (i) If the court determines that the juvenile sexual
3891 offender is not amenable to community-based treatment, the court
3892 shall proceed with a juvenile sexual offender disposition hearing
3893 under s. 985.441 ~~pursuant to subsection (1)~~.
3894 Section 58. Section 985.308, Florida Statutes, is
3895 renumbered as section 985.48, Florida Statutes.
3896 Section 59. Subsection (7) of section 985.03, Florida
3897 Statutes, is amended and renumbered as subsection (1) of section
3898 985.483, Florida Statutes, subsections (2), (4), and (5) of
3899 section 985.311, Florida Statutes, are amended and renumbered,
3900 respectively, as subsections (9), (11), and (12) of section
3901 985.483, Florida Statutes, paragraphs (e) through (i) and (k) of
3902 subsection (3) of section 985.311, Florida Statutes, are amended
3903 and renumbered, respectively, as subsections (2) through (6) and
3904 (7) of section 985.483, Florida Statutes, subsection (1) of
3905 section 985.311, Florida Statutes, is renumbered as subsection
3906 (8) of section 985.483, Florida Statutes, and paragraphs (a)
3907 through (d) and (j) of subsection (3) of section 985.311, Florida
3908 Statutes, are renumbered as paragraphs (a) through (d) and (e) of
3909 subsection (10) of section 985.483, Florida Statutes, and amended
3910 to read:
3911 985.483 ~~985.311~~ Intensive residential treatment program for
3912 offenders less than 13 years of age.--

3913 (1) ~~(7)~~ CRITERIA.--A "child eligible for an intensive
3914 residential treatment program for offenders less than 13 years of
3915 age" means a child who has been found to have committed a
3916 delinquent act or a violation of law in the case currently before
3917 the court and who meets at least one of the following criteria:
3918 (a) The child is less than 13 years of age at the time of
3919 the disposition for the current offense and has been adjudicated
3920 on the current offense for:
3921 1. Arson;
3922 2. Sexual battery;
3923 3. Robbery;
3924 4. Kidnapping;
3925 5. Aggravated child abuse;
3926 6. Aggravated assault;
3927 7. Aggravated stalking;
3928 8. Murder;
3929 9. Manslaughter;
3930 10. Unlawful throwing, placing, or discharging of a
3931 destructive device or bomb;
3932 11. Armed burglary;
3933 12. Aggravated battery;
3934 13. Any lewd or lascivious offense committed upon or in the
3935 presence of a person less than 16 years of age; or
3936 14. Carrying, displaying, using, threatening, or attempting
3937 to use a weapon or firearm during the commission of a felony.
3938 (b) The child is less than 13 years of age at the time of
3939 the disposition, the current offense is a felony, and the child
3940 has previously been committed at least once to a delinquency
3941 commitment program.

3942 (c) The child is less than 13 years of age and is currently
3943 committed for a felony offense and transferred from a moderate-
3944 risk or high-risk residential commitment placement.
3945 (2) ~~(3)(e)~~ DETERMINATION.--After a child has been
3946 adjudicated delinquent under ~~pursuant to~~ s. 985.35~~985.228~~(5), the
3947 court shall determine whether the child is eligible for an
3948 intensive residential treatment program for offenders less than
3949 13 years of age under subsection (1) ~~pursuant to s. 985.03(7)~~. If
3950 the court determines that the child does not meet the criteria,
3951 ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and
3952 985.455 ~~the provisions of s. 985.231(1)~~ shall apply.
3953 (3) ~~(f)~~ PLACEMENT RECOMMENDATIONS.--After a child has been
3954 transferred for criminal prosecution, a circuit court judge may
3955 direct a juvenile probation officer to consult with designated
3956 staff from an appropriate intensive residential treatment program
3957 for offenders less than 13 years of age for the purpose of making
3958 recommendations to the court regarding the child's placement in
3959 such program.
3960 (4) ~~(3)(g)~~ TIME AND PLACE FOR
3961 RECOMMENDATIONS.--Recommendations as to a child's placement in an
3962 intensive residential treatment program for offenders less than
3963 13 years of age may be based on a preliminary screening of the
3964 child at appropriate sites, considering the child's location
3965 while court action is pending, which may include the nearest
3966 regional detention center or facility or jail.
3967 (5) ~~(3)(h)~~ REPORTING RECOMMENDATIONS.--Based on the
3968 recommendations of the multidisciplinary assessment, the juvenile
3969 probation officer shall make the following recommendations to the
3970 court:

3971 (a)~~1.~~ For each child who has not been transferred for
3972 criminal prosecution, the juvenile probation officer shall
3973 recommend whether placement in such program is appropriate and
3974 needed.
3975 (b)~~2.~~ For each child who has been transferred for criminal
3976 prosecution, the juvenile probation officer shall recommend
3977 whether the most appropriate placement for the child is a
3978 juvenile justice system program, including a child who is
3979 eligible for an intensive residential treatment program for
3980 offenders less than 13 years of age, or placement in the adult
3981 correctional system.
3982
3983 If treatment provided by an intensive residential treatment
3984 program for offenders less than 13 years of age is determined to
3985 be appropriate and needed and placement is available, the
3986 juvenile probation officer and the court shall identify the
3987 appropriate intensive residential treatment program for offenders
3988 less than 13 years of age best suited to the needs of the child.
3989 (6)~~(3)(i)~~ ACTION ON RECOMMENDATIONS.--The treatment and
3990 placement recommendations shall be submitted to the court for
3991 further action under ~~pursuant to~~ this subsection ~~paragraph~~:
3992 (a)~~1.~~ If it is recommended that placement in an intensive
3993 residential treatment program for offenders less than 13 years of
3994 age is inappropriate, the court shall make an alternative
3995 disposition under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other
3996 alternative sentencing as applicable, using ~~utilizing~~ the
3997 recommendation as a guide.
3998 (b)~~2.~~ If it is recommended that placement in an intensive
3999 residential treatment program for offenders less than 13 years of

4000 age is appropriate, the court may commit the child to the
4001 department for placement in the restrictiveness level designated
4002 for intensive residential treatment program for offenders less
4003 than 13 years of age.
4004 (7) ~~(3)(k)~~ DURATION OF COMMITMENT.--Any commitment of a
4005 child to the department for placement in an intensive residential
4006 treatment program for offenders less than 13 years of age shall
4007 be for an indeterminate period of time, but the time shall not
4008 exceed the maximum term of imprisonment that ~~which~~ an adult may
4009 serve for the same offense. Any child who has not completed the
4010 residential portion of the intensive residential treatment
4011 program for offenders less than 13 years of age by his or her
4012 fourteenth birthday may be transferred to another program for
4013 committed delinquent offenders.
4014 (8) ~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.--Pursuant to ~~the~~
4015 ~~provisions of~~ this chapter and the establishment of appropriate
4016 program guidelines and standards, contractual instruments, which
4017 shall include safeguards of all constitutional rights, shall be
4018 developed for intensive residential treatment programs for
4019 offenders less than 13 years of age as follows:
4020 (a) The department shall provide for:
4021 1. The oversight of implementation of assessment and
4022 treatment approaches.
4023 2. The identification and prequalification of appropriate
4024 individuals or not-for-profit organizations, including minority
4025 individuals or organizations when possible, to provide assessment
4026 and treatment services to intensive offenders less than 13 years
4027 of age.

4028 3. The monitoring and evaluation of assessment and
4029 treatment services for compliance with ~~the provisions of~~ this
4030 chapter and all applicable rules and guidelines pursuant thereto.
4031 4. The development of an annual report on the performance
4032 of assessment and treatment to be presented to the Governor, the
4033 Attorney General, the President of the Senate, the Speaker of the
4034 House of Representatives, the Auditor General, and the Office of
4035 Program Policy Analysis and Government Accountability no later
4036 than January 1 of each year.
4037 (b) Assessment shall generally comprise the first 30 days
4038 of treatment and be provided by the same provider as treatment,
4039 but assessment and treatment services may be provided by separate
4040 providers~~,~~ where warranted. Providers shall be selected who have
4041 the capacity to assess and treat the unique problems presented by
4042 children with different racial and ethnic backgrounds. The
4043 department shall retain contractual authority to reject any
4044 assessment or treatment provider for lack of qualification.
4045 (9) ~~(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR
4046 OFFENDERS UNDER AGE ~~LESS THAN~~ 13 ~~YEARS OF AGE~~.--
4047 (a) There is created the intensive residential treatment
4048 program for offenders less than 13 years of age. The program
4049 shall consist of at least 9 months of intensive secure
4050 residential treatment. Conditional release assessment and
4051 services shall be provided in accordance with s. 985.46 ~~985.316~~.
4052 The components of the program shall include, but not be limited
4053 to:
4054 1. Diagnostic evaluation services.
4055 2. Appropriate treatment modalities, including substance
4056 abuse intervention, mental health services, and sexual behavior

4057 dysfunction interventions and gang-related behavior
4058 interventions.
4059 3. Life skills.
4060 4. Values clarification.
4061 5. Case management services.
4062 6. Educational services, including special and remedial
4063 education.
4064 7. Recreational and leisure time activities.
4065 8. Community involvement opportunities commencing, where
4066 appropriate, with the direct and timely payment of restitution to
4067 the victim.
4068 9. Intensive conditional release supervision.
4069 10. Graduated reentry into the community.
4070 11. A diversity of forms of individual and family treatment
4071 appropriate to and consistent with the child's needs.
4072 12. Consistent and clear consequences for misconduct.
4073 (b) The department is authorized to contract with private
4074 companies to provide some or all of the components indicated in
4075 paragraph (a).
4076 (c) The department shall involve local law enforcement
4077 agencies, the judiciary, school board personnel, the office of
4078 the state attorney, the office of the public defender, and
4079 community service agencies interested in or currently working
4080 with juveniles, in planning and developing this program.
4081 (d) The department is authorized to accept funds or in-kind
4082 contributions from public or private sources to be used for the
4083 purposes of this section.
4084 (e) The department shall establish quality assurance
4085 standards to ensure the quality and substance of mental health

4086 services provided to children with mental, nervous, or emotional
4087 disorders who may be committed to intensive residential treatment
4088 programs. The quality assurance standards shall address the
4089 possession of credentials by the mental health service providers.
4090 (10) ~~(3)~~ PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
4091 TREATMENT.--
4092 (a) Assessment and treatment shall be conducted by
4093 treatment professionals with expertise in specific treatment
4094 procedures. These~~, which~~ professionals shall exercise all
4095 professional judgment independently of the department.
4096 (b) Treatment provided to children in designated facilities
4097 shall be suited to the assessed needs of each individual child
4098 and shall be administered safely and humanely, with respect for
4099 human dignity.
4100 (c) The department may promulgate rules for the
4101 implementation and operation of programs and facilities for
4102 children who are eligible for an intensive residential treatment
4103 program for offenders less than 13 years of age. The department
4104 must involve the following groups in the promulgation of rules
4105 for services for this population: local law enforcement agencies,
4106 the judiciary, school board personnel, the office of the state
4107 attorney, the office of the public defender, and community
4108 service agencies interested in or currently working with
4109 juveniles. When promulgating these rules, the department must
4110 consider program principles, components, standards, procedures
4111 for intake, diagnostic and assessment activities, treatment
4112 modalities, and case management.
4113 (d) Any provider who acts in good faith is immune from
4114 civil or criminal liability for his or her actions in connection

4115 with the assessment, treatment, or transportation of an intensive
4116 offender less than 13 years of age under ~~the provisions of~~ this
4117 chapter.
4118 (e) ~~(j)~~ The following provisions shall apply to children in
4119 an intensive residential treatment program for offenders less
4120 than 13 years of age:
4121 1. A child shall begin participation in the conditional
4122 release component of the program based upon a determination made
4123 by the treatment provider and approved by the department.
4124 2. A child shall begin participation in the community
4125 supervision component of conditional release based upon a
4126 determination made by the treatment provider and approved by the
4127 department. The treatment provider shall give written notice of
4128 the determination to the circuit court having jurisdiction over
4129 the child. If the court does not respond with a written objection
4130 within 10 days, the child shall begin the conditional release
4131 component.
4132 3. A child shall be discharged from the program based upon
4133 a determination made by the treatment provider with the approval
4134 of the department.
4135 4. In situations where the department does not agree with
4136 the decision of the treatment provider, a reassessment shall be
4137 performed, and the department shall use ~~utilize~~ the reassessment
4138 determination to resolve the disagreement and make a final
4139 decision.
4140 (11) ~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--
4141 (a) Under ~~Pursuant to the provisions of~~ this section, the
4142 department shall implement the comprehensive assessment
4143 instrument for the treatment needs of children who are eligible

4144 for an intensive residential treatment program for offenders less
4145 than 13 years of age and for the assessment, which assessment
4146 shall include the criteria under subsection (1) ~~s. 985.03(7)~~ and
4147 shall also include, but not be limited to, evaluation of the
4148 child's:
4149 1. Amenability to treatment.
4150 2. Proclivity toward violence.
4151 3. Tendency toward gang involvement.
4152 4. Substance abuse or addiction and the level thereof.
4153 5. History of being a victim of child abuse or sexual
4154 abuse, or indication of sexual behavior dysfunction.
4155 6. Number and type of previous adjudications, findings of
4156 guilt, and convictions.
4157 7. Potential for rehabilitation.
4158 (b) The department shall contract with multiple individuals
4159 or not-for-profit organizations to perform the assessments and
4160 treatment, and shall ensure that the staff of each provider is
4161 ~~are~~ appropriately trained.
4162 (c) Assessment and treatment providers shall have a written
4163 procedure developed, in consultation with licensed treatment
4164 professionals, establishing conditions under which a child's
4165 blood and urine samples will be tested for substance abuse
4166 indications. ~~It is not unlawful for~~ The person receiving the test
4167 results may ~~to~~ divulge the test results to the relevant facility
4168 staff and department personnel; ~~.~~ however, such information is
4169 exempt from ~~the provisions of~~ ss. 119.01 and 119.07(1) and s.
4170 24(a), Art. I of the State Constitution.
4171 (d) Serologic blood test and urinalysis results obtained
4172 under ~~pursuant to~~ paragraph (c) are confidential, except that

4173 they may be shared with employees or officers of the department,
4174 the court, and any assessment or treatment provider and
4175 designated facility treating the child. No person to whom the
4176 results of a test have been disclosed under this section may
4177 disclose the test results to another person not authorized under
4178 this section.
4179 (e) The results of any serologic blood or urine test on a
4180 child who is eligible for an intensive residential treatment
4181 program for offenders less than 13 years of age shall become a
4182 part of that child's permanent medical file. Upon transfer of the
4183 child to any other designated treatment facility, such file shall
4184 be transferred in an envelope marked confidential. The results of
4185 any test designed to identify the human immunodeficiency virus,
4186 or its antigen or antibody, shall be accessible only to persons
4187 authorized ~~designated~~ by rule of the department. The provisions
4188 of such rule shall be consistent with the guidelines established
4189 by the Centers for Disease Control and Prevention.
4190 (f) A record of the assessment and treatment of each child
4191 who is eligible for an intensive residential treatment program
4192 for offenders less than 13 years of age shall be maintained by
4193 the provider, which shall include data pertaining to the child's
4194 treatment and such other information as may be required under
4195 rules of the department. Unless waived by express and informed
4196 consent by the child or the guardian or, if the child is
4197 deceased, by the child's personal representative or by the person
4198 who stands next in line of intestate succession, the privileged
4199 and confidential status of the clinical assessment and treatment
4200 record shall not be lost by either authorized or unauthorized
4201 disclosure to any person, organization, or agency.

4202 (g) The assessment and treatment record shall not be a
4203 public record, and no part of it shall be released, except that:
4204 1. The record shall be released to such persons and
4205 agencies as are designated by the child or the guardian.
4206 2. The record shall be released to persons authorized by
4207 order of court, excluding matters privileged by other provisions
4208 of law.
4209 3. The record or any part thereof shall be disclosed to a
4210 qualified researcher, as defined by rule; a staff member of the
4211 designated treatment facility; or an employee of the department
4212 when the administrator of the facility or the Secretary of
4213 Juvenile Justice deems it necessary for treatment of the child,
4214 maintenance of adequate records, compilation of treatment data,
4215 or evaluation of programs.
4216 4. Information from the assessment and treatment record may
4217 be used for statistical and research purposes if the information
4218 is abstracted in such a way as to protect the identity of
4219 individuals.
4220 (h) Notwithstanding other provisions of this section, the
4221 department may request, receive, and provide assessment and
4222 treatment information to facilitate treatment, rehabilitation,
4223 and continuity of care of any child who is eligible for an
4224 intensive residential treatment program for offenders less than
4225 13 years of age from any of the following:
4226 1. The Social Security Administration and the United States
4227 Department of Veterans Affairs.
4228 2. Law enforcement agencies, state attorneys, defense
4229 attorneys, and judges in regard to the child's status.

4230 3. Personnel in any facility in which the child may be
4231 placed.
4232 4. Community agencies and others expected to provide
4233 services to the child upon his or her return to the community.
4234 (i) Any law enforcement agency, designated treatment
4235 facility, governmental or community agency, or other entity that
4236 receives information under ~~pursuant to~~ this section shall
4237 maintain such information as a nonpublic record as otherwise
4238 provided herein.
4239 (j) Any agency, not-for-profit organization, or treatment
4240 professional who acts in good faith in releasing information
4241 under ~~pursuant to~~ this subsection shall not be subject to civil
4242 or criminal liability for such release.
4243 (k) Assessment and treatment records are confidential as
4244 described in this paragraph and exempt from ~~the provisions of~~ s.
4245 119.07(1) and s. 24(a), Art. I of the State Constitution.
4246 1. The department shall have full access to the assessment
4247 and treatment records to ensure coordination of services to the
4248 child.
4249 2. The principles of confidentiality of records as provided
4250 in s. 985.045 ~~985.05~~ shall apply to the assessment and treatment
4251 records of children who are eligible for an intensive residential
4252 treatment program for offenders less than 13 years of age.
4253 (l) For purposes of effective administration, accurate
4254 tracking and recordkeeping, and optimal treatment decisions, each
4255 assessment and treatment provider shall maintain a central
4256 identification file on each child it treats in the intensive
4257 residential treatment program for offenders less than 13 years of
4258 age.

4259 (m) The file of each child treated in the intensive
4260 residential treatment program for offenders less than 13 years of
4261 age shall contain, but is not limited to, pertinent children-in-
4262 need-of-services and delinquency record information maintained by
4263 the department; pertinent school records information on behavior,
4264 attendance, and achievement; and pertinent information on
4265 delinquency or children in need of services maintained by law
4266 enforcement agencies and the state attorney.
4267 (n) All providers under this section shall, as part of
4268 their contractual duties, collect, maintain, and report to the
4269 department all information necessary to comply with mandatory
4270 reporting pursuant to the promulgation of rules by the department
4271 for the implementation of intensive residential treatment
4272 programs for offenders less than 13 years of age and the
4273 monitoring and evaluation thereof.
4274 (o) The department is responsible for the development and
4275 maintenance of a statewide automated tracking system for children
4276 who are treated in an intensive residential treatment program for
4277 offenders less than 13 years of age.
4278 (12) ~~(5)~~ DESIGNATED TREATMENT FACILITIES.--
4279 (a) Designated facilities shall be sited and constructed by
4280 the department, directly or by contract, pursuant to departmental
4281 rules, to ensure that facility design is compatible with
4282 treatment. The department is authorized to contract for the
4283 construction of the facilities and may also lease facilities. The
4284 number of beds per facility shall not exceed 25. An assessment of
4285 need for additional facilities shall be conducted prior to the
4286 siting or construction of more than one facility in any judicial
4287 circuit.

4288 (b) Designated facilities for an intensive residential
4289 treatment program for offenders less than 13 years of age shall
4290 be separate and secure facilities established under the authority
4291 of the department for the treatment of such children.
4292 (c) Security for designated facilities for children who are
4293 eligible for an intensive residential treatment program for
4294 offenders less than 13 years of age shall be determined by the
4295 department. The department is authorized to contract for the
4296 provision of security.
4297 (d) With respect to the treatment of children who are
4298 eligible for an intensive residential treatment program for
4299 offenders less than 13 years of age under this section,
4300 designated facilities shall be immune from liability for civil
4301 damages except in instances when the failure to act in good faith
4302 results in serious injury or death, in which case liability shall
4303 be governed by s. 768.28.
4304 (e) Minimum standards and requirements for designated
4305 treatment facilities shall be contractually prescribed under
4306 ~~pursuant to~~ subsection (8) ~~(1)~~.
4307 Section 60. Section 985.312, Florida Statutes, is
4308 renumbered as section 985.486, Florida Statutes, and amended to
4309 read:
4310 985.486 ~~985.312~~ Intensive residential treatment programs
4311 for offenders less than 13 years of age; prerequisite for
4312 commitment.--No child who is eligible for commitment to an
4313 intensive residential treatment program for offenders less than
4314 13 years of age as established in s. 985.483(1) ~~985.03(7)~~, may be
4315 committed to any intensive residential treatment program for
4316 offenders less than 13 years of age as established in s. 985.483

4317 ~~985.311~~, unless such program has been established by the
4318 department through existing resources or specific appropriation,
4319 for such program.
4320 Section 61. Section 985.309, Florida Statutes, is
4321 renumbered as section 985.489, Florida Statutes, and subsection
4322 (6) of that section is amended to read:
4323 985.489 ~~985.309~~ Boot camp for children.--
4324 (6) A boot camp operated by the department, a county, or a
4325 municipality must provide for the following minimum periods of
4326 participation:
4327 (a) A participant in a low-risk residential program must
4328 spend at least 2 months in the boot camp component of the
4329 program. Conditional release assessment and services shall be
4330 provided in accordance with s. 985.46 ~~985.316~~.
4331 (b) A participant in a moderate-risk residential program
4332 must spend at least 4 months in the boot camp component of the
4333 program. Conditional release assessment and services shall be
4334 provided in accordance with s. 985.46 ~~985.316~~.
4335
4336 This subsection does not preclude the operation of a program that
4337 requires the participants to spend more than 4 months in the boot
4338 camp component of the program or that requires the participants
4339 to complete two sequential programs of 4 months each in the boot
4340 camp component of the program.
4341 Section 62. Section 985.314, Florida Statutes, is
4342 renumbered as section 985.494, Florida Statutes, and amended to
4343 read:
4344 985.494 ~~985.314~~ Commitment programs for juvenile felony
4345 offenders.--

4346 (1) Notwithstanding any other law and regardless of the
4347 child's age, a child who is adjudicated delinquent, or for whom
4348 adjudication is withheld, for an act that would be a felony if
4349 committed by an adult, shall be committed to:
4350 (a) A boot camp program under s. 985.489 ~~985.309~~ if the
4351 child has participated in an early delinquency intervention
4352 program as provided in s. 985.61 ~~985.305~~.
4353 (b) A program for serious or habitual juvenile offenders
4354 under s. 985.47 ~~985.31~~ or an intensive residential treatment
4355 program for offenders less than 13 years of age under s. 985.483
4356 ~~985.311~~, if the child has participated in an early delinquency
4357 intervention program and has completed a boot camp program.
4358 (c) A maximum-risk residential program, if the child has
4359 participated in an early delinquency intervention program, has
4360 completed a boot camp program, and has completed a program for
4361 serious or habitual juvenile offenders or an intensive
4362 residential treatment program for offenders less than 13 years of
4363 age. The commitment of a child to a maximum-risk residential
4364 program must be for an indeterminate period, but may not exceed
4365 the maximum term of imprisonment that an adult may serve for the
4366 same offense.
4367 (2) In committing a child to the appropriate program, the
4368 court may consider an equivalent program of similar intensity as
4369 being comparable to a program required under subsection (1).
4370 Section 63. Section 985.511, Florida Statutes, is created
4371 to read:
4372 985.511 Costs of representation.--The responsibilities of
4373 the parents or legal guardian of the child to pay costs

4374 associated with the representation of the child are prescribed
4375 under s. 985.033.
4376 Section 64. Section 985.204, Florida Statutes, is
4377 renumbered as section 985.512, Florida Statutes.
4378 Section 65. Paragraph (e) of subsection (1) of section
4379 985.231, Florida Statutes, is amended and renumbered as
4380 subsection (2) of section 985.513, Florida Statutes, which is
4381 created to read:
4382 985.513 Powers of the court over parent or guardian at
4383 disposition.--
4384 (1) The court that has jurisdiction over an adjudicated
4385 delinquent child may, by an order stating the facts upon which a
4386 determination of a sanction and rehabilitative program was made
4387 at the disposition hearing:
4388 (a) Order the child's parent or guardian together with the
4389 child to render community service in a public service program or
4390 to participate in a community work project. In addition to the
4391 sanctions imposed on the child, the court may order the child's
4392 parent or guardian to perform community service if the court
4393 finds that the parent or guardian did not make a diligent and
4394 good faith effort to prevent the child from engaging in
4395 delinquent acts.
4396 (b) Order the parent or guardian to make restitution in
4397 money or in kind for any damage or loss caused by the child's
4398 offense. The court may also require the child's parent or legal
4399 guardian to be responsible for any restitution ordered against
4400 the child, as provided under s. 985.437. The court shall
4401 determine a reasonable amount or manner of restitution, and
4402 payment shall be made to the clerk of the circuit court as

4403 provided in s. 985.437. The court may retain jurisdiction, as
4404 provided under s. 985.0301, over the child and the child's parent
4405 or legal guardian whom the court has ordered to pay restitution
4406 until the restitution order is satisfied or the court orders
4407 otherwise.
4408 ~~(1)~~
4409 (2) ~~(e)~~ Notwithstanding whether adjudication is imposed or
4410 withheld ~~In carrying out the provisions of this part~~, the court
4411 may order the natural parents or legal custodian or guardian of a
4412 child who is found to have committed a delinquent act to
4413 participate in family counseling and other professional
4414 counseling activities deemed necessary for the rehabilitation of
4415 the child or to enhance their ability to provide the child with
4416 adequate support, guidance, and supervision. The court may also
4417 order that the parent, custodian, or guardian support the child
4418 and participate with the child in fulfilling a court-imposed
4419 sanction. In addition, the court may use its contempt powers to
4420 enforce a court-imposed sanction.
4421 Section 66. Section 985.514, Florida Statutes, is created
4422 to read:
4423 985.514 Responsibility for cost of care; fees.--
4424 (1) When any child is placed into secure or home detention
4425 care or into other placement for the purpose of being supervised
4426 by the department pursuant to a court order following a detention
4427 hearing, the court shall order the child's parents to pay fees to
4428 the department as provided in s. 985.039.
4429 (2) When any child is found by the court to have committed
4430 a delinquent act and is placed on probation, regardless of
4431 adjudication, under the supervision of or in the temporary legal

4432 custody of the department, the court shall order the child's
4433 parents to pay fees to the department as provided in s. 985.039.
4434 (3) When the court under s. 985.565 orders any child
4435 prosecuted as an adult to be supervised by or committed to the
4436 department for treatment in any of the department's programs for
4437 children, the court shall order the child's parents to pay fees
4438 as provided in s. 985.039.
4439 Section 67. Section 985.234, Florida Statutes, is
4440 renumbered as section 985.534, Florida Statutes, and subsection
4441 (1) of that section is amended to read:
4442 985.534 ~~985.234~~ Appeal.--
4443 (1) An appeal from an order of the court affecting a party
4444 to a case involving a child under ~~pursuant to~~ this chapter ~~part~~
4445 may be taken to the appropriate district court of appeal within
4446 the time and in the manner prescribed by s. 924.051 and the
4447 Florida Rules of Appellate Procedure by:
4448 (a) Any child, and any parent or legal guardian or
4449 custodian of any child.
4450 (b) The state, which may appeal from:
4451 1. An order dismissing a petition or any section thereof;
4452 2. An order granting a new adjudicatory hearing;
4453 3. An order arresting judgment;
4454 4. A ruling on a question of law when the child is
4455 adjudicated delinquent and appeals from the judgment;
4456 5. The disposition, on the ground that it is illegal;
4457 6. A judgment discharging a child on habeas corpus;
4458 7. An order adjudicating a child insane under the Florida
4459 Rules of Juvenile Procedure; and

4460 8. All other preadjudicatory hearings, except that the
4461 state may not take more than one appeal under this subsection in
4462 any case.
4463
4464 In the case of an appeal by the state, the notice of appeal shall
4465 be filed by the appropriate state attorney or his or her
4466 authorized assistant under ~~pursuant to the provisions of~~ s.
4467 27.18. Such an appeal shall embody all assignments of error in
4468 each preadjudicatory hearing order that the state seeks to have
4469 reviewed. The state shall pay all costs of the appeal except for
4470 the child's attorney's fee.
4471 Section 68. Sections 985.235 and 985.236, Florida Statutes,
4472 are renumbered, respectively, as sections 985.535 and 985.536,
4473 Florida Statutes.
4474 Section 69. Section 985.226, Florida Statutes, is
4475 renumbered as section 985.556, Florida Statutes, and amended to
4476 read:
4477 985.556 ~~985.226~~ Waiver of juvenile court jurisdiction;
4478 hearing ~~Criteria for waiver of juvenile court jurisdiction;~~
4479 ~~hearing on motion to transfer for prosecution as an adult~~.--
4480 (1) VOLUNTARY WAIVER.--The court shall transfer and certify
4481 a child's criminal case for trial as an adult if the child is
4482 alleged to have committed a violation of law and, prior to the
4483 commencement of an adjudicatory hearing, the child, joined by a
4484 parent or, in the absence of a parent, by the guardian or
4485 guardian ad litem, demands in writing to be tried as an adult.
4486 Once a child has been transferred for criminal prosecution
4487 pursuant to a voluntary waiver hearing and has been found to have
4488 committed the presenting offense or a lesser included offense,

4489 the child shall be handled thereafter in every respect as an
4490 adult for any subsequent violation of state law, unless the court
4491 imposes juvenile sanctions under s. 985.565 ~~985.233~~(4)(b).
4492 (2) INVOLUNTARY DISCRETIONARY WAIVER.--
4493 ~~(a) Discretionary waiver.~~ Except as provided in subsection
4494 (3) ~~paragraph (b)~~, the state attorney may file a motion
4495 requesting the court to transfer the child for criminal
4496 prosecution if the child was 14 years of age or older at the time
4497 the alleged delinquent act or violation of law was committed.
4498 (3) INVOLUNTARY MANDATORY WAIVER.--
4499 ~~(b) Mandatory waiver.--~~
4500 (a)~~1.~~ If the child was 14 years of age or older, and if the
4501 child has been previously adjudicated delinquent for an act
4502 classified as a felony, which adjudication was for the commission
4503 of, attempt to commit, or conspiracy to commit murder, sexual
4504 battery, armed or strong-armed robbery, carjacking, home-invasion
4505 robbery, aggravated battery, aggravated assault, or burglary with
4506 an assault or battery, and the child is currently charged with a
4507 second or subsequent violent crime against a person; or
4508 (b)~~2.~~ If the child was 14 years of age or older at the time
4509 of commission of a fourth or subsequent alleged felony offense
4510 and the child was previously adjudicated delinquent or had
4511 adjudication withheld for or was found to have committed, or to
4512 have attempted or conspired to commit, three offenses that are
4513 felony offenses if committed by an adult, and one or more of such
4514 felony offenses involved the use or possession of a firearm or
4515 violence against a person;
4516

4517 the state attorney shall request the court to transfer and
4518 certify the child for prosecution as an adult or shall provide
4519 written reasons to the court for not making such request, or
4520 proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the state
4521 attorney's request, the court shall either enter an order
4522 transferring the case and certifying the case for trial as if the
4523 child were an adult or provide written reasons for not issuing
4524 such an order.
4525 (4) ~~(3)~~ WAIVER HEARING.--
4526 (a) Within 7 days, excluding Saturdays, Sundays, and legal
4527 holidays, after the date a petition alleging that a child has
4528 committed a delinquent act or violation of law has been filed, or
4529 later with the approval of the court, but before an adjudicatory
4530 hearing and after considering the recommendation of the juvenile
4531 probation officer, the state attorney may file a motion
4532 requesting the court to transfer the child for criminal
4533 prosecution.
4534 (b) After the filing of the motion of the state attorney,
4535 summonses must be issued and served in conformity with s. 985.319
4536 ~~985.219~~. A copy of the motion and a copy of the delinquency
4537 petition, if not already served, must be attached to each
4538 summons.
4539 (c) The court shall conduct a hearing on all transfer
4540 request motions for the purpose of determining whether a child
4541 should be transferred. In making its determination, the court
4542 shall consider:
4543 1. The seriousness of the alleged offense to the community
4544 and whether the protection of the community is best served by
4545 transferring the child for adult sanctions.

4546 2. Whether the alleged offense was committed in an
4547 aggressive, violent, premeditated, or willful manner.
4548 3. Whether the alleged offense was against persons or
4549 against property, greater weight being given to offenses against
4550 persons, especially if personal injury resulted.
4551 4. The probable cause as found in the report, affidavit, or
4552 complaint.
4553 5. The desirability of trial and disposition of the entire
4554 offense in one court when the child's associates in the alleged
4555 crime are adults or children who are to be tried as adults.
4556 6. The sophistication and maturity of the child.
4557 7. The record and previous history of the child, including:
4558 a. Previous contacts with the department, the Department of
4559 Corrections, the former Department of Health and Rehabilitative
4560 Services, the Department of Children and Family Services, other
4561 law enforcement agencies, and courts;
4562 b. Prior periods of probation;
4563 c. Prior adjudications that the child committed a
4564 delinquent act or violation of law, greater weight being given if
4565 the child has previously been found by a court to have committed
4566 a delinquent act or violation of law involving an offense
4567 classified as a felony or has twice previously been found to have
4568 committed a delinquent act or violation of law involving an
4569 offense classified as a misdemeanor; and
4570 d. Prior commitments to institutions.
4571 8. The prospects for adequate protection of the public and
4572 the likelihood of reasonable rehabilitation of the child, if the
4573 child is found to have committed the alleged offense, by the use

4574 of procedures, services, and facilities currently available to
4575 the court.
4576 (d) Prior to a hearing on the transfer request motion by
4577 the state attorney, a study and report to the court relevant to
4578 the factors in paragraph (c) must be made in writing by an
4579 authorized agent of the department. The child and the child's
4580 parents or legal guardians and counsel and the state attorney
4581 shall have the right to examine these reports and to question the
4582 parties responsible for them at the hearing.
4583 (e) Any decision to transfer a child for criminal
4584 prosecution must be in writing and include consideration of, and
4585 findings of fact with respect to, all criteria in paragraph (c).
4586 The court shall render an order including a specific finding of
4587 fact and the reasons for a decision to impose adult sanctions.
4588 The order shall be reviewable on appeal under s. 985.534 ~~985.234~~
4589 and the Florida Rules of Appellate Procedure.
4590 (5) ~~(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.--
4591 (a) Once a child has been transferred for criminal
4592 prosecution pursuant to an involuntary waiver hearing and has
4593 been found to have committed the presenting offense or a lesser
4594 included offense, the child shall thereafter be handled in every
4595 respect as an adult for any subsequent violation of state law,
4596 unless the court imposes juvenile sanctions under s. 985.565
4597 ~~985.233~~.
4598 (b) When a child is transferred for criminal prosecution as
4599 an adult, the court shall immediately transfer and certify to the
4600 adult circuit court all felony cases pertaining to the child, for
4601 prosecution of the child as an adult, which have not yet resulted
4602 in a plea of guilty or nolo contendere or in which a finding of

4603 guilt has not been made. If the child is acquitted of all charged
4604 offenses or lesser included offenses contained in the original
4605 case transferred to adult court, all felony cases that were
4606 transferred to adult court under ~~pursuant to~~ this paragraph shall
4607 be subject to the same penalties such cases were subject to
4608 before being transferred to adult court.
4609 Section 70. Section 985.227, Florida Statutes, is
4610 renumbered as section 985.557, Florida Statutes, and amended to
4611 read:
4612 985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by the~~
4613 Direct filing of an information ~~in the criminal division of the~~
4614 ~~circuit court~~; discretionary and ~~criteria;~~ mandatory criteria.--
4615 (1) DISCRETIONARY DIRECT FILE~~; CRITERIA~~.--
4616 (a) With respect to any child who was 14 or 15 years of age
4617 at the time the alleged offense was committed, the state attorney
4618 may file an information when in the state attorney's judgment and
4619 discretion the public interest requires that adult sanctions be
4620 considered or imposed and when the offense charged is for the
4621 commission of, attempt to commit, or conspiracy to commit:
4622 1. Arson;
4623 2. Sexual battery;
4624 3. Robbery;
4625 4. Kidnapping;
4626 5. Aggravated child abuse;
4627 6. Aggravated assault;
4628 7. Aggravated stalking;
4629 8. Murder;
4630 9. Manslaughter;

4631 10. Unlawful throwing, placing, or discharging of a
4632 destructive device or bomb;
4633 11. Armed burglary in violation of s. 810.02(2)(b) or
4634 specified burglary of a dwelling or structure in violation of s.
4635 810.02(2)(c), or burglary with an assault or battery in violation
4636 of s. 810.02(2)(a);
4637 12. Aggravated battery;
4638 13. Any lewd or lascivious offense committed upon or in the
4639 presence of a person less than 16 years of age;
4640 14. Carrying, displaying, using, threatening, or attempting
4641 to use a weapon or firearm during the commission of a felony;
4642 15. Grand theft in violation of s. 812.014(2)(a);
4643 16. Possessing or discharging any weapon or firearm on
4644 school property in violation of s. 790.115;
4645 17. Home invasion robbery;
4646 18. Carjacking; or
4647 19. Grand theft of a motor vehicle in violation of s.
4648 812.014(2)(c)6. or grand theft of a motor vehicle valued at
4649 $20,000 or more in violation of s. 812.014(2)(b) if the child has
4650 a previous adjudication for grand theft of a motor vehicle in
4651 violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
4652 (b) With respect to any child who was 16 or 17 years of age
4653 at the time the alleged offense was committed, the state attorney
4654 may file an information when in the state attorney's judgment and
4655 discretion the public interest requires that adult sanctions be
4656 considered or imposed. However, the state attorney may not file
4657 an information on a child charged with a misdemeanor, unless the
4658 child has had at least two previous adjudications or

4659 adjudications withheld for delinquent acts, one of which involved
4660 an offense classified as a felony under state law.
4661 (2) MANDATORY DIRECT FILE.--
4662 (a) With respect to any child who was 16 or 17 years of age
4663 at the time the alleged offense was committed, the state attorney
4664 shall file an information if the child has been previously
4665 adjudicated delinquent for an act classified as a felony, which
4666 adjudication was for the commission of, attempt to commit, or
4667 conspiracy to commit murder, sexual battery, armed or strong-
4668 armed robbery, carjacking, home-invasion robbery, aggravated
4669 battery, or aggravated assault, and the child is currently
4670 charged with a second or subsequent violent crime against a
4671 person.
4672 (b) With respect to any child 16 or 17 years of age at the
4673 time an offense classified as a forcible felony, as defined in s.
4674 776.08, was committed, the state attorney shall file an
4675 information if the child has previously been adjudicated
4676 delinquent or had adjudication withheld for three acts classified
4677 as felonies each of which occurred at least 45 days apart from
4678 each other. This paragraph does not apply when the state attorney
4679 has good cause to believe that exceptional circumstances exist
4680 which preclude the just prosecution of the juvenile in adult
4681 court.
4682 (c) The state attorney must file an information if a child,
4683 regardless of the child's age at the time the alleged offense was
4684 committed, is alleged to have committed an act that would be a
4685 violation of law if the child were an adult, that involves
4686 stealing a motor vehicle, including, but not limited to, a
4687 violation of s. 812.133, relating to carjacking, or s.

4688 812.014(2)(c)6., relating to grand theft of a motor vehicle, and
4689 while the child was in possession of the stolen motor vehicle the
4690 child caused serious bodily injury to or the death of a person
4691 who was not involved in the underlying offense. For purposes of
4692 this section, the driver and all willing passengers in the stolen
4693 motor vehicle at the time such serious bodily injury or death is
4694 inflicted shall also be subject to mandatory transfer to adult
4695 court. "Stolen motor vehicle," for the purposes of this section,
4696 means a motor vehicle that has been the subject of any criminal
4697 wrongful taking. For purposes of this section, "willing
4698 passengers" means all willing passengers who have participated in
4699 the underlying offense.
4700 (d)1. With respect to any child who was 16 or 17 years of
4701 age at the time the alleged offense was committed, the state
4702 attorney shall file an information if the child has been charged
4703 with committing or attempting to commit an offense listed in s.
4704 775.087(2)(a)1.a.-q., and, during the commission of or attempt to
4705 commit the offense, the child:
4706 a. Actually possessed a firearm or destructive device, as
4707 those terms are defined in s. 790.001.
4708 b. Discharged a firearm or destructive device, as described
4709 in s. 775.087(2)(a)2.
4710 c. Discharged a firearm or destructive device, as described
4711 in s. 775.087(2)(a)3., and, as a result of the discharge, death
4712 or great bodily harm was inflicted upon any person.
4713 2. Upon transfer, any child who is:
4714 a. Charged <u>under</u> ~~pursuant to~~ sub-subparagraph 1.a. and who
4715 has been previously adjudicated or had adjudication withheld for
4716 a forcible felony offense or any offense involving a firearm, or

4717 who has been previously placed in a residential commitment
4718 program, shall be subject to sentencing under s. 775.087(2)(a),
4719 notwithstanding s. 985.565 ~~985.233~~.
4720 b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or sub-
4721 subparagraph 1.c., shall be subject to sentencing under s.
4722 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.
4723 3. Upon transfer, any child who is charged under ~~pursuant~~
4724 ~~to~~ this paragraph, but who does not meet the requirements
4725 specified in subparagraph 2., shall be sentenced under ~~pursuant~~
4726 ~~to~~ s. 985.565 ~~985.233~~; however, if the court imposes a juvenile
4727 sanction, the court must commit the child to a high-risk or
4728 maximum-risk juvenile facility.
4729 4. This paragraph shall not apply if the state attorney has
4730 good cause to believe that exceptional circumstances exist that
4731 ~~which~~ preclude the just prosecution of the child in adult court.
4732 5. The Department of Corrections shall make every
4733 reasonable effort to ensure that any child 16 or 17 years of age
4734 who is convicted and sentenced under this paragraph be completely
4735 separated such that there is no physical contact with adult
4736 offenders in the facility, to the extent that it is consistent
4737 with chapter 958.
4738 (3) EFFECT OF DIRECT FILE.--
4739 (a) Once a child has been transferred for criminal
4740 prosecution pursuant to an information and has been found to have
4741 committed the presenting offense or a lesser included offense,
4742 the child shall be handled thereafter in every respect as if an
4743 adult for any subsequent violation of state law, unless the court
4744 imposes juvenile sanctions under s. 985.565 ~~985.233~~.

4745 (b) When a child is transferred for criminal prosecution as
4746 an adult, the court shall immediately transfer and certify to the
4747 adult circuit court all felony cases pertaining to the child, for
4748 prosecution of the child as an adult, which have not yet resulted
4749 in a plea of guilty or nolo contendere or in which a finding of
4750 guilt has not been made. If a child is acquitted of all charged
4751 offenses or lesser included offenses contained in the original
4752 case transferred to adult court, all felony cases that were
4753 transferred to adult court as a result of this paragraph shall be
4754 subject to the same penalties to which such cases would have been
4755 subject before being transferred to adult court.
4756 (c) When a child has been transferred for criminal
4757 prosecution as an adult and has been found to have committed a
4758 violation of state law, the disposition of the case may be made
4759 under s. 985.565 ~~985.233~~ and may include the enforcement of any
4760 restitution ordered in any juvenile proceeding.
4761 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
4762 attorney shall develop written policies and guidelines to govern
4763 determinations for filing an information on a juvenile, to be
4764 submitted to the Executive Office of the Governor, the President
4765 of the Senate, and the Speaker of the House of Representatives
4766 not later than January 1 of each year.
4767 (5) An information filed pursuant to this section may
4768 include all charges that are based on the same act, criminal
4769 episode, or transaction as the primary offenses.
4770 Section 71. Section 985.225, Florida Statutes, is
4771 renumbered as section 985.56, Florida Statutes, and amended to
4772 read:
4773 985.56 ~~985.225~~ Indictment of a juvenile.--

4774 (1) A child of any age who is charged with a violation of
4775 state law punishable by death or by life imprisonment is subject
4776 to the jurisdiction of the court as set forth in s. 985.0301(2)
4777 ~~985.219(8)~~ unless and until an indictment on the charge is
4778 returned by the grand jury. When such indictment is returned, the
4779 petition for delinquency, if any, must be dismissed and the child
4780 must be tried and handled in every respect as an adult:
4781 (a) On the offense punishable by death or by life
4782 imprisonment; and
4783 (b) On all other felonies or misdemeanors charged in the
4784 indictment which are based on the same act or transaction as the
4785 offense punishable by death or by life imprisonment or on one or
4786 more acts or transactions connected with the offense punishable
4787 by death or by life imprisonment.
4788 (2) An adjudicatory hearing may not be held until 21 days
4789 after the child is taken into custody and charged with having
4790 committed an offense punishable by death or by life imprisonment,
4791 unless the state attorney advises the court in writing that he or
4792 she does not intend to present the case to the grand jury, or has
4793 presented the case to the grand jury and the grand jury has not
4794 returned an indictment. If the court receives such a notice from
4795 the state attorney, or if the grand jury fails to act within the
4796 21-day period, the court may proceed as otherwise authorized
4797 under this part.
4798 (3) If the child is found to have committed the offense
4799 punishable by death or by life imprisonment, the child shall be
4800 sentenced as an adult. If the juvenile is not found to have
4801 committed the indictable offense but is found to have committed a
4802 lesser included offense or any other offense for which he or she

4803 was indicted as a part of the criminal episode, the court may
4804 sentence under ~~pursuant to~~ s. 985.565 ~~985.233~~.
4805 (4)(a) Once a child has been indicted pursuant to this
4806 section ~~subsection~~ and has been found to have committed any
4807 offense for which he or she was indicted as a part of the
4808 criminal episode, the child shall be handled thereafter in every
4809 respect as if an adult for any subsequent violation of state law,
4810 unless the court imposes juvenile sanctions under s. 985.565
4811 ~~985.233~~.
4812 (b) When a child has been indicted pursuant to this
4813 section, ~~subsection~~ the court shall immediately transfer and
4814 certify to the adult circuit court all felony cases pertaining to
4815 the child, for prosecution of the child as an adult, which have
4816 not yet resulted in a plea of guilty or nolo contendere or in
4817 which a finding of guilt has not been made. If the child is
4818 acquitted of all charged offenses or lesser included offenses
4819 contained in the indictment case, all felony cases that were
4820 transferred to adult court pursuant to this paragraph shall be
4821 subject to the same penalties such cases were subject to before
4822 being transferred to adult court.
4823 Section 72. Subsections (1) through (4) of section 985.233,
4824 Florida Statutes, are renumbered, respectively, as subsections
4825 (1) through (3) and paragraphs (c) and (d) of subsection (4) of
4826 section 985.565, Florida Statutes, and paragraphs (a), (b), (c),
4827 (e), and (f) of subsection (4) of section 985.233, Florida
4828 Statutes, are amended and renumbered, respectively, as paragraphs
4829 (a), (b), and (e) of subsection (4) of section 985.565, Florida
4830 Statutes, to read:

4831 985.565 ~~985.233~~ Sentencing powers; procedures; alternatives
4832 for juveniles prosecuted as adults.--
4833 (4) SENTENCING ALTERNATIVES.--
4834 (a) ~~Sentencing to~~ Adult sanctions.--
4835 1. Cases prosecuted on indictment.--If the child is found
4836 to have committed the offense punishable by death or life
4837 imprisonment, the child shall be sentenced as an adult. If the
4838 juvenile is not found to have committed the indictable offense
4839 but is found to have committed a lesser included offense or any
4840 other offense for which he or she was indicted as a part of the
4841 criminal episode, the court may sentence as follows:
4842 a. As an adult;
4843 b. Under ~~Pursuant to~~ chapter 958; or
4844 c. As a juvenile under ~~pursuant to~~ this section.
4845 2. Other cases.--If a child who has been transferred for
4846 criminal prosecution pursuant to information or waiver of
4847 juvenile court jurisdiction is found to have committed a
4848 violation of state law or a lesser included offense for which he
4849 or she was charged as a part of the criminal episode, the court
4850 may sentence as follows:
4851 a. As an adult;
4852 b. Under ~~Pursuant to~~ chapter 958; or
4853 c. As a juvenile under ~~pursuant to~~ this section.
4854 3. Notwithstanding any other provision to the contrary, if
4855 the state attorney is required to file a motion to transfer and
4856 certify the juvenile for prosecution as an adult under ~~pursuant~~
4857 ~~to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that motion is granted, or if
4858 the state attorney is required to file an information under

4859 ~~pursuant to~~ s. 985.557 ~~985.227~~(2)(a) or (b), the court must
4860 impose adult sanctions.
4861 4. Any sentence imposing adult sanctions is presumed
4862 appropriate, and the court is not required to set forth specific
4863 findings or enumerate the criteria in this subsection as any
4864 basis for its decision to impose adult sanctions.
4865 5. When a child has been transferred for criminal
4866 prosecution as an adult and has been found to have committed a
4867 violation of state law, the disposition of the case may include
4868 the enforcement of any restitution ordered in any juvenile
4869 proceeding.
4870 (b) ~~Sentencing to~~ Juvenile sanctions.--For juveniles
4871 transferred to adult court but who do not qualify for such
4872 transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s.
4873 985.557 ~~985.227~~(2)(a) or (b), the court may impose juvenile
4874 sanctions under this paragraph. If juvenile sentences are
4875 imposed, the court shall, under ~~pursuant to~~ this paragraph,
4876 adjudge the child to have committed a delinquent act.
4877 Adjudication of delinquency shall not be deemed a conviction, nor
4878 shall it operate to impose any of the civil disabilities
4879 ordinarily resulting from a conviction. The court shall impose an
4880 adult sanction or a juvenile sanction and may not sentence the
4881 child to a combination of adult and juvenile punishments. An
4882 adult sanction or a juvenile sanction may include enforcement of
4883 an order of restitution or probation previously ordered in any
4884 juvenile proceeding. However, if the court imposes a juvenile
4885 sanction and the department determines that the sanction is
4886 unsuitable for the child, the department shall return custody of
4887 the child to the sentencing court for further proceedings,

4888 including the imposition of adult sanctions. Upon adjudicating a
4889 child delinquent under subsection (1), the court may:
4890 1. Place the child in a probation program under the
4891 supervision of the department for an indeterminate period of time
4892 until the child reaches the age of 19 years or sooner if
4893 discharged by order of the court.
4894 2. Commit the child to the department for treatment in an
4895 appropriate program for children for an indeterminate period of
4896 time until the child is 21 or sooner if discharged by the
4897 department. The department shall notify the court of its intent
4898 to discharge no later than 14 days prior to discharge. Failure of
4899 the court to timely respond to the department's notice shall be
4900 considered approval for discharge.
4901 3. Order disposition under ss. 985.435, 985.437, 985.439,
4902 985.441, 985.445, 985.45, and 985.455 ~~pursuant to s. 985.231~~ as
4903 an alternative to youthful offender or adult sentencing if the
4904 court determines not to impose youthful offender or adult
4905 sanctions.
4906 (c) ~~Imposition of~~ Adult sanctions upon failure of juvenile
4907 sanctions.--If a child proves not to be suitable to a commitment
4908 program, in a juvenile probation program, or treatment program
4909 under ~~the provisions of~~ paragraph (b), the department shall
4910 provide the sentencing court with a written report outlining the
4911 basis for its objections to the juvenile sanction and shall
4912 simultaneously provide a copy of the report to the state attorney
4913 and the defense counsel. The department shall schedule a hearing
4914 within 30 days. Upon hearing, the court may revoke the previous
4915 adjudication, impose an adjudication of guilt, and impose any
4916 sentence which it may lawfully impose, giving credit for all time

4917 spent by the child in the department. The court may also classify
4918 the child as a youthful offender under ~~pursuant to~~ s. 958.04, if
4919 appropriate. For purposes of this paragraph, a child may be found
4920 not suitable to a commitment program, community control program,
4921 or treatment program under ~~the provisions of~~ paragraph (b) if the
4922 child commits a new violation of law while under juvenile
4923 sanctions, if the child commits any other violation of the
4924 conditions of juvenile sanctions, or if the child's actions are
4925 otherwise determined by the court to demonstrate a failure of
4926 juvenile sanctions.
4927 (d) ~~(e)~~ Further proceedings heard in adult court.--When a
4928 child is sentenced to juvenile sanctions, further proceedings
4929 involving those sanctions shall continue to be heard in the adult
4930 court.
4931 (e) ~~(f)~~ School attendance.--If the child is attending or is
4932 eligible to attend public school and the court finds that the
4933 victim or a sibling of the victim in the case is attending or may
4934 attend the same school as the child, the court placement order
4935 shall include a finding pursuant to the proceeding described in
4936 s. 985.455(2), regardless of whether adjudication is withheld
4937 ~~985.23(1)(d)~~.
4938
4939 It is the intent of the Legislature that the criteria and
4940 guidelines in this subsection are mandatory and that a
4941 determination of disposition under this subsection is subject to
4942 the right of the child to appellate review under s. 985.534
4943 ~~985.234~~.
4944 Section 73. Section 985.417, Florida Statutes, is
4945 renumbered as section 985.57, Florida Statutes.

4946 Section 74. Subsections (1) through (3) and (6) through
4947 (11) of section 985.404, Florida Statutes, are renumbered as
4948 subsections (1) through (3) and (5) through (10) of section
4949 985.601, Florida Statutes, and subsections (4), (5), and (9) of
4950 that section are amended to read:
4951 985.601 ~~985.404~~ Administering the juvenile justice
4952 continuum.--
4953 ~~(4) The department may transfer a child, when necessary to~~
4954 ~~appropriately administer the child's commitment, from one~~
4955 ~~facility or program to another facility or program operated,~~
4956 ~~contracted, subcontracted, or designated by the department,~~
4957 ~~including a postcommitment nonresidential conditional release~~
4958 ~~program. The department shall notify the court that committed the~~
4959 ~~child to the department and any attorney of record, in writing,~~
4960 ~~of its intent to transfer the child from a commitment facility or~~
4961 ~~program to another facility or program of a higher or lower~~
4962 ~~restrictiveness level. The court that committed the child may~~
4963 ~~agree to the transfer or may set a hearing to review the~~
4964 ~~transfer. If the court does not respond within 10 days after~~
4965 ~~receipt of the notice, the transfer of the child shall be deemed~~
4966 ~~granted.~~
4967 (4) ~~(5)~~ The department shall maintain continuing cooperation
4968 with the Department of Education, the Department of Children and
4969 Family Services, the Agency for Workforce Innovation ~~Department~~
4970 ~~of Labor and Employment Security~~, and the Department of
4971 Corrections for the purpose of participating in agreements with
4972 respect to dropout prevention and the reduction of suspensions,
4973 expulsions, and truancy; increased access to and participation in
4974 GED, vocational, and alternative education programs; and

4975 employment training and placement assistance. The cooperative
4976 agreements between the departments shall include an
4977 interdepartmental plan to cooperate in accomplishing the
4978 reduction of inappropriate transfers of children into the adult
4979 criminal justice and correctional systems.
4980 (8) ~~(9)~~ The department shall ensure that personnel
4981 responsible for the care, supervision, and individualized
4982 treatment of children are appropriately apprised of the
4983 requirements of this chapter ~~part~~ and trained in the specialized
4984 areas required to comply with standards established by rule.
4985 Section 75. Section 985.4043, Florida Statutes, is
4986 renumbered as section 985.6015, Florida Statutes, and subsection
4987 (1) of that section is amended to read:
4988 985.6015 ~~985.4043~~ Shared County/State Juvenile Detention
4989 Trust Fund.--
4990 (1) The Shared County/State Juvenile Detention Trust Fund
4991 is created within the department ~~of Juvenile Justice~~.
4992 Section 76. Section 985.3045, Florida Statutes, is
4993 renumbered as section 985.605, Florida Statutes, and subsections
4994 (2) and (3) of that section are amended to read:
4995 985.605 ~~985.3045~~ Prevention service program; monitoring;
4996 ~~report;~~ uniform performance measures.--
4997 ~~(2) No later than January 31, 2001, the prevention service~~
4998 ~~program shall submit a report to the Governor, the Speaker of the~~
4999 ~~House, and the President of the Senate concerning the~~
5000 ~~implementation of a statewide multiagency plan to coordinate the~~
5001 ~~efforts of all state funded programs, grants, appropriations, or~~
5002 ~~activities that are designed to prevent juvenile crime,~~
5003 ~~delinquency, gang membership, or status offense behaviors and all~~

5004 ~~state-funded programs, grants, appropriations, or activities that~~
5005 ~~are designed to prevent a child from becoming a "child in need of~~
5006 ~~services," as defined in chapter 984. The report shall include a~~
5007 ~~proposal for a statewide coordinated multiagency juvenile~~
5008 ~~delinquency prevention policy. In preparing the report, the~~
5009 ~~department shall coordinate with and receive input from each~~
5010 ~~state agency or entity that receives or uses state appropriations~~
5011 ~~to fund programs, grants, appropriations, or activities that are~~
5012 ~~designed to prevent juvenile crime, delinquency, gang membership,~~
5013 ~~status offense, or that are designed to prevent a child from~~
5014 ~~becoming a "child in need of services," as defined in chapter~~
5015 ~~984. The report shall identify whether legislation will be needed~~
5016 ~~to effect a statewide plan to coordinate the efforts of all~~
5017 ~~state-funded programs, grants, appropriations, or activities that~~
5018 ~~are designed to prevent juvenile crime, delinquency, gang~~
5019 ~~membership, or status offense behaviors and all state-funded~~
5020 ~~programs, grants, appropriations, or activities that are designed~~
5021 ~~to prevent a child from becoming a "child in need of services,"~~
5022 ~~as defined in chapter 984. The report shall consider the~~
5023 ~~potential impact of requiring such state-funded efforts to target~~
5024 ~~at least one of the following strategies designed to prevent~~
5025 ~~youth from entering or reentering the juvenile justice system and~~
5026 ~~track the associated outcome data:~~
5027 ~~(a) Encouraging youth to attend school, which may include~~
5028 ~~special assistance and tutoring to address deficiencies in~~
5029 ~~academic performance; outcome data to reveal the number of days~~
5030 ~~youth attended school while participating in the program.~~
5031 ~~(b) Engaging youth in productive and wholesome activities~~
5032 ~~during nonschool hours that build positive character or instill~~

5033 ~~positive values, or that enhance educational experiences; outcome~~
5034 ~~data to reveal the number of youth who are arrested during~~
5035 ~~nonschool hours while participating in the program.~~
5036 ~~(c) Encouraging youth to avoid the use of violence; outcome~~
5037 ~~data to reveal the number of youth who are arrested for crimes~~
5038 ~~involving violence while participating in the program.~~
5039 ~~(d) Assisting youth to acquire skills needed to find~~
5040 ~~meaningful employment, which may include assistance in finding a~~
5041 ~~suitable employer for the youth; outcome data to reveal the~~
5042 ~~number of youth who obtain and maintain employment for at least~~
5043 ~~180 days.~~
5044
5045 ~~The department is encouraged to identify additional strategies~~
5046 ~~which may be relevant to preventing youth from becoming children~~
5047 ~~in need of services and to preventing juvenile crime,~~
5048 ~~delinquency, gang membership and status offense behaviors. The~~
5049 ~~report shall consider the feasibility of developing uniform~~
5050 ~~performance measures and methodology for collecting such outcome~~
5051 ~~data to be utilized by all state-funded programs, grants,~~
5052 ~~appropriations, or activities that are designed to prevent~~
5053 ~~juvenile crime, delinquency, gang membership, or status offense~~
5054 ~~behaviors and all state-funded programs, grants, appropriations,~~
5055 ~~or activities that are designed to prevent a child from becoming~~
5056 ~~a "child in need of services," as defined in chapter 984. The~~
5057 ~~prevention service program is encouraged to identify other issues~~
5058 ~~that may be of critical importance to preventing a child from~~
5059 ~~becoming a child in need of services, as defined in chapter 984,~~
5060 ~~or to preventing juvenile crime, delinquency, gang membership, or~~
5061 ~~status offense behaviors.~~

5062 (2) ~~(3)~~ The department shall expend funds related to the
5063 prevention of juvenile delinquency in a manner consistent with
5064 the policies expressed in ss. 984.02 and 985.02. The department
5065 shall expend said funds in a manner that maximizes public
5066 accountability and ensures the documentation of outcomes.
5067 (a) All entities that receive or use state moneys to fund
5068 juvenile delinquency prevention services through contracts or
5069 grants with the department shall design the programs providing
5070 such services to further one or more of the following strategies:
5071 ~~specified in paragraphs (2)(a)-(d).~~
5072 1. Encouraging youth to attend school, which may include
5073 special assistance and tutoring to address deficiencies in
5074 academic performance and collecting outcome data to reveal the
5075 number of days youth attended school while participating in the
5076 program.
5077 2. Engaging youth in productive and wholesome activities
5078 during nonschool hours that build positive character, instill
5079 positive values, or enhance educational experiences and
5080 collecting outcome data to reveal the number of youths who are
5081 arrested during nonschool hours while participating in the
5082 program.
5083 3. Encouraging youth to avoid the use of violence and
5084 collecting outcome data to reveal the number of youths who are
5085 arrested for crimes involving violence while participating in the
5086 program.
5087 4. Assisting youth to acquire skills needed to find
5088 meaningful employment, which may include assistance in finding a
5089 suitable employer for the youth and collecting outcome data to
5090 reveal the number of youths who obtain and maintain employment

5091 for at least 180 days.
5092 (b) The department shall develop an outcome measure for
5093 each program strategy specified in paragraph (a) ~~paragraphs~~
5094 ~~(2)(a)-(d)~~ that logically relates to the risk factor addressed by
5095 the strategy.
5096 (c) All entities that receive or use state moneys to fund
5097 the juvenile delinquency prevention services through contracts or
5098 grants with the department shall, as a condition of receipt of
5099 state funds, provide the department with personal demographic
5100 information concerning all participants in the service sufficient
5101 to allow the department to verify criminal or delinquent history
5102 information, school attendance or academic information,
5103 employment information, or other requested performance
5104 information.
5105 Section 77. Section 985.3046, Florida Statutes, is
5106 renumbered as section 985.606, Florida Statutes, and amended to
5107 read:
5108 985.606 ~~985.3046~~ ~~Agencies and entities providing~~ Prevention
5109 services providers; ~~collection of~~ performance data collection;
5110 reporting ~~requirements~~.--Each state agency or entity that
5111 receives or uses state appropriations to fund programs, grants,
5112 appropriations, or activities that are designed to prevent
5113 juvenile crime, delinquency, gang membership, status offense, or
5114 that are designed to prevent a child from becoming a "child in
5115 need of services," as defined in chapter 984, shall collect data
5116 relative to the performance of such activities and shall provide
5117 said data to the Governor, the President of the Senate, and the
5118 Speaker of the House no later than January 31st of each year for
5119 the preceding fiscal year~~, beginning in 2002~~. ~~Further, each state~~

5120 ~~agency or entity that receives or uses state appropriations to~~
5121 ~~fund programs, grants, appropriations, or activities that are~~
5122 ~~designed to prevent juvenile crime, delinquency, gang membership,~~
5123 ~~status offense, or that are designed to prevent a child from~~
5124 ~~becoming a "child in need of services," as defined in chapter~~
5125 ~~984, shall cooperate with the Department of Juvenile Justice with~~
5126 ~~regard to the report described in s. 985.3045(2).~~
5127 Section 78. Section 985.305, Florida Statutes, is
5128 renumbered as section 985.61, Florida Statutes.
5129 Section 79. Section 985.2066, Florida Statutes, is
5130 renumbered as section 985.614, Florida Statutes, and amended to
5131 read:
5132 985.614 ~~985.2066~~ Children locked out of the home;
5133 interagency cooperation.--The department ~~of Juvenile Justice~~ and
5134 the Department of Children and Family Services shall encourage
5135 interagency cooperation within each circuit and shall develop
5136 comprehensive agreements between the staff and providers for each
5137 department in order to coordinate the services provided to
5138 children who are locked out of the home and the families of those
5139 children.
5140 Section 80. Section 985.315, Florida Statutes, is
5141 renumbered as section 985.618, Florida Statutes, and paragraph
5142 (b) of subsection (4) of that section is amended to read:
5143 985.618 ~~985.315~~ Educational and career-related programs.--
5144 (4)
5145 (b) Evaluations of juvenile educational and career-related
5146 programs shall be conducted according to the following
5147 guidelines:

5148 1. Systematic evaluations and quality assurance monitoring
5149 shall be implemented, in accordance with s. 985.632 ~~985.412~~(1),
5150 (2), and (5), to determine whether the programs are related to
5151 successful postrelease adjustments.
5152 2. Operations and policies of the programs shall be
5153 reevaluated to determine if they are consistent with their
5154 primary objectives.
5155 Section 81. Section 985.3155, Florida Statutes, is
5156 renumbered as section 985.622, Florida Statutes.
5157 Section 82. Section 985.317, Florida Statutes, is
5158 renumbered as section 985.625, Florida Statutes, and subsection
5159 (3) of that section is amended to read:
5160 985.625 ~~985.317~~ Literacy programs for juvenile offenders.--
5161 (3) INITIAL ASSESSMENT.--When an offender is admitted to a
5162 residential commitment facility, the department or a provider
5163 under contract with the department shall immediately assess
5164 whether the offender has achieved a sixth-grade or higher reading
5165 and writing level. An assessment may be conducted at a juvenile
5166 assessment center as provided in s. 985.135 ~~985.209~~ as a part of
5167 the intake process. If the department or a provider determines
5168 that an offender has not achieved a sixth-grade or higher reading
5169 and writing level, the offender shall participate in a program if
5170 the offender meets the criteria for participation.
5171 Section 83. Section 985.419, Florida Statutes, is
5172 renumbered as section 985.629, Florida Statutes.
5173 Section 84. Section 985.412, Florida Statutes, is
5174 renumbered as section 985.632, Florida Statutes.
5175 Section 85. Section 985.42, Florida Statutes, is renumbered
5176 as section 985.636, Florida Statutes.

5177 Section 86. Section 985.405, Florida Statutes, is
5178 renumbered as section 985.64, Florida Statutes, and that section
5179 is amended to read:
5180 985.64 ~~985.405~~ Rulemaking ~~Rules for implementation~~.--The
5181 department ~~of Juvenile Justice~~ shall adopt rules pursuant to ss.
5182 120.536(1) and 120.54 to implement the provisions of this
5183 chapter. Such rules may not conflict with the Florida Rules of
5184 Juvenile Procedure. All rules and policies must conform to
5185 accepted standards of care and treatment.
5186 Section 87. Subsection (2) of section 985.01, Florida
5187 Statutes, is renumbered as subsection (1) of section 985.644,
5188 Florida Statutes, and subsections (1) through (5) of section
5189 985.407, Florida Statutes, are renumbered as subsections (2)
5190 through (6) of section 985.644, Florida Statutes.
5191 Section 88. Section 985.408, Florida Statutes, is
5192 renumbered as section 985.648, Florida Statutes, and amended to
5193 read:
5194 985.648 ~~985.408~~ Consultants.--The department may hire
5195 consultants to advise and confer with the judges of the circuit
5196 courts upon request of any such court and for the purpose of
5197 advising the department on programs, facilities, institutions,
5198 care, supervision, and all other services and treatment for
5199 children committed to the department's care under ~~pursuant to~~
5200 this chapter ~~part~~.
5201 Section 89. Section 985.409, Florida Statutes, is
5202 renumbered as section 985.652, Florida Statutes.
5203 Section 90. Section 985.406, Florida Statutes, is
5204 renumbered as section 985.66, Florida Statutes, and paragraph (a)
5205 of subsection (3) of that section is amended to read:

5206 985.66 ~~985.406~~ Juvenile justice training academies
5207 ~~established~~; Juvenile Justice Standards and Training Commission
5208 ~~created~~; Juvenile Justice Training Trust Fund ~~created~~.--
5209 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
5210 shall establish a certifiable program for juvenile justice
5211 training pursuant to this section, and all department ~~of Juvenile~~
5212 ~~Justice~~ program staff and providers who deliver direct care
5213 services pursuant to contract with the department shall be
5214 required to participate in and successfully complete the
5215 commission-approved program of training pertinent to their areas
5216 of responsibility. Judges, state attorneys, and public defenders,
5217 law enforcement officers, and school district personnel may
5218 participate in such training program. For the juvenile justice
5219 program staff, the commission shall, based on a job-task
5220 analysis:
5221 (a) Design, implement, maintain, evaluate, and revise a
5222 basic training program, including a competency-based examination,
5223 for the purpose of providing minimum employment training
5224 qualifications for all juvenile justice personnel. All program
5225 staff of the department ~~of Juvenile Justice~~ and providers who
5226 deliver direct-care services who are hired after October 1, 1999,
5227 must meet the following minimum requirements:
5228 1. Be at least 19 years of age.
5229 2. Be a high school graduate or its equivalent as
5230 determined by the commission.
5231 3. Not have been convicted of any felony or a misdemeanor
5232 involving perjury or a false statement, or have received a
5233 dishonorable discharge from any of the Armed Forces of the United
5234 States. Any person who, after September 30, 1999, pleads guilty

5235 or nolo contendere to or is found guilty of any felony or a
5236 misdemeanor involving perjury or false statement is not eligible
5237 for employment, notwithstanding suspension of sentence or
5238 withholding of adjudication. Notwithstanding this subparagraph,
5239 any person who pled ~~pleads~~ nolo contendere to a misdemeanor
5240 involving a false statement before October 1, 1999, and who has
5241 had such record of that plea sealed or expunged is not ineligible
5242 for employment for that reason.
5243 4. Abide by all the provisions of s. 985.644(1) ~~985.01(2)~~
5244 regarding fingerprinting and background investigations and other
5245 screening requirements for personnel.
5246 5. Execute and submit to the department an affidavit-of-
5247 application form, adopted by the department, attesting to his or
5248 her compliance with subparagraphs 1.-4. The affidavit must be
5249 executed under oath and constitutes an official statement under
5250 s. 837.06. The affidavit must include conspicuous language that
5251 the intentional false execution of the affidavit constitutes a
5252 misdemeanor of the second degree. The employing agency shall
5253 retain the affidavit.
5254 Section 91. Section 985.4135, Florida Statutes, is
5255 renumbered as section 985.664, Florida Statutes, and subsection
5256 (5) of that section is amended to read:
5257 985.664 ~~985.4135~~ Juvenile justice circuit boards and
5258 juvenile justice county councils.--
5259 (5) Juvenile justice circuit boards and county councils
5260 shall advise and assist the department in the evaluation and
5261 award of prevention and early intervention grant programs,
5262 including the Community Juvenile Justice Partnership Grant

5263 program established in s. 985.676 ~~985.415~~ and proceeds from the
5264 Invest in Children license plate annual use fees.
5265 Section 92. Sections 985.416 and 985.4145, Florida
5266 Statutes, are renumbered, respectively, as sections 985.668 and
5267 985.672, Florida Statutes.
5268 Section 93. Section 985.415, Florida Statutes, is
5269 renumbered as section 985.676, Florida Statutes, and paragraph
5270 (a) of subsection (1) and paragraphs (a) and (e) of subsection
5271 (2) of that section are amended to read:
5272 985.676 ~~985.415~~ Community juvenile justice partnership
5273 grants.--
5274 (1) GRANTS; CRITERIA.--
5275 (a) In order to encourage the development of county and
5276 circuit juvenile justice plans and the development and
5277 implementation of county and circuit interagency agreements under
5278 ~~pursuant to~~ s. 985.664 ~~985.4135~~, the community juvenile justice
5279 partnership grant program is established, and shall be
5280 administered by the department ~~of Juvenile Justice~~.
5281 (2) GRANT APPLICATION PROCEDURES.--
5282 (a) Each entity wishing to apply for an annual community
5283 juvenile justice partnership grant, which may be renewed for a
5284 maximum of 2 additional years for the same provision of services,
5285 shall submit a grant proposal for funding or continued funding to
5286 the department. The department shall establish the grant
5287 application procedures. In order to be considered for funding,
5288 the grant proposal shall include the following assurances and
5289 information:
5290 1. A letter from the chair of the juvenile justice circuit
5291 board confirming that the grant application has been reviewed and

5292 found to support one or more purposes or goals of the juvenile
5293 justice plan as developed by the board.
5294 2. A rationale and description of the program and the
5295 services to be provided, including goals and objectives.
5296 3. A method for identification of the juveniles most likely
5297 to be involved in the juvenile justice system who will be the
5298 focus of the program.
5299 4. Provisions for the participation of parents and
5300 guardians in the program.
5301 5. Coordination with other community-based and social
5302 service prevention efforts, including, but not limited to, drug
5303 and alcohol abuse prevention and dropout prevention programs,
5304 that serve the target population or neighborhood.
5305 6. An evaluation component to measure the effectiveness of
5306 the program in accordance with ~~the provisions of~~ s. 985.632
5307 ~~985.412~~.
5308 7. A program budget, including the amount and sources of
5309 local cash and in-kind resources committed to the budget. The
5310 proposal must establish to the satisfaction of the department
5311 that the entity will make a cash or in-kind contribution to the
5312 program of a value that is at least equal to 20 percent of the
5313 amount of the grant.
5314 8. The necessary program staff.
5315 (e) Each entity that is awarded a grant as provided for in
5316 this section shall submit an annual evaluation report to the
5317 department, the circuit juvenile justice manager, the juvenile
5318 justice circuit board, and the juvenile justice county council,
5319 by a date subsequent to the end of the contract period
5320 established by the department, documenting the extent to which

5321 the program objectives have been met, the effect of the program
5322 on the juvenile arrest rate, and any other information required
5323 by the department. The department shall coordinate and
5324 incorporate all such annual evaluation reports with ~~the~~
5325 ~~provisions of~~ s. 985.632 ~~985.412~~. Each entity is also subject to
5326 a financial audit and a performance audit.
5327 Section 94. Section 985.41, Florida Statutes, is renumbered
5328 as section 985.682, Florida Statutes, and subsection (1) of that
5329 section is amended to read:
5330 985.682 ~~985.41~~ Siting of facilities; study; criteria.--
5331 (1) The department is directed to conduct or contract for a
5332 statewide comprehensive study to determine current and future
5333 needs for all types of facilities for children committed to the
5334 custody, care, or supervision of the department under ~~pursuant to~~
5335 this chapter ~~part~~.
5336 Section 95. Section 985.2155, Florida Statutes, is
5337 renumbered as section 985.686, Florida Statutes.
5338 Section 96. Section 985.411, Florida Statutes, is
5339 renumbered as section 985.688, Florida Statutes, and paragraph
5340 (b) of subsection (10) of that section is amended to read:
5341 985.688 ~~985.411~~ Administering county and municipal
5342 delinquency programs and facilities.--
5343 (10)
5344 (b) The department may institute proceedings against a
5345 county or municipality to terminate the operation of a facility
5346 when any of the following conditions exist:
5347 1. The facility fails to take preventive or corrective
5348 measures in accordance with any order of the department.

5349 2. The facility fails to abide by any final order of the
5350 department once it has become effective and binding.
5351 3. The facility commits any violation of this section
5352 constituting an emergency requiring immediate action as provided
5353 in this chapter.
5354 4. The facility has willfully and knowingly refused to
5355 comply with the screening requirement for personnel under
5356 ~~pursuant to~~ s. 985.644(1) ~~985.01~~ or has refused to dismiss
5357 personnel found to be in noncompliance with the requirements for
5358 good moral character.
5359 Section 97. Sections 985.4075, 985.4041, and 985.4042,
5360 Florida Statutes, are renumbered, respectively, as sections
5361 985.69, 985.692, and 985.694, Florida Statutes.
5362 Section 98. Sections 985.4045 and 985.4046, Florida
5363 Statutes, are renumbered, respectively, as sections 985.701 and
5364 985.711, Florida Statutes.
5365 Section 99. Section 985.3141, Florida Statutes, is
5366 renumbered as section 985.721, Florida Statutes, and subsection
5367 (2) of that section is amended to read:
5368 985.721 ~~985.3141~~ Escapes from secure detention or
5369 residential commitment facility.--An escape from:
5370 (2) Any residential commitment facility described in s.
5371 985.03(44) ~~(46)~~, maintained for the custody, treatment,
5372 punishment, or rehabilitation of children found to have committed
5373 delinquent acts or violations of law; or
5374
5375 constitutes escape within the intent and meaning of s. 944.40 and
5376 is a felony of the third degree, punishable as provided in s.
5377 775.082, s. 775.083, or s. 775.084.

5378 Section 100. Section 985.2065, Florida Statutes, is
5379 renumbered as section 985.731, Florida Statutes, and paragraph
5380 (a) of subsection (1) of that section is amended to read:
5381 985.731 ~~985.2065~~ Sheltering unmarried minors; aiding
5382 unmarried minor runaways; violations.--
5383 (1)(a) A person who is not an authorized agent of the
5384 department ~~of Juvenile Justice~~ or the Department of Children and
5385 Family Services may not knowingly shelter an unmarried minor for
5386 more than 24 hours without the consent of the minor's parent or
5387 guardian or without notifying a law enforcement officer of the
5388 minor's name and the fact that the minor is being provided
5389 shelter.
5390 Section 101. Sections 985.501, 985.502, 985.503, 985.504,
5391 985.505, 985.506, and 985.507, Florida Statutes, are renumbered,
5392 respectively, as sections 985.801, 985.802, 985.803, 985.804,
5393 985.805, 985.806, and 985.807, Florida Statutes.
5394 Section 102. Section 985.5025, Florida Statutes, is
5395 renumbered as section 985.8025, Florida Statutes, and subsection
5396 (1) of that section is amended to read:
5397 985.8025 ~~985.5025~~ State Council for Interstate Juvenile
5398 Offender Supervision.--
5399 (1) Pursuant to Article IX of the Interstate Compact for
5400 Juveniles in s. 985.802 ~~985.502~~, the State Council for Interstate
5401 Juvenile Offender Supervision is created. The purpose of the
5402 council is to oversee state participation in the activities of
5403 the Interstate Commission for Juveniles.
5404 Section 103. Subsection (6) of section 985.215, Florida
5405 Statutes, paragraphs (b), (c), (f), and (i) of subsection (1) and
5406 subsection (2) of section 985.231, Florida Statutes, and

5407 paragraph (d) of subsection (4) of section 985.233, Florida
5408 Statutes, are repealed.
5409 Section 104. Subsection (11) of section 29.004, Florida
5410 Statutes, is amended to read:
5411 29.004 State courts system.--For purposes of implementing
5412 s. 14, Art. V of the State Constitution, the elements of the
5413 state courts system to be provided from state revenues
5414 appropriated by general law are as follows:
5415 (11) Mediation and arbitration, limited to trial court
5416 referral of a pending judicial case to a mediator or a court-
5417 related mediation program, or to an arbitrator or a court-related
5418 arbitration program, for the limited purpose of encouraging and
5419 assisting the litigants in partially or completely settling the
5420 case prior to adjudication on the merits by the court. This does
5421 not include citizen dispute settlement centers under s. 44.201
5422 and community arbitration programs under s. 985.16 ~~985.304~~.
5423 Section 105. Paragraph (b) of subsection (3) of section
5424 29.008, Florida Statutes, is amended to read:
5425 29.008 County funding of court-related functions.--
5426 (3) The following shall be considered a local requirement
5427 pursuant to subparagraph (2)(a)1.:
5428 (b) Alternative sanctions coordinators pursuant to ss.
5429 984.09 and 985.037 ~~985.216~~.
5430 Section 106. Subsection (17) of section 253.025, Florida
5431 Statutes, is amended to read:
5432 253.025 Acquisition of state lands for purposes other than
5433 preservation, conservation, and recreation.--
5434 (17) Pursuant to s. 985.682 ~~985.41~~, the Department of
5435 Juvenile Justice is responsible for obtaining appraisals and

5436 entering into option agreements and agreements for the purchase
5437 of state juvenile justice facility sites. An option agreement or
5438 agreement for purchase is not binding upon the state until it is
5439 approved by the Board of Trustees of the Internal Improvement
5440 Trust Fund. The provisions of paragraphs (6)(b), (c), and (d) and
5441 (7)(b), (c), and (d) apply to all appraisals, offers, and
5442 counteroffers of the Department of Juvenile Justice for state
5443 juvenile justice facility sites.
5444 Section 107. Subsection (1) of section 318.21, Florida
5445 Statutes, is amended to read:
5446 318.21 Disposition of civil penalties by county
5447 courts.--All civil penalties received by a county court pursuant
5448 to the provisions of this chapter shall be distributed and paid
5449 monthly as follows:
5450 (1) One dollar from every civil penalty shall be remitted
5451 to the Department of Revenue for deposit into the Child Welfare
5452 Training Trust Fund for child welfare training purposes pursuant
5453 to s. 402.40. One dollar from every civil penalty shall be
5454 remitted to the Department of Revenue for deposit into the
5455 Juvenile Justice Training Trust Fund for juvenile justice
5456 purposes pursuant to s. 985.66 ~~985.406~~.
5457 Section 108. Subsection (3) of section 397.334, Florida
5458 Statutes, is amended to read:
5459 397.334 Treatment-based drug court programs.--
5460 (3) Treatment-based drug court programs may include
5461 pretrial intervention programs as provided in ss. 948.08, 948.16,
5462 and 985.345 ~~985.306~~.
5463 Section 109. Subsection (3) of section 400.953, Florida
5464 Statutes, is amended to read:

5465 400.953 Background screening of home medical equipment
5466 provider personnel.--The agency shall require employment
5467 screening as provided in chapter 435, using the level 1 standards
5468 for screening set forth in that chapter, for home medical
5469 equipment provider personnel.
5470 (3) Proof of compliance with the screening requirements of
5471 s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s.
5472 402.313, s. 409.175, s. 464.008, or s. 985.644 ~~985.407~~ or this
5473 part must be accepted in lieu of the requirements of this section
5474 if the person has been continuously employed in the same type of
5475 occupation for which he or she is seeking employment without a
5476 breach in service that exceeds 180 days, the proof of compliance
5477 is not more than 2 years old, and the person has been screened by
5478 the Department of Law Enforcement. An employer or contractor
5479 shall directly provide proof of compliance to another employer or
5480 contractor, and a potential employer or contractor may not accept
5481 any proof of compliance directly from the person requiring
5482 screening. Proof of compliance with the screening requirements of
5483 this section shall be provided, upon request, to the person
5484 screened by the home medical equipment provider.
5485 Section 110. Paragraph (d) of subsection (1) of section
5486 419.001, Florida Statutes, is amended to read:
5487 419.001 Site selection of community residential homes.--
5488 (1) For the purposes of this section, the following
5489 definitions shall apply:
5490 (d) "Resident" means any of the following: a frail elder as
5491 defined in s. 400.618; a physically disabled or handicapped
5492 person as defined in s. 760.22(7)(a); a developmentally disabled
5493 person as defined in s. 393.063; a nondangerous mentally ill

5494 person as defined in s. 394.455(18); or a child as defined in s.
5495 39.01(14), s. 984.03(9) or (12), or s. 985.03~~(8)~~.
5496 Section 111. Paragraphs (tt) and (uu) of subsection (2) of
5497 section 435.04, Florida Statutes, are amended to read:
5498 435.04 Level 2 screening standards.--
5499 (2) The security background investigations under this
5500 section must ensure that no persons subject to the provisions of
5501 this section have been found guilty of, regardless of
5502 adjudication, or entered a plea of nolo contendere or guilty to,
5503 any offense prohibited under any of the following provisions of
5504 the Florida Statutes or under any similar statute of another
5505 jurisdiction:
5506 (tt) Section 985.701 ~~985.4045~~, relating to sexual
5507 misconduct in juvenile justice programs.
5508 (uu) Section 985.711 ~~985.4046~~, relating to contraband
5509 introduced into detention facilities.
5510 Section 112. Subsection (4) of section 790.115, Florida
5511 Statutes, is amended to read:
5512 790.115 Possessing or discharging weapons or firearms at a
5513 school-sponsored event or on school property prohibited;
5514 penalties; exceptions.--
5515 (4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245 ~~985.214~~,
5516 or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years of age who
5517 is charged under this section with possessing or discharging a
5518 firearm on school property shall be detained in secure detention,
5519 unless the state attorney authorizes the release of the minor,
5520 and shall be given a probable cause hearing within 24 hours after
5521 being taken into custody. At the hearing, the court may order
5522 that the minor continue to be held in secure detention for a

5523 period of 21 days, during which time the minor shall receive
5524 medical, psychiatric, psychological, or substance abuse
5525 examinations pursuant to s. 985.18 ~~985.224~~, and a written report
5526 shall be completed.
5527 Section 113. Subsections (8) and (9) of section 790.22,
5528 Florida Statutes, are amended to read:
5529 790.22 Use of BB guns, air or gas-operated guns, or
5530 electric weapons or devices by minor under 16; limitation;
5531 possession of firearms by minor under 18 prohibited; penalties.--
5532 (8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1)
5533 ~~985.215(1)~~, if a minor under 18 years of age is charged with an
5534 offense that involves the use or possession of a firearm, as
5535 defined in s. 790.001, including a violation of subsection (3),
5536 or is charged for any offense during the commission of which the
5537 minor possessed a firearm, the minor shall be detained in secure
5538 detention, unless the state attorney authorizes the release of
5539 the minor, and shall be given a hearing within 24 hours after
5540 being taken into custody. At the hearing, the court may order
5541 that the minor continue to be held in secure detention in
5542 accordance with the applicable time periods specified in s.
5543 985.26(1)-(5) ~~985.215(5)~~, if the court finds that the minor meets
5544 the criteria specified in s. 985.255 ~~985.215(2)~~, or if the court
5545 finds by clear and convincing evidence that the minor is a clear
5546 and present danger to himself or herself or the community. The
5547 Department of Juvenile Justice shall prepare a form for all
5548 minors charged under this subsection that states the period of
5549 detention and the relevant demographic information, including,
5550 but not limited to, the sex, age, and race of the minor; whether
5551 or not the minor was represented by private counsel or a public

5552 defender; the current offense; and the minor's complete prior
5553 record, including any pending cases. The form shall be provided
5554 to the judge to be considered when determining whether the minor
5555 should be continued in secure detention under this subsection. An
5556 order placing a minor in secure detention because the minor is a
5557 clear and present danger to himself or herself or the community
5558 must be in writing, must specify the need for detention and the
5559 benefits derived by the minor or the community by placing the
5560 minor in secure detention, and must include a copy of the form
5561 provided by the department. The Department of Juvenile Justice
5562 must send the form, including a copy of any order, without
5563 client-identifying information, to the Office of Economic and
5564 Demographic Research.
5565 (9) Notwithstanding s. 985.245 ~~985.214~~, if the minor is
5566 found to have committed an offense that involves the use or
5567 possession of a firearm, as defined in s. 790.001, other than a
5568 violation of subsection (3), or an offense during the commission
5569 of which the minor possessed a firearm, and the minor is not
5570 committed to a residential commitment program of the Department
5571 of Juvenile Justice, in addition to any other punishment provided
5572 by law, the court shall order:
5573 (a) For a first offense, that the minor shall serve a
5574 minimum period of detention of 15 days in a secure detention
5575 facility; and
5576 1. Perform 100 hours of community service; and may
5577 2. Be placed on community control or in a nonresidential
5578 commitment program.

5579 (b) For a second or subsequent offense, that the minor
5580 shall serve a mandatory period of detention of at least 21 days
5581 in a secure detention facility; and
5582 1. Perform not less than 100 nor more than 250 hours of
5583 community service; and may
5584 2. Be placed on community control or in a nonresidential
5585 commitment program.
5586
5587 The minor shall not receive credit for time served before
5588 adjudication. For the purposes of this subsection, community
5589 service shall be performed, if possible, in a manner involving a
5590 hospital emergency room or other medical environment that deals
5591 on a regular basis with trauma patients and gunshot wounds.
5592 Section 114. Paragraph (c) of subsection (3) of section
5593 921.0022, Florida Statutes, is amended to read:
5594 921.0022 Criminal Punishment Code; offense severity ranking
5595 chart.--
5596 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
5597		
		(c) LEVEL 3
5598		
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
5599		
316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
5600		

	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
5601			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
5602			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
5603			
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
5604			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
5605			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
5606			
	327.35(2)(b)	3rd	Felony BUI.
5607			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

5608

328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

5609

370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

5610

370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

5611

376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

5612

400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.

5613

	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
5614			
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
5615			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
5616			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
5617			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
5618			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
5619			
	697.08	3rd	Equity skimming.
5620			
	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
5621			
	796.05(1)	3rd	Live on earnings of a prostitute.
5622			

806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.

817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.

	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
5646			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
5647			
	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
5648			
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
5649			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
5650			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
5651			

	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
5652			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
5653			
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
5654			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
5655			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
5656			

944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721 ~~985.3141~~	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

Section 115. Subsection (1) of section 938.10, Florida Statutes, is amended to read:

938.10 Additional court cost imposed in cases of certain crimes against minors.--

(1) If a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145, or s. 985.701 ~~985.4045~~, the court shall impose a court cost of $101 against the offender in addition to any other cost or penalty required by law.

Section 116. Subsection (9) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.--

(9) Notwithstanding the provisions of s. 943.0525 and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059,

5678 the Department of Juvenile Justice or any other state or local
5679 criminal justice agency may provide copies of the Florida
5680 criminal history records for juvenile offenders currently or
5681 formerly detained or housed in a contracted juvenile assessment
5682 center or detention facility or serviced in a contracted
5683 treatment program and for employees or other individuals who will
5684 have access to these facilities, only to the entity under direct
5685 contract with the Department of Juvenile Justice to operate these
5686 facilities or programs pursuant to the provisions of s. 985.688
5687 ~~985.411~~. The criminal justice agency providing such data may
5688 assess a charge for the Florida criminal history records pursuant
5689 to the provisions of chapter 119. Sealed records received by the
5690 private entity under this section remain confidential and exempt
5691 from the provisions of s. 119.07(1). Information provided under
5692 this section shall be used only for the criminal justice purpose
5693 for which it was requested and may not be further disseminated.
5694 Section 117. Subsection (1) of section 943.0582, Florida
5695 Statutes, is amended to read:
5696 943.0582 Prearrest, postarrest, or teen court diversion
5697 program expunction.--
5698 (1) Notwithstanding any law dealing generally with the
5699 preservation and destruction of public records, the department
5700 may provide, by rule adopted pursuant to chapter 120, for the
5701 expunction of any nonjudicial record of the arrest of a minor who
5702 has successfully completed a prearrest or postarrest diversion
5703 program for minors as authorized by s. 985.125 ~~985.3065~~.
5704 Section 118. Paragraph (a) of subsection (4) of section
5705 943.0585, Florida Statutes, is amended to read:

5706 943.0585 Court-ordered expunction of criminal history
5707 records.--The courts of this state have jurisdiction over their
5708 own procedures, including the maintenance, expunction, and
5709 correction of judicial records containing criminal history
5710 information to the extent such procedures are not inconsistent
5711 with the conditions, responsibilities, and duties established by
5712 this section. Any court of competent jurisdiction may order a
5713 criminal justice agency to expunge the criminal history record of
5714 a minor or an adult who complies with the requirements of this
5715 section. The court shall not order a criminal justice agency to
5716 expunge a criminal history record until the person seeking to
5717 expunge a criminal history record has applied for and received a
5718 certificate of eligibility for expunction pursuant to subsection
5719 (2). A criminal history record that relates to a violation of s.
5720 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
5721 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s.
5722 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or a
5723 violation enumerated in s. 907.041 may not be expunged, without
5724 regard to whether adjudication was withheld, if the defendant was
5725 found guilty of or pled guilty or nolo contendere to the offense,
5726 or if the defendant, as a minor, was found to have committed, or
5727 pled guilty or nolo contendere to committing, the offense as a
5728 delinquent act. The court may only order expunction of a criminal
5729 history record pertaining to one arrest or one incident of
5730 alleged criminal activity, except as provided in this section.
5731 The court may, at its sole discretion, order the expunction of a
5732 criminal history record pertaining to more than one arrest if the
5733 additional arrests directly relate to the original arrest. If the
5734 court intends to order the expunction of records pertaining to

5735 such additional arrests, such intent must be specified in the
5736 order. A criminal justice agency may not expunge any record
5737 pertaining to such additional arrests if the order to expunge
5738 does not articulate the intention of the court to expunge a
5739 record pertaining to more than one arrest. This section does not
5740 prevent the court from ordering the expunction of only a portion
5741 of a criminal history record pertaining to one arrest or one
5742 incident of alleged criminal activity. Notwithstanding any law to
5743 the contrary, a criminal justice agency may comply with laws,
5744 court orders, and official requests of other jurisdictions
5745 relating to expunction, correction, or confidential handling of
5746 criminal history records or information derived therefrom. This
5747 section does not confer any right to the expunction of any
5748 criminal history record, and any request for expunction of a
5749 criminal history record may be denied at the sole discretion of
5750 the court.
5751 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
5752 criminal history record of a minor or an adult which is ordered
5753 expunged by a court of competent jurisdiction pursuant to this
5754 section must be physically destroyed or obliterated by any
5755 criminal justice agency having custody of such record; except
5756 that any criminal history record in the custody of the department
5757 must be retained in all cases. A criminal history record ordered
5758 expunged that is retained by the department is confidential and
5759 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
5760 of the State Constitution and not available to any person or
5761 entity except upon order of a court of competent jurisdiction. A
5762 criminal justice agency may retain a notation indicating
5763 compliance with an order to expunge.

5764 (a) The person who is the subject of a criminal history
5765 record that is expunged under this section or under other
5766 provisions of law, including former s. 893.14, former s. 901.33,
5767 and former s. 943.058, may lawfully deny or fail to acknowledge
5768 the arrests covered by the expunged record, except when the
5769 subject of the record:
5770 1. Is a candidate for employment with a criminal justice
5771 agency;
5772 2. Is a defendant in a criminal prosecution;
5773 3. Concurrently or subsequently petitions for relief under
5774 this section or s. 943.059;
5775 4. Is a candidate for admission to The Florida Bar;
5776 5. Is seeking to be employed or licensed by or to contract
5777 with the Department of Children and Family Services or the
5778 Department of Juvenile Justice or to be employed or used by such
5779 contractor or licensee in a sensitive position having direct
5780 contact with children, the developmentally disabled, the aged, or
5781 the elderly as provided in s. 110.1127(3), s. 393.063, s.
5782 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
5783 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s. 985.644
5784 ~~985.407~~, or chapter 400; or
5785 6. Is seeking to be employed or licensed by the Department
5786 of Education, any district school board, any university
5787 laboratory school, any charter school, any private or parochial
5788 school, or any local governmental entity that licenses child care
5789 facilities.
5790 Section 119. Paragraph (a) of subsection (4) of section
5791 943.059, Florida Statutes, is amended to read:

5792 943.059 Court-ordered sealing of criminal history
5793 records.--The courts of this state shall continue to have
5794 jurisdiction over their own procedures, including the
5795 maintenance, sealing, and correction of judicial records
5796 containing criminal history information to the extent such
5797 procedures are not inconsistent with the conditions,
5798 responsibilities, and duties established by this section. Any
5799 court of competent jurisdiction may order a criminal justice
5800 agency to seal the criminal history record of a minor or an adult
5801 who complies with the requirements of this section. The court
5802 shall not order a criminal justice agency to seal a criminal
5803 history record until the person seeking to seal a criminal
5804 history record has applied for and received a certificate of
5805 eligibility for sealing pursuant to subsection (2). A criminal
5806 history record that relates to a violation of s. 393.135, s.
5807 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s.
5808 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.
5809 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or a violation
5810 enumerated in s. 907.041 may not be sealed, without regard to
5811 whether adjudication was withheld, if the defendant was found
5812 guilty of or pled guilty or nolo contendere to the offense, or if
5813 the defendant, as a minor, was found to have committed or pled
5814 guilty or nolo contendere to committing the offense as a
5815 delinquent act. The court may only order sealing of a criminal
5816 history record pertaining to one arrest or one incident of
5817 alleged criminal activity, except as provided in this section.
5818 The court may, at its sole discretion, order the sealing of a
5819 criminal history record pertaining to more than one arrest if the
5820 additional arrests directly relate to the original arrest. If the

5821 court intends to order the sealing of records pertaining to such
5822 additional arrests, such intent must be specified in the order. A
5823 criminal justice agency may not seal any record pertaining to
5824 such additional arrests if the order to seal does not articulate
5825 the intention of the court to seal records pertaining to more
5826 than one arrest. This section does not prevent the court from
5827 ordering the sealing of only a portion of a criminal history
5828 record pertaining to one arrest or one incident of alleged
5829 criminal activity. Notwithstanding any law to the contrary, a
5830 criminal justice agency may comply with laws, court orders, and
5831 official requests of other jurisdictions relating to sealing,
5832 correction, or confidential handling of criminal history records
5833 or information derived therefrom. This section does not confer
5834 any right to the sealing of any criminal history record, and any
5835 request for sealing a criminal history record may be denied at
5836 the sole discretion of the court.
5837 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal
5838 history record of a minor or an adult which is ordered sealed by
5839 a court of competent jurisdiction pursuant to this section is
5840 confidential and exempt from the provisions of s. 119.07(1) and
5841 s. 24(a), Art. I of the State Constitution and is available only
5842 to the person who is the subject of the record, to the subject's
5843 attorney, to criminal justice agencies for their respective
5844 criminal justice purposes, or to those entities set forth in
5845 subparagraphs (a)1., 4., 5., and 6. for their respective
5846 licensing and employment purposes.
5847 (a) The subject of a criminal history record sealed under
5848 this section or under other provisions of law, including former
5849 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully

5850 deny or fail to acknowledge the arrests covered by the sealed
5851 record, except when the subject of the record:
5852 1. Is a candidate for employment with a criminal justice
5853 agency;
5854 2. Is a defendant in a criminal prosecution;
5855 3. Concurrently or subsequently petitions for relief under
5856 this section or s. 943.0585;
5857 4. Is a candidate for admission to The Florida Bar;
5858 5. Is seeking to be employed or licensed by or to contract
5859 with the Department of Children and Family Services or the
5860 Department of Juvenile Justice or to be employed or used by such
5861 contractor or licensee in a sensitive position having direct
5862 contact with children, the developmentally disabled, the aged, or
5863 the elderly as provided in s. 110.1127(3), s. 393.063, s.
5864 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.
5865 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and
5866 (13), s. 985.644 ~~985.407~~, or chapter 400; or
5867 6. Is seeking to be employed or licensed by the Department
5868 of Education, any district school board, any university
5869 laboratory school, any charter school, any private or parochial
5870 school, or any local governmental entity that licenses child care
5871 facilities.
5872 Section 120. Subsection (2) of section 948.51, Florida
5873 Statutes, is amended to read:
5874 948.51 Community corrections assistance to counties or
5875 county consortiums.--
5876 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A
5877 county, or a consortium of two or more counties, may contract
5878 with the Department of Corrections for community corrections

5879 funds as provided in this section. In order to enter into a
5880 community corrections partnership contract, a county or county
5881 consortium must have a public safety coordinating council
5882 established under s. 951.26 and must designate a county officer
5883 or agency to be responsible for administering community
5884 corrections funds received from the state. The public safety
5885 coordinating council shall prepare, develop, and implement a
5886 comprehensive public safety plan for the county, or the
5887 geographic area represented by the county consortium, and shall
5888 submit an annual report to the Department of Corrections
5889 concerning the status of the program. In preparing the
5890 comprehensive public safety plan, the public safety coordinating
5891 council shall cooperate with the juvenile justice circuit board
5892 and the juvenile justice county council, established under s.
5893 985.664 ~~985.4135~~, in order to include programs and services for
5894 juveniles in the plan. To be eligible for community corrections
5895 funds under the contract, the initial public safety plan must be
5896 approved by the governing board of the county, or the governing
5897 board of each county within the consortium, and the Secretary of
5898 Corrections based on the requirements of this section. If one or
5899 more other counties develop a unified public safety plan, the
5900 public safety coordinating council shall submit a single
5901 application to the department for funding. Continued contract
5902 funding shall be pursuant to subsection (5). The plan for a
5903 county or county consortium must cover at least a 5-year period
5904 and must include:
5905 (a) A description of programs offered for the job placement
5906 and treatment of offenders in the community.

5907 (b) A specification of community-based intermediate
5908 sentencing options to be offered and the types and number of
5909 offenders to be included in each program.
5910 (c) Specific goals and objectives for reducing the
5911 projected percentage of commitments to the state prison system of
5912 persons with low total sentencing scores pursuant to the Criminal
5913 Punishment Code.
5914 (d) Specific evidence of the population status of all
5915 programs which are part of the plan, which evidence establishes
5916 that such programs do not include offenders who otherwise would
5917 have been on a less intensive form of community supervision.
5918 (e) The assessment of population status by the public
5919 safety coordinating council of all correctional facilities owned
5920 or contracted for by the county or by each county within the
5921 consortium.
5922 (f) The assessment of bed space that is available for
5923 substance abuse intervention and treatment programs and the
5924 assessment of offenders in need of treatment who are committed to
5925 each correctional facility owned or contracted for by the county
5926 or by each county within the consortium.
5927 (g) A description of program costs and sources of funds for
5928 each community corrections program, including community
5929 corrections funds, loans, state assistance, and other financial
5930 assistance.
5931 Section 121. Section 958.046, Florida Statutes, is amended
5932 to read:
5933 958.046 Placement in county-operated boot camp programs for
5934 youthful offenders.--In counties where there are county-operated
5935 youthful offender boot camp programs, other than boot camps

5936 described in s. 958.04 or s. 985.489 ~~985.309~~, the court may
5937 sentence a youthful offender to such a boot camp. In county-
5938 operated youthful offender boot camp programs, juvenile offenders
5939 shall not be commingled with youthful offenders.
5940 Section 122. Paragraphs (b) and (j) of subsection (1) of
5941 section 960.001, Florida Statutes, are amended to read:
5942 960.001 Guidelines for fair treatment of victims and
5943 witnesses in the criminal justice and juvenile justice systems.--
5944 (1) The Department of Legal Affairs, the state attorneys,
5945 the Department of Corrections, the Department of Juvenile
5946 Justice, the Parole Commission, the State Courts Administrator
5947 and circuit court administrators, the Department of Law
5948 Enforcement, and every sheriff's department, police department,
5949 or other law enforcement agency as defined in s. 943.10(4) shall
5950 develop and implement guidelines for the use of their respective
5951 agencies, which guidelines are consistent with the purposes of
5952 this act and s. 16(b), Art. I of the State Constitution and are
5953 designed to implement the provisions of s. 16(b), Art. I of the
5954 State Constitution and to achieve the following objectives:
5955 (b) Information for purposes of notifying victim or
5956 appropriate next of kin of victim or other designated contact of
5957 victim.--In the case of a homicide, pursuant to chapter 782; or a
5958 sexual offense, pursuant to chapter 794; or an attempted murder
5959 or sexual offense, pursuant to chapter 777; or stalking, pursuant
5960 to s. 784.048; or domestic violence, pursuant to s. 25.385:
5961 1. The arresting law enforcement officer or personnel of an
5962 organization that provides assistance to a victim or to the
5963 appropriate next of kin of the victim or other designated contact
5964 must request that the victim or appropriate next of kin of the

5965 victim or other designated contact complete a victim notification
5966 card. However, the victim or appropriate next of kin of the
5967 victim or other designated contact may choose not to complete the
5968 victim notification card.
5969 2. Unless the victim or the appropriate next of kin of the
5970 victim or other designated contact waives the option to complete
5971 the victim notification card, a copy of the victim notification
5972 card must be filed with the incident report or warrant in the
5973 sheriff's office of the jurisdiction in which the incident report
5974 or warrant originated. The notification card shall, at a minimum,
5975 consist of:
5976 a. The name, address, and phone number of the victim; or
5977 b. The name, address, and phone number of the appropriate
5978 next of kin of the victim; or
5979 c. The name, address, and phone number of a designated
5980 contact other than the victim or appropriate next of kin of the
5981 victim; and
5982 d. Any relevant identification or case numbers assigned to
5983 the case.
5984 3. The chief administrator, or a person designated by the
5985 chief administrator, of a county jail, municipal jail, juvenile
5986 detention facility, or residential commitment facility shall make
5987 a reasonable attempt to notify the alleged victim or appropriate
5988 next of kin of the alleged victim or other designated contact
5989 within 4 hours following the release of the defendant on bail or,
5990 in the case of a juvenile offender, upon the release from
5991 residential detention or commitment. If the chief administrator,
5992 or designee, is unable to contact the alleged victim or
5993 appropriate next of kin of the alleged victim or other designated

5994 contact by telephone, the chief administrator, or designee, must
5995 send to the alleged victim or appropriate next of kin of the
5996 alleged victim or other designated contact a written notification
5997 of the defendant's release.
5998 4. Unless otherwise requested by the victim or the
5999 appropriate next of kin of the victim or other designated
6000 contact, the information contained on the victim notification
6001 card must be sent by the chief administrator, or designee, of the
6002 appropriate facility to the subsequent correctional or
6003 residential commitment facility following the sentencing and
6004 incarceration of the defendant, and unless otherwise requested by
6005 the victim or the appropriate next of kin of the victim or other
6006 designated contact, he or she must be notified of the release of
6007 the defendant from incarceration as provided by law.
6008 5. If the defendant was arrested pursuant to a warrant
6009 issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in a
6010 jurisdiction other than the jurisdiction in which the defendant
6011 is being released, and the alleged victim or appropriate next of
6012 kin of the alleged victim or other designated contact does not
6013 waive the option for notification of release, the chief
6014 correctional officer or chief administrator of the facility
6015 releasing the defendant shall make a reasonable attempt to
6016 immediately notify the chief correctional officer of the
6017 jurisdiction in which the warrant was issued or the juvenile was
6018 taken into custody pursuant to s. 985.101 ~~985.207~~, and the chief
6019 correctional officer of that jurisdiction shall make a reasonable
6020 attempt to notify the alleged victim or appropriate next of kin
6021 of the alleged victim or other designated contact, as provided in
6022 this paragraph, that the defendant has been or will be released.

6023 (j) Notification of right to request restitution.--Law
6024 enforcement agencies and the state attorney shall inform the
6025 victim of the victim's right to request and receive restitution
6026 pursuant to s. 775.089 or s. 985.437 ~~985.231(1)(a)1.~~, and of the
6027 victim's rights of enforcement under ss. 775.089(6) and 985.0301
6028 ~~985.201~~ in the event an offender does not comply with a
6029 restitution order. The state attorney shall seek the assistance
6030 of the victim in the documentation of the victim's losses for the
6031 purpose of requesting and receiving restitution. In addition, the
6032 state attorney shall inform the victim if and when restitution is
6033 ordered. If an order of restitution is converted to a civil lien
6034 or civil judgment against the defendant, the clerks shall make
6035 available at their office, as well as on their website,
6036 information provided by the Secretary of State, the court, or The
6037 Florida Bar on enforcing the civil lien or judgment.
6038 Section 123. Subsection (48) of section 984.03, Florida
6039 Statutes, is amended to read:
6040 984.03 Definitions.--When used in this chapter, the term:
6041 (48) "Serious or habitual juvenile offender program" means
6042 the program established in s. 985.47 ~~985.31~~.
6043 Section 124. Section 984.05, Florida Statutes, is amended
6044 to read:
6045 984.05 Rules relating to habitual truants; adoption by
6046 State Board of Education and Department of Juvenile Justice.--The
6047 Department of Juvenile Justice and the State Board of Education
6048 shall work together on the development of, and shall adopt, rules
6049 as necessary for the implementation of ss. 984.03(27),
6050 985.03(25) ~~(26)~~, and 1003.27.

6051 Section 125. Paragraph (b) of subsection (4) of section
6052 984.09, Florida Statutes, is amended to read:
6053 984.09 Punishment for contempt of court; alternative
6054 sanctions.--
6055 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
6056 PROCESS.--
6057 (b) If a child is charged with indirect contempt of court,
6058 the court must hold a hearing within 24 hours to determine
6059 whether the child committed indirect contempt of a valid court
6060 order. At the hearing, the following due process rights must be
6061 provided to the child:
6062 1. Right to a copy of the order to show cause alleging
6063 facts supporting the contempt charge.
6064 2. Right to an explanation of the nature and the
6065 consequences of the proceedings.
6066 3. Right to legal counsel and the right to have legal
6067 counsel appointed by the court if the juvenile is indigent,
6068 pursuant to s. 985.033 ~~985.203~~.
6069 4. Right to confront witnesses.
6070 5. Right to present witnesses.
6071 6. Right to have a transcript or record of the proceeding.
6072 7. Right to appeal to an appropriate court.
6073
6074 The child's parent or guardian may address the court regarding
6075 the due process rights of the child. The court shall review the
6076 placement of the child every 72 hours to determine whether it is
6077 appropriate for the child to remain in the facility.
6078 Section 126. Subsections (2) and (6) of section 984.226,
6079 Florida Statutes, are amended to read:

6080 984.226 Physically secure setting.--
6081 (2) When a petition is filed alleging that a child is a
6082 child in need of services, the child must be represented by
6083 counsel at each court appearance unless the record in that
6084 proceeding affirmatively demonstrates by clear and convincing
6085 evidence that the child knowingly and intelligently waived the
6086 right to counsel after being fully advised by the court of the
6087 nature of the proceedings and the dispositional alternatives
6088 available to the court under this section. If the court decides
6089 to appoint counsel for the child and if the child is indigent,
6090 the court shall appoint an attorney to represent the child as
6091 provided under s. 985.033 ~~985.203~~. Nothing precludes the court
6092 from requesting reimbursement of attorney's fees and costs from
6093 the nonindigent parent or legal guardian.
6094 (6) Prior to being ordered to a physically secure setting,
6095 the child must be afforded all rights of due process required
6096 under s. 985.037 ~~985.216~~. While in the physically secure setting,
6097 the child shall receive appropriate assessment, treatment, and
6098 educational services that are designed to eliminate or reduce the
6099 child's truant, ungovernable, or runaway behavior. The child and
6100 family shall be provided with family counseling and other support
6101 services necessary for reunification.
6102 Section 127. Subsection (22) of section 1003.52, Florida
6103 Statutes, is amended to read:
6104 1003.52 Educational services in Department of Juvenile
6105 Justice programs.--
6106 (22) The Department of Juvenile Justice and the Department
6107 of Education, in consultation with Workforce Florida, Inc., the
6108 statewide Workforce Development Youth Council, district school

6109 boards, community colleges, providers, and others, shall jointly
6110 develop a multiagency plan for career education which describes
6111 the funding, curriculum, transfer of credits, goals, and outcome
6112 measures for career education programming in juvenile commitment
6113 facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be
6114 reviewed annually.
6115 Section 128. Subsection (2) of section 1006.08, Florida
6116 Statutes, is amended to read:
6117 1006.08 District school superintendent duties relating to
6118 student discipline and school safety.--
6119 (2) Notwithstanding the provisions of s. 985.04(7) ~~(4)~~ or
6120 any other provision of law to the contrary, the court shall,
6121 within 48 hours of the finding, notify the appropriate district
6122 school superintendent of the name and address of any student
6123 found to have committed a delinquent act, or who has had
6124 adjudication of a delinquent act withheld which, if committed by
6125 an adult, would be a felony, or the name and address of any
6126 student found guilty of a felony. Notification shall include the
6127 specific delinquent act found to have been committed or for which
6128 adjudication was withheld, or the specific felony for which the
6129 student was found guilty.
6130 Section 129. Paragraph (a) of subsection (5) of section
6131 1006.13, Florida Statutes, is amended to read:
6132 1006.13 Policy of zero tolerance for crime and
6133 victimization.--
6134 (5)(a) Notwithstanding any provision of law prohibiting the
6135 disclosure of the identity of a minor, whenever any student who
6136 is attending public school is adjudicated guilty of or delinquent
6137 for, or is found to have committed, regardless of whether

6138 adjudication is withheld, or pleads guilty or nolo contendere to,
6139 a felony violation of:
6140 1. Chapter 782, relating to homicide;
6141 2. Chapter 784, relating to assault, battery, and culpable
6142 negligence;
6143 3. Chapter 787, relating to kidnapping, false imprisonment,
6144 luring or enticing a child, and custody offenses;
6145 4. Chapter 794, relating to sexual battery;
6146 5. Chapter 800, relating to lewdness and indecent exposure;
6147 6. Chapter 827, relating to abuse of children;
6148 7. Section 812.13, relating to robbery;
6149 8. Section 812.131, relating to robbery by sudden
6150 snatching;
6151 9. Section 812.133, relating to carjacking; or
6152 10. Section 812.135, relating to home-invasion robbery,
6153
6154 and, before or at the time of such adjudication, withholding of
6155 adjudication, or plea, the offender was attending a school
6156 attended by the victim or a sibling of the victim of the offense,
6157 the Department of Juvenile Justice shall notify the appropriate
6158 district school board of the adjudication or plea, the
6159 requirements of this paragraph, and whether the offender is
6160 prohibited from attending that school or riding on a school bus
6161 whenever the victim or a sibling of the victim is attending the
6162 same school or riding on the same school bus, except as provided
6163 pursuant to a written disposition order under s. 985.455(2)
6164 ~~985.23(1)(d)~~. Upon receipt of such notice, the district school
6165 board shall take appropriate action to effectuate the provisions
6166 of paragraph (b).

6167 Section 130. Subsection (1) of section 1012.797, Florida
6168 Statutes, is amended to read:
6169 1012.797 Notification of district school superintendent of
6170 certain charges against or convictions of employees.--
6171 (1) Notwithstanding the provisions of s. 985.04(7) ~~(4)~~ or
6172 any other provision of law to the contrary, a law enforcement
6173 agency shall, within 48 hours, notify the appropriate district
6174 school superintendent of the name and address of any employee of
6175 the school district who is charged with a felony or with a
6176 misdemeanor involving the abuse of a minor child or the sale or
6177 possession of a controlled substance. The notification shall
6178 include the specific charge for which the employee of the school
6179 district was arrested. Such notification shall include other
6180 education providers such as the Florida School for the Deaf and
6181 the Blind, university lab schools, and private elementary and
6182 secondary schools.
6183 Section 131. This act shall take effect January 1, 2007.

TABLE OF TECHNICAL CHANGES TO CH. 985, F.S.
PCB JUVJ 06-01 *(2-8-06)*

PCB JUVJ 06-01	Original 985 Citation	New 985 Citation	Change
Sec. 2- p. 16	985.01(1) and (3)	985.01(1)-(2)	Technical –Move.
Sec. 87– p. 181	985.01(2)	985.644(1)	Technical – Move.
Sec. 3 – pp. 16-17	985.02	985.02	
Sec. 4 – p.17	985.03(1)-(6)	985.03(1)-(6)	
Sec. 59 – pp. 136-138	985.03(7) - definition of "child eligible for intensive residential treatment program for offenders less than 13 years of age."	985.483(1)	Technical – Move. Because the definition was the criteria for eligibility for this program, it was moved in its entirety to Part VII entitled, "DISPOSITION; POSTDISPOSITION"; *Intensive residential treatment program for offenders less than 13 years of age.*
Sec. 4 – p. 17	985.03(8)	985.03(7)	Technical – Move.
Sec. 4 – p. 17-18	985.03(9)	985.03(8)	Technical – Move & clarification. Language modified to correct outdated statutory reference. *See* s. 984.03(11) - CINS/FINS version of same definition.
Sec. 4 – p. 17	985.03(10)	985.03(9)	Technical – Move.
Sec. 4 – p. 17	985.03(11)	985.03(10)	Technical – Move.
Sec. 4 – p. 17	985.03(12)	985.03(11)	Technical – Move.
Sec. 4 – p. 17	985.03(13)	985.03(12)	Technical – Move.
Sec. 4 – p. 17	985.03(14)	985.03(13)	Technical – Move.

Sec. 4 – p. 17	985.03(15)	985.03(14)	Technical – Move.
Sec. 4 – p. 18	985.03(16)	985.03(15)	Technical – Move & cross-reference correction.
Sec. 4 – p. 17	985.03(17)	985.03(16)	Technical – Move.
Sec. 4 – p. 17	985.03(18)	985.03(17)	Technical – Move.
Sec. 4 – p. 17	985.03(19)	985.03(18)	Technical – Move
Sec.4 – p. 17	985.03(20)	985.03(19)	Technical – Move.
Sec. 4 – p. 18	985.03(21)	985.03(20)	Technical – Move & cross-reference correction.
Sec. 4 – pp. 18-19	985.03(22)	985.03(21)	Technical – Move & cross-reference correction.
Sec.4 – p. 17	985.03(23)	985.03(22)	Technical – Move.
Sec. 4 – p. 17	985.03(24)	985.03(23)	Technical – Move.
Sec. 4 – p. 17	985.03(25)	985.03(24)	Technical – Move.
Sec. 4 – p. 17	985.03(26)	985.03(25)	Technical – Move.
Sec. 4 – p. 17	985.03(27)	985.03(26)	Technical – Move.
Sec. 4 – p. 17	985.03(28)	985.03(27)	Technical – Move.
Sec. 4 – p. 17	985.03(29)	985.03(28)	Technical – Move.
Sec. 4 – p. 17	985.03(30)	985.03(29)	Technical – Move.
Sec. 4 –	985.03(31)	985.03(30)	Technical – Move.
Sec. 57 – pp 132-	985.03(32) - definition of	985.475(1)	Technical – Move. Because the definition was the criteria for program eligibility, it was moved

133	"juvenile sexual offender"		in its entirety to Part VII entitled, "DISPOSITION; POSTDISPOSITION"; *Juvenile Sexual Offenders.*
Sec. 4 – p. 17	985.03(33)	985.03(31)	Technical – Move.
Sec. 4 – p. 17	985.03(34)	985.03(32)	Technical – Move.
Sec. 4 – p. 17	985.03(35)	985.03(33)	Technical – Move.
Sec. 4 – p. 17	985.03(36)	985.03(34)	Technical – Move.
Sec. 4 – p. 17	985.03(37)	985.03(35)	Technical – Move.
Sec. 4 – p. 17	985.03(38)	985.03(36)	Technical – Move.
Sec. 4 – p. 17	985.03(39)	985.03(37)	Technical – Move.
Sec. 4 – p. 17	985.03(40)	985.03(38)	Technical – Move.
Sec. 4 – p. 17	985.03(41)	985.03(39)	Technical – Move.
Sec. 4 – p. 17	985.03(42)	985.03(40)	Technical – Move.
Sec. 4 – p. 17	985.03(43)	985.03(41)	Technical – Move.
Sec. 4 – p. 17	985.03(44)	985.03(42)	Technical – Move.
Sec. 4 – p. 17	985.03(45)	985.03(43)	Technical – Move.
Sec. 4 – pp. 19-21	985.03(46)	985.03(44)	Technical – Move & cross-reference correction.
Sec. 4 – p. 17	985.03(47)	985.03(45)	Technical – Move.
Sec. 4 – p. 17	985.03(48)	985.03(46)	Technical – Move.
Sec.56 – pp. 118-	985.03(49) - definition of	985.47(1)	Technical – Move. Because the definition was the criteria for eligibility for this program, it was

120	"serious or habitual juvenile offender"		moved in its entirety to Part VII entitled, "DISPOSITION; POSTDISPOSITION"; *Serious or habitual juvenile offender.*
Sec. 4 – p. 17	985.03(50)	985.03(47)	Technical – Move.
Sec. 4 – p. 17	985.03(51)	985.03(48)	Technical – Move.
Sec. 4 – p. 17	985.03(52)	985.03(49)	Technical – Move.
Sec. 4 – p. 17	985.03(53)	985.03(50)	Technical – Move.
Sec. 4 – p. 17	985.03(54)	985.03(51)	Technical – Move.
Sec. 4 – p. 17	985.03(55)	985.03(52)	Technical – Move.
Sec. 4 – p. 17	985.03(56)	985.03(53)	Technical – Move.
Sec. 4 – p. 17	985.03(57)	985.03(54)	Technical – Move.
Sec. 4 – p. 17	985.03(58)	985.03(55)	Technical – Move.
Sec. 4 – p. 17	985.03(59)	985.03(56)	Technical – Move.
Sec. 4 – p. 21	985.03(60)	985.03(57)	Technical – Move & cross-reference correction.
Sec. 12 – p. 35	985.04(1)	985.04(5)	Technical – Move.
Sec. 12 – p. 35	985.04(2)	985.04(6)	Technical – Move.
Sec. 12 – pp. 32-33	985.04(3)(a)	985.04(1)	Technical – Move.
Sec. 12 – pp. 34-35	985.04(3)(b)	985.04(4)(c)	Technical – Move.

Sec. 12 – pp. 35-36	985.04(4)	985.04(7)	Technical – Move.
Sec. 12 – p. 33	985.04(5)	985.04(2)	Technical – Move.
Sec. 12 – pp. 33-34	985.04(6)	985.04(3)	Technical – Move & sentence clarification. Introductory language reworded for clarity.
Sec. 9 – pp. 27-28	985.04(6)	985.036(2)	Technical – Copy & sentence clarification. Subsection (6) copied under Part I - General Provisions; *Rights of victims*. Introductory language reworded for clarity.
Sec. 12 – pp. 34-35	985.04(7)(a)-(b)	985.04(4)(a)-(b)	Technical – Move.
Sec. 12 – p. 36	985.04(8)	985.04(8)	Technical – Move.
Sec. 13 – pp. 36-39	985.05	985.045	Technical – Move.
Sec. 14 – p. 39	985.06	985.046	Technical – Move.
Sec. 14 – p. 39	985.08	985.047	Technical – Move.
Sec. 5 – p. 22	985.201(1)	985.0301(1)	Technical – Move.
Sec. 5 – p. 22	985.201(2)	985.0301(3)	Technical – Move.
Sec. 5 – p. 23	985.201(3)	985.0301(4)	Technical – Move.
Sec. 5 – pp. 23	985.201(4)(a)	985.0301(5)(a)	Technical – Move.
Sec. 5 – p. 24	985.201(4)(b) 1.	985.0301(5)(d)	Technical – Move.
Sec. 5 – pp. 24-25	985.201(4)(b) 2.	985.0301(5)(e)	Technical – Move.
Sec. 5 – p. 25	985.201(4)(c)	985.0301(5)(g)	Technical – Move.
Sec. 5 – p. 25	985.201(4)(d)	985.0301(5)(h)	Technical – Move.

Sec. 47 – p. 107	985.201(4)(c)	985.437(5)	Technical – Copied 1st sentence and added cross-reference for context.
Sec. 6 – p. 26	985.202	985.032	Technical – Move.
Sec. 7 – pp. 26-27	985.203	985.033	Technical – Move.
Sec. 64 – p. 153	985.204	985.512	Technical – Move.
Sec. 8 – p. 27	985.205	985.035	Technical – Move.
Sec. 9 – pp. 27-28	985.206	985.036	Technical – Move.
Sec. 100 – p. 188	985.2065	985.731	Technical – Move.
Sec. 79 – p. 179	985.2066	985.614	Technical – Move.
Sec. 15 – pp. 39-41	985.207	985.101	Technical – Move.
Sec. 16 – pp. 41-42	985.2075	985.105	Technical – Move.
Sec. 38 – pp. 86-87	985.208 -	985.275	Technical – Move.
Sec. 22 – p. 49	985.209 -	985.135	Technical – Move.
Sec. 24 – p. 56	985.21(1)(a)1. -2.	985.145(1)(c)	Technical – Move & subheading added for clarification.
Sec. 23 – p. 50	985.21(1)(a)3.	985.14(1)	Technical – Move.
Sec. 24 – p. 55	985.21(1)(a)4.	985.145(1)	Technical – Moved to last sentence in 985.145(1).
Sec. 24 – p. 56	985.21(1)(a)4. a.	985.145(1)(d)	Technical – Move.
Sec. 24 – p. 57	985.21(1)(a)4. b.	985.145(1)(e)	Technical – Move.
Sec. 24 – p. 57	985.21(1)(a)4. c.	985.145(1)(g)1.	Technical – Move.

Sec. 24 – p. 57	985.21(1)(a)4. d.	985.145(1)(f)	Technical – Move.
Sec. 24 – p. 58	985.21(1)(a)4. e. – first sentence	985.145(1)(h)	Technical – Move.
Sec. 24 – pp. 54-55	985.21(1)(a)4. e. – remaining 2 sentences	985.145(1)	Technical – Moved to first two sentences of s. 985.145(1).
Sec. 23 – pp. 53-54	985.21(1)(a) – last paragraph	985.14(4)	Technical – Move.
Sec. 23 – pp. 52-53	985.21(1)(b)	985.14(3)	Technical – Move.
Sec. 23 – pp. 50-51	985.21(2)	985.14(2)	Technical – Move.
Sec. 24 – p. 55	985.21(3)	985.145(1)(a)	Technical – Move.
Sec. 24 – p. 55	985.21(4) – first sentence	985.145(1)(a)	Technical – Moved to first sentence of 985.145(1)(a).
Sec. 24 – pp. 55-56	985.21(4) – second sentence	985.145(1)(b)	Technical – Move.
Sec. 24 – p. 57	985.21(4)(a) – intro clause	985.145(1)(g)	Technical – Move.
Sec. 24 – p. 57	985.21(4)(a)1.	985.145(1)(g)2.	Technical – Move.
Sec. 24 – p. 58	985.21(4)(a)2.	985.145(1)(g)3.	Technical – Move.
Sec. 24 – pp. 64-66	985.21(4)(a) – last paragraph	985.145(3)-(6)	Technical – Move. Divided into smaller subsections
Sec. 24 – pp. 58-59	985.21(4)(b)	985.145(1)(i)	Technical – Move.
Sec. 24 – p. 59	985.21(4)(c)	985.145(1)(j)	Technical – Move.
Sec. 25 – pp. 66-67	985.21(4)(d)-(e)	985.15(1)-(2)	Technical – Move.
Sec. 24 – p. 63-64	985.21(5)	985.145(2)	Technical – Move.

Sec. 18 – p. 44	985.211(1) –	985.115(1)	Technical – Move.
Sec. 18 – pp. 44-46	985.211(2)	985.115(2)	Technical – Move.
Sec. 21 – p. 47	985.211(3)	985.13(1)	Technical – Move.
Sec. 21 – p. 47-49	985.211(4)	985.13(2)	Technical – Move.
Sec. 18 – p. 46	985.211(5)	985.115(3)	Technical – Move.
Sec. 21- pp. 48-49	985.211(6)	985.13(3)	Technical – Move.
Sec. 18 – p. 46	985.211(7)	985.115(4)	Technical – Move.
Sec. 17 – p. 42	985.212	985.11	Technical – Move.
Sec. 31 – p. 70	985.213(1)	985.24(1)	Technical – Move.
Sec. 32 – p. 71	985.213(2)(a)	985.245(1)	Technical – Move.
Sec. 32 – pp. 71-72	985.213(2)(b) 1.	985.235(2)	Technical – Move.
Sec. 32 – p. 72	985.213(2)(b) 2.	985.235(3)	Technical – Move.
Sec. 34 – pp. 77-78	985.213(2)(b) 3.	985.255(2)	Technical – Move.
Sec. 32 – p. 73	985.213(2)(b) 4.	985.235(4)	Technical – Move.
Sec. 36 – p. 82	985.213(3)	985.265(4)	Technical – Move.
Sec. 31 – p. 71	985.213(4)	985.24(4)	Technical – Move.
Sec. 31 – pp. 70-71	985.214(1)-(2)	985.24(2)-(3)	Technical – Move.
Sec. 33 – pp. 73-74	985.215(1)	985.25(1)	Technical – Move.

Sec. 34 – p. 75-79	985.215(2)	985.255(1) and (3)	Technical – Moved and divided into separate subsections.
Sec. 15 – p. 40-41	985.215(3)	985.101(2)	Technical – Move.
Sec. 36 – pp. 83-84	985.215(4)	985.265(5)	Technical – Move.
Sec. 35 – pp. 79-80	985.215(5)(a)	985.26(1)	Technical – Move.
Sec. 33 – pp. 74-75	985.215(5)(b)	985.25(2)	Technical – Move.
Sec. 35 – p. 80	985.215(5)(c)	985.26(2)	Technical – Move.
Sec. 35 – p. 80	985.215(5)(d)	985.26(3)	Technical – Move.
Sec. 35 – p. 81	985.215(5)(e)	985.26(5)	Technical – Move.
Sec. 44– p. 92	985.215(5)(e)	985.43(1)(c)	Technical – Copy. Part of first sentence copied for reference.
Sec. 35 – pp. 80-81	985.215(5)(f)	985.26(4)	Technical – Move.
Sec. 35 – p. 80	985.215(5)(g)	985.26(2)	Technical – Move.
Sec. 66 – p. 154	985.215(6)(a)	985.514(1)	Technical – Copy. Part of first sentence of subsection copied for reference.
Sec. 35 – p. 81	985.215(7)	985.26(6)	Technical – Move.
Sec. 36 – p. 82	985.215(8)	985.265(1)	Technical – Move.
Sec. 36 – p. 82	985.215(9)	985.265(2)	Technical – Move.
Sec. 37 – pp. 84-85	985.215(10) (a)1. – first sentence	985.27(1)(a) & (1)(b)	Technical – Move. Copy & Clarification. Sentence moved to (1)(a) and copied to (1)(b).
Sec. 37 – pp. 85-86	985.215(10)(a)1. – last two sentences	985.27(1)(b)	Technical – Move.

Sec. 37 – p. 84	985.215(10)(a)2	985.27(1)	Technical – Move.
Sec. 37 – p. 85	985.215(10)(b)	985.27(1)(a)	Technical – Move and Modification. Only modification is to delete "or moderate-risk" because it is addressed in (1)(b) of same section.
Sec. 37 – pp. 85-86	985.215(10)(b)	985.27(1)(b)	Technical – Copy and Modification. Only modification is to delete "low-risk or" because it is addressed in (1)(a) of same section.
Sec. 37 – p. 86	985.215(10)(c)	985.27(1)(c)	Technical – Move.
Sec. 37 – p. 86	985.215(10)(d)	985.27(1)(d)	Technical – Move.
Sec. 28 – p. 68	985.215(10)(e)	985.18(5)	Technical – Move.
Sec. 37 – p. 86	985.215(10)(f)	985.27(2)	Technical – Move.
Sec. 36 – p. 82	985.215(11)	985.265(3)	Technical – Move.
Sec. 95 p. 186	985.2155	985.686	Technical – Move.
Sec. 10 – pp. 28-31	985.216	985.037	Technical – Move.
Sec. 10 – p. 29	985.216(2)(b)	-----	Technical – Delete. Subsection (2)(b) deleted. Addresses CINS/FINS (from Ch. 984) and is duplicative of language in s. 984.09(2)(b).
Sec. 39 – p. 87	985.218	985.318	Technical – Move.
Sec. 40– p. 87	985.219(1)-(7)	985.319(1)-(7)	Technical – Move.
Sec. 5 – p. 22	985.219(8)	985.0301(2)	Technical – Move.
Sec. 40 – p. 87	985.219(9)	985.319(8)	Technical – Move.
Sec. 40 – p. 87	985.219(10)	985.319(9)	Technical – Move.

Sec. 40 – p. 87	985.219(11)	985.319(10)	Technical – Move.
Sec. 40 – pp. 87	985.219(12)	985.319(11)	Technical – Move.
Sec. 41– p. 88	985.22	985.325	Technical – Move.
Sec. 42 – p. 88	985.221	985.331	Technical – Move.
Sec. 42 – p. 88	985.222	985.335	Technical – Move.
Sec. 30 – p. 70	985.223	985.19	Technical – Move.
Sec. 28 – p. 68	985.224(1)	985.18(1)	Technical – Move.
Sec. 28 – p. 68	985.224(2)	985.18(2)	Technical – Move.
Sec. 28 – p. 68	985.224(3)	985.18(3)	Technical – Move.
Sec. 28 – p. 68	985.224(4)	985.18(5)	Technical – Move.
Sec. 28 – p. 68	985.224(5)	985.18(6)	Technical – Move
Sec. 28 – p. 68	985.224(6)	985.18(7)	Technical – Move.
Sec. 28 – p. 68	985.224(7)	985.18(8)	Technical – Move.
Sec. 28 – p. 68	985.224(8)	985.18(9)	Technical – Move.
Sec. 71 – pp. 166-168	985.225 -	985.56	Technical – Move.
Sec. 69– p. 156-161	985.226	985.556	Technical – Move.
Sec. 70 – pp. 161-166	985.227	985.557	Technical – Move.

Sec. 43 – pp. 88-91	985.228	985.35	Technical – Move.
Sec. 44 – pp. 91-92	985.229(1) –	985.43(1)(a)	Technical – Clarification. Clause added.
Sec. 29 – p. 69	985.229 (1) – one sentence	985.185(1)	Technical – Copy. Sentence copied for reference.
Sec. 29 – p. 69	985.229(2) – two sentences	985.185(2)	Technical – Copy. Sentence copied for reference,
Sec. 44 – p. 93	985.229(3)	985.43(3)	Technical – Move.
Sec. 45 – p. 94	985.23(1)(a)-(c)	985.433(4)(a)-(c)	Technical – Move.
Sec. 45 – pp. 94-95	985.23(1)(d) – first 2 sentences	985.433(4)(d)	Technical – Move and clarification. Lined-thru clause moved to beginning of subsection to clarify that the victim, school and law enforcement are not officially "parties."
Sec. 53 – p. 114	985.23(1)(d) – last 2 sentences (re: no contact – school provision)	985.455(2)	Technical – Move & Clarification. Following sentences moved to Part VII – Disposition: *Other dispositional issues (new section).* New language is added as a result of deleting sections 985.231(1)(a)1. and 985.231(1)(a)3. and merging them into this one section: *If applicable, the court placement or commitment order shall include a finding pursuant to this subsection.*
Sec. 45 – pp. 95-97	985.23(2)(a)-(h)	985.433(6)(a)-(h)	Technical – Move.
Sec. 45 – p. 95	985.23(2) – last sentence	985.433(5)	Technical – Move.
Sec. 45 – pp 97-98	985.23(3)(a)-(e)	985.433(7)(a)-(c)	Technical – Move. Paragraph (e) is stricken because the fingerprint requirement is duplicative of s. 985.11(1), F.S. (formerly s. 985.212(1), F.S.).
Sec. 45 – pp. 98-99	985.23(4)	985.433(8)	Technical – Move.
Sec. 45 – p. 99	985.23(5)	985.433(9)	Technical – Move.

Sec. 45 – p. 94	985.23(6)	985.433(3)	Technical – Move.
Sec. 45 – p. 93	985.23(7)	985.433(1)-(2)	Technical – Move.
Sec. 45 – p. 99	985.23 – last paragraph re: intent	985.433(6) – last sentence	Technical – Move.
Sec. 46 – p. 99	985.231(1)(a) – first sentence	985.435 (first sentence)	Technical – Move.
Sec. 47 – p. 106 Sec. 49– p. 109 Sec. 53 – p. 113 Sec. 65 – p. 153	985.231(1)(a) – first sentence	985.437(1) (restitution) 985.441(1) (commitment) 985.455 (other dispositional issues); 985.513 (powers over parent or guardian)	Technical – Copy. First sentence of 985.231(1)(a) copied to beginning of new sections.
Sec. 46 – pp. 99-100	985.231(1)(a)1.	985.435 (first sentence) & 985.435(1)-(3)	Technical – Move.
Sec. 46 – p. 100	985.231(1)(a)1.	---	Technical –Delete. Deletes following sentence from 985.231(1)(a)1. as duplicative of what will now be contained under *Other dispositional issues* section:If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling or the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d).
Sec. 48 – p. 109	985.231(1)(a)1. – clause in last sentence	985.439(5)	Technical – Move and Copy. Clause from last sentence of 985.231(1)(a)1. moved and remainder of sentence copied.

Sec. 48 – p. 109	985.231(1)(a)1. – clause in last sentence	985.439(5)	Technical – Move.
Sec. 46 – pp. 100-101	985.231(1)(a)1. a. – first 4 sentences	985.435(4)-(5)	Technical – Move.
Sec. 47 – p. 107	985.231(1)(a)1. a. – last 2 sentences	985.437(2)	Technical – Move. Following two sentences moved to new section under Part VII – Disposition: *Restitution*: Second to last sentence moved to subsection (2). Last sentence removed as duplicative of s. 985.45(1), F.S. (formerly s. 985.231(1)(g), F.S.)
Sec. 46– p. 101	985.231(1)(a)1. b.	985.435(6)	Technical – Move.
Sec. 48 – pp. 107-109	985.231(1)(a)1. c.	985.439(1)-(4)	Technical – Move. Subsection moved in its entirety and broken into smaller subsections.
Sec. 5 – p. 24	985.231(1)(a)1. d.	985.0301(5) (b)	Technical – Move.
Sec. 49 – p. 109-110	985.231(1)(a)2. & 3.	985.441(1)(a)-(b)	Technical – Move.
Sec. 5 – p. 24	985.231(1)(a)3. – last sentence	985.0301(5)(c)	Technical – Move.
Sec. 53 – p. 114	985.231(1)(a)4.	985.455(1)(c)	Technical – Move.
Sec. 53 – p. 114	985.231(1) (a)5.	985.455(1)(a)	Technical – Move.
Sec. 65 – p. 153	Part of 985.231(1)(a)5.	985.513(1)	Technical – Copy.
Sec. 47 – pp.106-107	985.231(1)(a)6.	985.437(1)-(2), and (4)-(5)	Technical – Move.
Sec. 65 – pp. 153-154	985.231(1)(a)6.	985.513(1)(b)	Technical – Copy to notify parents of their restitution obligation.
Sec. 65 – p 153	985.231(1)(a)7.	985.513(1)(a)	Technical – Copy.

Sec. 49 – p. 110	985.231(1)(a)8. – first 2 sentences	985.441(1)(c)	Technical – Move.
Sec. 65 – p. 153	985.231(1)(a)9.- first sentence	985.513(1)(a)	Technical – Move.
Sec. 65 – p. 153	985.231(1)(a)9. – last 2 sentences	985.513(1)(a)	Technical – Move.
Sec. 49- p. 111	985.231(1)(a)10 . – first 2 sentences	985.441(1)(d)	Technical – Move.
Sec. 49 – p. 113	985.231(1)(a)10 .	985.441(1)(d) 1.	Technical – Clarification. Language added to juvenile sex offender subsection, to mirror language found in serious habitual offender subsection.
Sec. 66 – pp. 154-155	985.231(1)(b)	985.514(2)	Technical – Copy.
Sec. 45 – p. 99	985.231(1)(c)	985.433(10)	Technical – Move.
Sec. 53 – pp. 115-116	985.231(1)(d)	985.455(3)	Technical – Move.
Sec. 65 – pp 154	985.231(1)(e)	985.513(1)	Technical – Move.
Sec. 5 – p. 26	985.231(1)(f)	985.0301(6)	Technical – Move.
Sec. 52 – pp. 113	985.231(1)(g)	985.45	Technical – Move.
Sec. 53 – p. 116	985.231(1)(h)	985.455(4)	Technical – Move.
Sec. 49 – p. 111	985.231(1)(i)	985.441(2)	Technical – Move.
Sec. 46 – p. 103	985.231(1)(i)	985.435(3)	Technical – Copy & Modification. Subsection moved and modified to address treatment only.
Sec. 51- pp. 112-113	985.231(1)(j)	985.445	Technical – Move.

Sec. 49 – pp. 110	985.231(2)	985.441(1)(c)1.	Technical – Move.
Sec. 57 – pp. 133-136	985.231(3)	985.475(2)	Technical – Move.
Sec. 11 – p. 31	985.2311 –	985.039	Technical – Move.
Sec. 50 – p. 112	985.232	985.442	Technical – Move.
Sec. 72 – pp. 168-172	985.233(1)-(3)	985.565(1)-(3)	Technical – Move.
Sec. 72 – pp. 168-172	985.233(4)(a)-(c)	985.565(4)(a)-(c)	Technical – Move.
Sec. 66– p. 155	985.233(4)(d) – pt of first sentence	985.514(3)	Technical – Copy & Modification. Part of first sentence of 985.233(4)(d)1. copied to reference parental obligation thereunder.
Sec. 72– p. 172	985.233(4)(e)-(f)	985.565(4)(d)-(e)	Technical – Move.
Sec. 67 – pp. 155-156	985.234	985.534	Technical – Move.
Sec. 68 – p. 156	985.235	985.535	Technical – Move.
Sec. 68 – p. 156	985.236	985.536	Technical – Move.
Sec. 19 – p. 46	985.301	985.12	Technical – Move.
Sec. 26 – p. 67	985.303	985.155	Technical – Move.
Sec. 27 – pp. 67-68	985.304	985.16	Technical – Move.
Sec. 76 – pp. 174-178	985.3045	985.605	Technical – Move and modification to repeal outdated reporting requirement.

Sec. 77 – pp. 178-179	985.3046 -	985.606	Technical – Move.
Sec. 78 – p. 179	985.305 -	985.61	Technical – Move.
Sec. 42 – p. 88	985.306 -	985.345	Technical – Move.
Sec. 20 – p. 47	985.3065	985.125	Technical – Move.
Sec. 58 – p. 136	985.308	985.48	Technical – Move.
Sec. 61 – p. 151	985.309	985.489	Technical – Move.
Sec. 56 – pp. 122-123	985.31(1)	985.47(8)	Technical – Move.
Sec. 56 – p. 123-125	985.31(2)	985.47(9)	Technical – Move.
Sec. 56 – p. 125	985.31(3)(a)-(d)	985.47(10)(a)-(d)	Technical – Move.
Sec. 56 – p. 120	985.31(3)(e)	985.47(2)	Technical – Move.
Sec. 56 – p. 120	985.31(3)(f)	985.47(3)	Technical –Move.
Sec. 56– p. 120	985.31(3)(g)	985.47(4)	Technical – Move.
Sec. 56 – p. 121	985.31(3)(h)	985.47(5)	Technical – Move.
Sec. 56 – pp. 121-122	985.31(3)(i)	985.47(6)	Technical – Move.
Sec. 56 – pp. 125-126	985.31(3)(j)	985.47(10)(e)	Technical – Move.
Sec. 56 – p. 122	985.31(3)(k) – first sentence	985.47(7)	Technical – Move.

Sec. 56 – pp. 126-130	985.31(4)	985.47(11)	Technical – Move.
Sec. 56 – pp. 130-131	985.31(5)	985.47(12)	Technical – Move.
Sec. 59-pp. 140-141	985.311(1)	985.483(8)	Technical – Move.
Sec. 59– pp. 141-143	985.311(2)	985.483(9)	Technical – Move.
Sec. 59 – pp. 143-144	985.311(3)(a)-(d)	985.483 (10)(a)-(d)	Technical – Move.
Sec. 59 – p. 138	985.311(3)(e)	985.483(2)	Technical – Move.
Sec. 59 – p. 138	985.311(3)(f)	985. 483(3)	Technical – Move.
Sec. 59 - p. 138	985.311(3)(g)	985. 483(4)	Technical – Move.
Sec. 59 – pp. 138-139	985.311(3)(h)	985. 483(5)	Technical – Move.
Sec. 59 - pp. 139-140	985.311(3)(i)	985. 483(6)	Technical – Move.
Sec. 59 – pp. 143-144	985.311(3)(j)	985.483(10) (e)	Technical – Move.
Sec. 59 – p. 140	985.311(3)(k)	985. 483(7)	Technical – Move.
Sec. 59 – pp. 144-149	985.311(4)	985.483(11)	Technical – Move.
Sec. 59 – pp. 149-150	985.311(5)	985.483(12)	Technical – Move.

Sec. 60 – pp. 150-151	985.312	985.486	Technical – Move.
Sec. 55 – pp. 116-118	985.313	985.465	Technical – Move.
Sec. 5 – p. 25	985.313 – second sentence	985.0301(5)(f)	Technical – Move and Clarification. Some language added to clarify context of the move.
Sec. 62 – pp. 151-152	985.314	985.494	Technical – Move.
Sec. 99 – p. 187	985.3141 -	985.721	Technical – Move.
Sec. 80 – p. 182	985.315	985.618	Technical – Move.
Sec. 81 – p. 180	985.3155	985.622	Technical – Move.
Sec. 54 – p. 116	985.316	985.46	Technical – Move.
Sec. 82 – p. 180	985.317	985.625	Technical – Move.
Sec. 74 – p. 173	985.404(1)-(3)	985.601(1)-(3)	Technical – Move.
Sec. 49 – p. 111	985.404(4)	985.441(3)	Technical – Move.
Sec. 74 – pp. 174-175	985.404(5)	985.601(4)	Technical – Move.
Sec. 74 – p. 173	985.404(6)	985.601(5)	Technical – Move.
Sec. 74 – p. 173	985.404(7)	985.601(6)	Technical – Move.
Sec. 74 – p. 173	985.404(8)	985.601(7)	Technical – Move.
Sec. 74 – p. 173	985.404(9)	985.601(8)	Technical – Move.

Sec. 74 – p. 173	985.404(10)	985.601(9)	Technical – Move.
Sec. 74 – p. 173	985.404(11)	985.601(10)	Technical – Move.
Sec. 74 – p. 173	985.404(12)	985.94(11)	Technical – Move.
Sec. 97– p. 187	985.4041	985.692	Technical – Move.
Sec. 97– p. 187	985.4042	985.694	Technical – Move.
Sec. 98 – p. 187	985.4045	985.701	Technical – Move.
Sec. 98 – p. 187	985.4046	985.711	Technical – Move.
Sec. 86 – p. 181	985.405	985.64	Technical – Move.
Sec. 90 – pp. 181-183	985.406	985.66	Technical – Move.
Sec. 87 – p. 181	985.407	985.644(2)-(6)	Technical – Move.
Sec. 97 – p. 187	985.4075	985.69	Technical – Move.
Sec. 88 – p. 181	985.408	985.648	Technical – Move.
Sec. 89 – p. 181	985.409	985.652	Technical – Move.
Sec. 94– p. 186	985.41	985.682	Technical – Move.
Sec. 96– p. 186	985.411	985.688	Technical – Move.
Sec. 84 – p. 180	985.412	985.632	Technical – Move.
Sec. 91 – pp. 183-184	985.4135	985.664	Technical – Move.

Sec. 92 – p. 184	985.4145	985.672	Technical – Move.
Sec. 93 – pp. 184-186	985.415	985.676	Technical – Move.
Sec. 93 – p. 184	985.416	985.668	Technical – Move.
Sec. 73 – p. 172	985.417-	985.57	Technical – Move.
Sec. 30 – p. 70	985.418	985.195	Technical – Move.
Sec. 83 – p. 180	985.419	985.629	Technical – Move.
Sec. 85 – p. 180	985.42	985.636	Technical – Move.
Sec. 101 – p. 190	985.501 – 985.507	985.801 – 985.807	Technical – Move.

This document is a draft of how Chapter 985, F.S., is expected to appear in the statutes if the technical reorganization bill, PCB JUVJ 06-01, is enacted into law. This document is an unofficial illustration to assist members in visualizing the PCB's effects. The official statutory codification will be conducted by Statutory Revision. Only the PCB, itself, should be relied upon in determining the Legislature's intent for this legislation.

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CHAPTER 985
JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES

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PART I
GENERAL PROVISIONS

985.01 Purposes and intent.
985.02 Legislative intent for the juvenile justice system.
985.03 Definitions.
985.0301 Jurisdiction.
985.032 Legal representation for delinquency cases.
985.033 Right to counsel.
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985.036 Rights of victims; juvenile proceedings.
985.037 Punishment for contempt of court; alternative sanctions.
985.039 Cost of supervision; cost of care.

985.01 Purposes and intent.—

(1) The purposes of this chapter are:

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

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

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

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

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

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

(f) To provide children committed to the department with training in life skills, including career education.

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

985.02 Legislative intent for the juvenile justice system.—

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

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

(b) A permanent and stable home.

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

(d) Adequate nutrition, shelter, and clothing.

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

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

(g) Access to preventive services.

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

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

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

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

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

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

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

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

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

(4) DETENTION.—

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature finds that detention should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and convincing evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense

prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.

(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile justice system.

(5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.— The Legislature finds that fighting crime effectively requires a multipronged effort focusing on particular classes of delinquent children and the development of particular programs. This state's juvenile justice system has an inadequate number of beds for serious or habitual juvenile offenders and an inadequate number of community and residential programs for a significant number of children whose delinquent behavior is due to or connected with illicit substance abuse. In addition, a significant number of children have been adjudicated in adult criminal court and placed in this state's prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.

(6) SITING OF FACILITIES.—

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

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

(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts and the most intensive postrelease supervision and case management.

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

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

(7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.— Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision to deter their participation in delinquent acts. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by

economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caretakers to fulfill their responsibilities are identified through the delinquency intake process and that appropriate recommendations to address those problems are considered in any judicial or nonjudicial proceeding. Nonetheless, as it is also the intent of the Legislature to preserve and strengthen the child's family ties, it is the policy of the Legislature that the emotional, legal, and financial responsibilities of the caretaker with regard to the care, custody, and support of the child continue while the child is in the physical or legal custody of the department.

(8) GENDER-SPECIFIC PROGRAMMING.—

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

(b) Gender-specific programming refers to unique program models and services that comprehensively address the needs of a targeted gender group. Gender-specific services require the adherence to the principle of equity to ensure that the different interests of young women and men are recognized and varying needs are met, with equality as the desired outcome. Gender-specific programming focuses on the differences between young females' and young males' roles and responsibilities, positions in society, access to and use of resources, and social codes governing behavior. Gender-specific programs increase the effectiveness of programs by making interventions more appropriate to the specific needs of young women and men and ensuring that these programs do not unknowingly create, maintain, or reinforce gender roles or relations that may be damaging.

(c) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of programs for young females within the Department of Juvenile Justice. The analysis shall address the nature of young female offenders in this state, the percentage of young females who are incarcerated in the juvenile justice system for status offenses and violations of probation, and whether these young females could be better served in less costly community-based programs. In addition, the review shall analyze whether existing juvenile justice programs are designed to meet the gender-specific needs of young females and an analysis of the true cost of providing gender-specific services to young females.

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

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

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

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

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

(5) "Authorized agent" or "designee" of the department means a person or agency assigned or designated by the department or the Department of Children and Family Services, as appropriate, to perform duties or exercise powers under this chapter and

includes contract providers and their employees for purposes of providing services to and managing cases of children in need of services and families in need of services.

(6) "Child" or "juvenile" or "youth" means any unmarried person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any married or unmarried person who is charged with a violation of law occurring prior to the time that person reached the age of 18 years.

(7) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the department or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, under this chapter, be found by the court:

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

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

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

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

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

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

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

(12) "Conditional release" means the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program which is intended to promote rehabilitation and prevent recidivism. The purpose of conditional release is to protect the public, reduce recidivism, increase responsible productive behavior, and provide for a successful transition of the youth from the department to the family. Conditional release includes, but is not limited to, nonresidential community-based programs.

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

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

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

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

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

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

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

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

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

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

(c) "Home detention" means temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the department staff pending adjudication, disposition, or placement.

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

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

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

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

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

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

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

(a) Running away from parents or legal custodians;

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

(c) Habitual truancy from school.

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

(25) "Habitually truant" means that:

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

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

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 and 1003.27 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the state attorney may file a child-in-need-of-

services petition. Before filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

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

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

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

(27) "Intake" means the initial acceptance and screening by the department of a complaint or a law enforcement report or probable cause affidavit of delinquency, family in need of services, or child in need of services to determine the recommendation to be taken in the best interests of the child, the family, and the community. The emphasis of intake is on diversion and the least restrictive available services. Consequently, intake includes such alternatives as:

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

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

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

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

(29) "Juvenile justice continuum" includes, but is not limited to, delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, and juvenile arrests, as well as programs and services targeted at children who have committed delinquent acts, and children who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; conditional release; substance abuse and mental health programs; educational and career programs; recreational programs; community services programs; community service work programs; and alternative dispute resolution programs serving children at risk of delinquency and their families, whether offered or delivered by state or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations.

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

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

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

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

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

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

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

(37) "Necessary medical treatment" means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child's condition or to alleviate immediate pain of a child.

(38) "Next of kin" means an adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin.

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

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

(41) "Preventive services" means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the

placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child's need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

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

(43) "Relative" means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

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

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

(b) *Low-risk residential.*—Programs or program models at this commitment level are residential but may allow youth to have unsupervised access to the community. Youth assessed and classified for placement in programs at this commitment level represent a low risk to themselves and public safety but do require placement and services in residential settings. Children who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level.

(c) *Moderate-risk residential.*—Programs or program models at this commitment level are residential but may allow youth to have supervised access to the community. Facilities are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for placement in programs at this commitment level represent a moderate risk to public safety and require close supervision. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary.

(d) *High-risk residential.*—Programs or program models at this commitment level are residential and do not allow youth to have access to the community except that, temporary release providing community access for up to 72 continuous hours may be approved by a court for a youth who has made successful progress in his or her program in order for the youth to attend a family emergency or, during the final 60 days of his or her placement, to visit his or her home, enroll in school or a vocational program, complete a job interview, or participate in a community service project. High-risk residential facilities are hardware-secure with perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e) *Maximum-risk residential.*—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and do not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

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

(46) "Secure detention center or facility" means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(47) "Serious or habitual juvenile offender program" means the program established in s. 985.31.

(48) "Shelter" means a place for the temporary care of a child who is alleged to be or who has been found to be delinquent.

(49) "Shelter hearing" means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

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

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

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

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

(54) "Temporary release" means the terms and conditions under which a child is temporarily released from a residential commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a conditional release program or a period during which the child is supervised by a juvenile probation officer or other nonresidential staff of the department or staff employed by an entity under contract with the department.

(55) "Training school" means one of the following facilities: the Arthur G. Dozier School or the Eckerd Youth Development Center.

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

(57) "Waiver hearing" means a hearing provided for under s. 985.556(4).

985.0301 Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law.

(2) The jurisdiction of the court shall attach to the child and the case when the summons is served upon the child and a parent or legal or actual custodian or guardian of the child, or when the child is taken into custody with or without service of summons and before or after the filing of a petition, whichever first occurs, and thereafter the court may control the child and the case in accordance with this chapter.

(3) During the prosecution of any violation of law against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed and that the person does not meet the criteria for prosecution and sentencing as an adult, the court shall immediately transfer the case, together with the physical custody of the person and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceedings under this chapter. The circuit court is exclusively authorized to assume

jurisdiction over any juvenile offender who is arrested and charged with violating a federal law or a law of the District of Columbia, who is found or is living or domiciled in a county in which the circuit court is established, and who is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.

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

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

(5)(a) Notwithstanding ss. 743.07, 985.43, 985.443, 985.435, 985.439 and 985.441, and except as provided in ss. 985.465 and 985.47 and paragraph (f), when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

(b) Notwithstanding ss. 743.07 and 985.455(3), and except as provided in s. 985.47, the term of any order placing a child in a probation program must be until the child's 19th birthday unless he or she is released by the court on the motion of an interested party or on his or her own motion.

(c) Notwithstanding ss. 743.07 and 985.455(3), and except as provided in s. 985.47, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21 years. Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441, 985.445, 985.455, and 985.513 and except as provided in this section and s. 985.47, a child may not be held under a commitment from a court under s. 985.439, s. 985.441(1)(a) or (b), s. 985.445, or s. 985.455 after becoming 21 years of age.

(d) The court may retain jurisdiction over a child committed to the department for placement in a juvenile prison or in a high-risk or maximum-risk residential commitment program to allow the child to participate in a juvenile conditional release program pursuant to s. 985.466. In no case shall the jurisdiction of the court be retained beyond the child's 22nd birthday. However, if the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.441(3).

(e) The court may retain jurisdiction over a child committed to the department for placement in an intensive residential treatment program for 10-year-old to 13-year-old offenders, in the residential commitment program in a juvenile prison, in a residential sex offender program, or in a program for serious or habitual juvenile offenders as provided in s. 985.47 or s. 985.483 until the child reaches the age of 21. If the court exercises this jurisdiction retention, it shall do so solely for the purpose of the child completing the

intensive residential treatment program for 10-year-old to 13-year-old offenders, in the residential commitment program in a juvenile prison, in a residential sex offender program, or the program for serious or habitual juvenile offenders. Such jurisdiction retention does not apply for other programs, other purposes, or new offenses.

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

(g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious or habitual juvenile offender shall not be held under commitment from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565 after becoming 21 years of age. This subparagraph shall apply only for the purpose of completing the serious or habitual juvenile offender program under this chapter and shall be used solely for the purpose of treatment.

2. The court may retain jurisdiction over a child who has been placed in a program or facility for serious or habitual juvenile offenders until the child reaches the age of 21, specifically for the purpose of the child completing the program.

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

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

(j) This subsection does not prevent the exercise of jurisdiction by any court having jurisdiction of the child if the child, after becoming an adult, commits a violation of law.

(6) The court may at any time enter an order ending its jurisdiction over any child.

985.032. Legal representation for delinquency cases.—For cases arising under this chapter, the state attorney shall represent the state.

985.033 Right to counsel.—

(1) A child is entitled to representation by legal counsel at all stages of any delinquency court proceedings under this chapter. If the child and the parents or other legal guardian are indigent and unable to employ counsel for the child, the court shall appoint counsel under s. 27.52. Determination of indigence and costs of representation shall be as provided by ss. 27.52 and 938.29. Legal counsel representing a child who exercises the right to counsel shall be allowed to provide advice and counsel to the child at any time subsequent to the child's arrest, including prior to a detention hearing while in secure detention care. A child shall be represented by legal counsel at all stages of all court proceedings unless the right to counsel is freely, knowingly, and intelligently

waived by the child. If the child appears without counsel, the court shall advise the child of his or her rights with respect to representation of court-appointed counsel.

(2) This section does not apply to transfer proceedings under s. 985.441(3), unless the court sets a hearing to review the transfer.

(3) If the parents or legal guardian of an indigent child are not indigent but refuse to employ counsel, the court shall appoint counsel pursuant to s. 27.52 to represent the child at the detention hearing and until counsel is provided. Costs of representation are hereby imposed as provided by ss. 27.52 and 938.29. Thereafter, the court shall not appoint counsel for an indigent child with nonindigent parents or legal guardian but shall order the parents or legal guardian to obtain private counsel. A parent or legal guardian of an indigent child who has been ordered to obtain private counsel for the child and who willfully fails to follow the court order shall be punished by the court in civil contempt proceedings.

(4) An indigent child with nonindigent parents or legal guardian may have counsel appointed pursuant to s. 27.52 if the parents or legal guardian have willfully refused to obey the court order to obtain counsel for the child and have been punished by civil contempt and then still have willfully refused to obey the court order. Costs of representation are hereby imposed as provided by ss. 27.52 and 938.29.

(5) Notwithstanding any provision of this section or any other law to the contrary, if a child is transferred for criminal prosecution pursuant to this chapter, a nonindigent or indigent-but-able-to-contribute parent or legal guardian of the child pursuant to s. 27.52 is liable for necessary legal fees and costs incident to the criminal prosecution of the child as an adult.

985.035 Opening hearings.—

(1) All hearings, except as provided in this section, must be open to the public, and no person may be excluded except on special order of the court. The court, in its discretion, may close any hearing to the public when the public interest and the welfare of the child are best served by so doing. Hearings involving more than one child may be held simultaneously when the children were involved in the same transactions.

(2) Except as provided in subsection (1), nothing in this section shall prohibit the publication of proceedings in a hearing.

985.036 Rights of victims; juvenile proceedings.—

(1) Nothing in this chapter prohibits:

(a) The victim of the offense;

(b) The victim's parent or guardian if the victim is a minor;

(c) The lawful representative of the victim or of the victim's parent or guardian if the victim is a minor; or

(d) The next of kin if the victim is a homicide victim,

from the right to be informed of, to be present during, and to be heard when relevant at, all crucial stages of the proceedings involving the juvenile offender, to the extent that such rights do not interfere with the constitutional rights of the juvenile offender. A person enumerated in this section may not reveal to any outside party any confidential information obtained under this paragraph regarding a case involving a juvenile offense, except as is reasonably necessary to pursue legal remedies.

(2) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

985.037 Punishment for contempt of court; alternative sanctions.—

(1) CONTEMPT OF COURT; LEGISLATIVE INTENT.—The court may punish any child for contempt for interfering with the court or with court administration, or for violating any provision of this chapter or order of the court relative thereto. It is the intent of the Legislature that the court restrict and limit the use of contempt powers with respect to commitment of a child to a secure facility. A child who commits direct contempt of court or indirect contempt of a valid court order may be taken into custody and ordered to serve an alternative sanction or placed in a secure facility, as authorized in this section, by order of the court.

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

(3) ALTERNATIVE SANCTIONS. –Each judicial circuit shall have an alternative sanctions coordinator who shall serve under the chief administrative judge of the juvenile division of the circuit court, and who shall coordinate and maintain a spectrum of contempt sanction alternatives in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c). Upon determining that a child has committed direct contempt of court or indirect contempt of a valid court order, the court may immediately request the alternative sanctions coordinator to recommend the most appropriate available alternative sanction and shall order the child to perform up to 50 hours of community-service manual labor or a similar alternative sanction, unless an alternative sanction is unavailable or inappropriate, or unless the child has failed to comply with a prior alternative sanction. Alternative contempt sanctions may be provided by local industry or by any nonprofit organization or any public or private business or service entity that has entered into a contract with the Department of Juvenile Justice to act as an agent of the state to provide voluntary supervision of children on behalf of the state in exchange for the manual labor of children and limited immunity in accordance with s. 768.28(11).

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

(a) If a child is charged with direct contempt of court, including traffic court, the court may impose an authorized sanction immediately.

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

1. Right to a copy of the order to show cause alleging facts supporting the contempt charge.
2. Right to an explanation of the nature and the consequences of the proceedings.
3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, under s. 985.033.
4. Right to confront witnesses.
5. Right to present witnesses.
6. Right to have a transcript or record of the proceeding.
7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

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

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

(5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created the position of alternative sanctions coordinator within each judicial circuit, pursuant to subsection (3). Each alternative sanctions coordinator shall serve under the direction of the chief administrative judge of the juvenile division as directed by the chief judge of the circuit. The alternative sanctions coordinator shall act as the liaison between the judiciary, local department officials, district school board employees, and local law enforcement agencies. The alternative sanctions coordinator shall coordinate within the circuit community-based alternative sanctions, including nonsecure detention programs, community service projects, and other juvenile sanctions, in conjunction with the circuit plan implemented in accordance with s. 790.22(4)(c).

985.039 Cost of supervision; cost of care.—

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

(a) When any child is placed into home detention, probation, or other supervision status with the department, or is committed to the minimum-risk nonresidential

restrictiveness level, the court shall order the parent of such child to pay to the department a fee for the cost of the supervision of such child in the amount of $1 per day for each day that the child is in such status.

(b) When any child is placed into secure detention or placed on committed status and the temporary legal custody of such child is placed with the department, the court shall order the parent of such child to pay to the department a fee for the cost of the care of such child in the amount of $5 per day for each day that the child is in the temporary legal custody of the department.

(2) The parent of any child who has been placed under the supervision or care of the department shall provide to the department his or her name, address, social security number, date of birth, driver's license number or identification card number, and sufficient financial information so as to assist the court in determining the parent's ability to pay any fee associated with the cost of the child's supervision or care. If the parent refuses to provide the department with the information required by this subsection, the court shall order the parent to provide such information. The failure of the parent to comply with such order of the court constitutes contempt of court, and the court may punish the parent accordingly.

(3) At the time of any detention or disposition hearing, the court shall receive the information described in subsection (2), as well as any other verbal or written information offered as to the ability of the parent of a child who is being placed under the supervision or care of the department to pay any fee imposed pursuant to this section and whether the payment of such fee will create a significant financial hardship. The court may apportion the obligation for the fee to each parent in a manner it deems appropriate; however, the total amount of the daily fee may not exceed the amounts specified in this section. Any finding made by the court as to the ability of the parent to pay such fee, including any finding of indigency or significant financial hardship, shall be in writing and shall contain a detailed description of the facts supporting such finding. If the court makes a finding of indigency and significant financial hardship, the court shall waive the fee or reduce it to an amount deemed appropriate.

(4) Notwithstanding subsection (3), the court may reduce or waive the fee as to each parent if the court makes a finding on the record that the parent was the victim of the delinquent act or violation of law for which the child has been placed under the supervision or care of the department and that the parent is cooperating or has cooperated with the investigation of the offense.

(5) The court shall order the payment of any fees required in this section as part of the detention or disposition order. Such order must include specific written findings as to what fees are ordered, reduced, or waived. If the court fails to enter an order as required by this section, the parent is deemed to have an obligation to pay to the department a fee in the amount of $1 per day for each day that the child is under the supervision of the department and $5 per day for each day that the child remains in the care of the department.

(6) Notwithstanding subsection (1), with respect to a child who reaches the age of 18 prior to the detention or disposition hearing, the court may elect to direct an order required by this section to such child, rather than to the child's parent. With regard to a child who reaches 18 while under the supervision or care of the department, the court may, upon proper motion of any party, hold a hearing as to whether any party should be

further obligated to pay any fee associated with cost of the supervision or care of such child. If the court does not enter an order under this subsection, it shall be presumed that the court intended for the parent to pay or to continue to pay the fees specified in this section. Any order entered pursuant to this subsection must include specific findings as to what fees are ordered, reduced, or waived as to the child.

(7) With respect to a child who has been placed under the supervision or care of the department and whose parent receives public assistance for any portion of such child's care, the department must seek a federal waiver to garnish or otherwise order the payment of a portion of the public assistance relating to such child, in an amount not to exceed the amount of the parent's obligation, in order to offset the costs to the department associated with providing supervision or care of such child.

(8) If any order entered pursuant to this section affects the guardianship of an estate, a certified copy of such order shall be delivered to the judge having jurisdiction over the guardianship of the estate.

(9) The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of any fees ordered pursuant to this section that have gone delinquent or unpaid for 90 days or more. The collection agency must be registered and in good standing under chapter 559. The department may pay for the services of the collection agency from available authorized funds or from funds generated by any collections under this subsection. Alternatively, the department may authorize the collection agency to withhold a specified amount of any fee collected as payment for its services.

(10) The department or the collection agency shall provide to the payor documentation of the payment of any fee paid pursuant to this section. Except as provided in subsection (9), all payments received by the department or the collection agency pursuant to this section shall be deposited in the department's Grants and Donations Trust Fund.

(11) Under no circumstance shall the court or the department extend the child's length of stay in the department's supervision or care solely for the purpose of collecting the fees specified in this section.

(12) No parent or child shall be liable for any fee provided in this section unless:

(a) The child is adjudicated delinquent, or has adjudication of delinquency withheld, for the offense that gave rise to the supervision or care; or

(b) The child is found to have violated an order of the court, including any order of supervision or care, and the costs are associated with the violation of such order.

If any funds are paid for the supervision or care of a child who is determined not to meet the criteria specified in paragraph (a) or paragraph (b), such funds shall be refunded to the payor forthwith.

(13) For purposes of this section, "parent" means any person who meets the definition of "parent" or "legal custody or guardian" in s. 985.03.

PART II
RECORDS AND INFORMATION

985.04 Oaths; records; confidential information.
985.045 Court records.
985.046 Statewide information-sharing system; interagency workgroup.
985.047 Information systems.

985.04 Oaths; records; confidential information.—

(1) Except as provided in subsections (2), (3), (6), and (7), and s. 943.053, all information obtained under this chapter in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department and its designees, the Department of Corrections, the Parole Commission, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(2) Notwithstanding any other provisions of this chapter, the name, photograph, address, and crime or arrest report of a child:

(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

(b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;

(c) Transferred to the adult system under s. 985.557, indicted under s. 985.56, or waived under s. 985.556;

(d) Taken into custody by a law enforcement officer for a violation of law subject to s. 985.557(2)(b) or (d); or

(e) Transferred to the adult system but sentenced to the juvenile system under s. 985.565

shall not be considered confidential and exempt from s. 119.07(1) solely because of the child's age.

(3) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

(4)(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools under this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions under s. 1006.09(1)-(4).

(c) The department shall disclose to the school superintendent the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sexual offender, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5) Authorized agents of the department may administer oaths and affirmations.

(6) Records maintained by the department, including copies of records maintained by the court, that pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 435.03 and 435.04 may not be destroyed under this section for a period of 25 years after the youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or under departmental rule; however, current criminal history information must be obtained from the Department of Law Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(7)(a) Records in the custody of the department regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason

and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the department who have a need therefor in order to perform their official duties to other persons as authorized by rule of the department; and, upon request, to the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(b) The destruction of records pertaining to children committed to or supervised by the department pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.

(8) Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases.

985.045 Court records.—

(1) The clerk of the court shall make and keep records of all cases brought before it under this chapter. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising under this chapter and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(7), official records required by this chapter are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, the Department of Corrections, and the Justice Administrative Commission shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(3) All orders of the court entered under this chapter must be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(4) A court record of proceedings under this chapter is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he or she is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the committing trial court judge, are admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter forming a part of the record on appeal must be used in the appellate court in the manner provided in s. 985.534.

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.

(e) Records of proceedings under this chapter may be used to prove disqualification under ss. 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.644.

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

985.046 Statewide information-sharing system; interagency workgroup.—

(1) The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall create an information-sharing workgroup for the purpose of developing and implementing a workable statewide system of sharing information among school districts, state and local law enforcement agencies, providers, the Department of Juvenile Justice, and the Department of Education. The system shall build on processes previously authorized in statute and on any revisions to federal statutes on confidentiality. The information to be shared shall focus on youth who are involved in the juvenile justice system, youth who have been tried as adults and found guilty of felonies, and students who have been serious discipline problems in schools. The participating agencies shall implement improvements that maximize the sharing of information within applicable state and federal statutes and rules and that utilize statewide databases and data delivery systems to streamline access to the information needed to provide joint services to disruptive, violent, and delinquent youth.

(2) The interagency workgroup shall be coordinated through the Department of Education and shall include representatives from the state agencies specified in subsection (1), school superintendents, school district information system directors, principals, teachers, juvenile court judges, police chiefs, county sheriffs, clerks of the circuit court, the Department of Children and Family Services, providers of juvenile services including a provider from a juvenile substance abuse program, and circuit juvenile justice managers.

(3) The interagency workgroup shall, at a minimum, address the following:

(a) The use of the Florida Information Resource Network and other statewide information access systems as means of delivering information to school personnel or providing an initial screening for purposes of determining whether further access to information is warranted.

(b) A statewide information delivery system that will provide local access by participating agencies and schools.

(c) The need for cooperative agreements among agencies which may access information.

(d) Legal considerations and the need for legislative action necessary for accessing information by participating agencies.

(e) Guidelines for how the information shall be accessed, used, and disseminated.

(f) The organizational level at which information may be accessed and shared.

(g) The specific information to be maintained and shared through the system.

(h) The cost implications of an improved system.

(4) The Department of Education, the Department of Juvenile Justice, and the Department of Law Enforcement shall implement improvements leading to the statewide information access and delivery system, to the extent feasible, and shall develop a cooperative agreement specifying their roles in such a system.

(5) Members of the interagency workgroup shall serve without added compensation and each participating agency shall support the travel, per diem, and other expenses of its representatives.

985.047 Information systems.—

(1)(a) For the purpose of assisting in law enforcement administration and decisionmaking, such as juvenile diversion from continued involvement with the law enforcement and judicial systems, the sheriff of the county in which juveniles are taken into custody is encouraged to maintain a central identification file on serious habitual juvenile offenders and on juveniles who are at risk of becoming serious habitual juvenile offenders by virtue of having an arrest record.

(b) The central identification file shall contain, but not be limited to, pertinent dependency record information maintained by the Department of Children and Family Services and delinquency record information maintained by the Department of Juvenile Justice, pertinent school records, including information on behavior, attendance, and achievement; pertinent information on delinquency and dependency maintained by law enforcement agencies and the state attorney; and pertinent information on delinquency and dependency maintained by those agencies charged with screening, assessment, planning, and treatment responsibilities. The information obtained shall be used to develop a multiagency information sheet on serious habitual juvenile offenders or juveniles who are at risk of becoming serious habitual juvenile offenders. The agencies and persons specified in this paragraph shall cooperate with the law enforcement agency or county in providing needed information and in developing the multiagency information sheet to the greatest extent possible.

(c) As used in this section, "a juvenile who is at risk of becoming a serious habitual juvenile offender" means a juvenile who has been adjudicated delinquent and who meets one or more of the following criteria:

1. Is arrested for a capital, life, or first degree felony offense or sexual battery.

2. Has five or more arrests, at least three of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

3. Has 10 or more arrests, at least 2 of which are for felony offenses. Three of such arrests must have occurred within the preceding 12-month period.

4. Has four or more arrests, at least one of which is for a felony offense and occurred within the preceding 12-month period.

5. Has 10 or more arrests, at least 8 of which are for any of the following offenses:

a. Petit theft;

b. Misdemeanor assault;

c. Possession of a controlled substance;

d. Weapon or firearm violation; or

e. Substance abuse.

Four of such arrests must have occurred within the preceding 12-month period.

6. Meets at least one of the criteria for youth and street gang membership.

(2)(a) Notwithstanding any provision of law to the contrary, confidentiality of records information does not apply to juveniles who have been arrested for an offense that would be a crime if committed by an adult, regarding the sharing of the information on the juvenile with the law enforcement agency or county and any agency or person providing information for the development of the multiagency information sheet as well as the courts, the child, the parents or legal custodians of the child, their attorneys, or any other person authorized by the court to have access. A public or private educational agency shall provide pertinent records to and cooperate with the law enforcement agency or county in providing needed information and developing the multiagency information sheet to the greatest extent possible. Neither these records provided to the law enforcement agency or county nor the records developed from these records for serious habitual juvenile offenders nor the records provided or developed from records provided to the law enforcement agency or county on juveniles at risk of becoming serious habitual juvenile offenders shall be available for public disclosure and inspection under s. 119.07.

(b) The department shall notify the sheriffs of both the prior county of residence and the new county of residence immediately upon learning of the move or other relocation of a juvenile offender who has been adjudicated or had adjudication withheld for a violent misdemeanor or violent felony.

(3) In order to assist in the integration of the information to be shared, the sharing of information obtained, the joint planning on diversion and early intervention strategies for juveniles at risk of becoming serious habitual juvenile offenders, and the intervention strategies for serious habitual juvenile offenders, a multiagency task force should be organized and utilized by the law enforcement agency or county in conjunction with the initiation of the information system described in subsections (1) and (2). The multiagency task force shall be composed of representatives of those agencies and persons providing information for the central identification file and the multiagency information sheet.

(4) This multiagency task force shall develop a plan for the information system that includes measures which identify and address any disproportionate representation of ethnic or racial minorities in the information systems and shall develop strategies that address the protection of individual constitutional rights.

(5) Any law enforcement agency, or county which implements a juvenile offender information system and the multiagency task force which maintain the information system must annually provide any information gathered during the previous year to the delinquency and gang prevention council of the judicial circuit in which the county is located. This information shall include the number, types, and patterns of delinquency tracked by the juvenile offender information system.

PART III
CUSTODY AND INTAKE; INTERVENTION AND DIVERSION

985.101 Taking a child into custody.
985.105 Youth custody officer.
985.11 Fingerprinting and photographing.
985.115 Release or delivery from custody.
985.12 Civil citation.
985.125 Prearrest or postarrest diversion programs.
985.13 Probable cause affidavits.
985.135 Juvenile assessment centers.
985.14 Intake and case management system.
985.145 Responsibilities of juvenile probation officer during intake; screenings and assessments.
985.15 Filing decisions.
985.155 Neighborhood restorative justice.
985.16 Community arbitration.

985.101 Taking a child into custody.—

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

(a) Pursuant to an order of the circuit court issued under this chapter, based upon sworn testimony, either before or after a petition is filed.

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence, the arresting authority shall immediately notify the district school superintendent, or the superintendent's designee, of the school district with educational jurisdiction of the child. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the child's school, or as otherwise provided by law. The principal must immediately notify the child's immediate classroom teachers. Information provided by an arresting authority under this paragraph may not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.

(c) By a law enforcement officer for failing to appear at a court hearing after being properly noticed.

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, home detention, post commitment

probation, or conditional release supervision, has absconded from nonresidential commitment, or has escaped from residential commitment.

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

(2) Except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.

(3) When a child is taken into custody as provided in this section, the person taking the child into custody shall attempt to notify the parent, guardian, or legal custodian of the child. The person taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to a juvenile probation officer under ss. 985.14 and 985.145, whichever occurs first. If the child is delivered to a juvenile probation officer before the parent, guardian, or legal custodian is notified, the juvenile probation officer shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified. Following notification, the parent or guardian must provide identifying information, including name, address, date of birth, social security number, and driver's license number or identification card number of the parent or guardian to the person taking the child into custody or the juvenile probation officer.

(4) Taking a child into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence in conjunction therewith is lawful.

985.105 Youth custody officer.—

(1) There is created within the department the position of youth custody officer. The duties of each youth custody officer shall be to take youth into custody if the officer has probable cause to believe that the youth has violated the conditions of probation, home detention, conditional release, or postcommitment probation, or has failed to appear in court after being properly noticed. The authority of the youth custody officer to take youth into custody is specifically limited to this purpose.

(2) A youth custody officer must meet the minimum qualifications for employment or appointment, be certified under chapter 943, and comply with the requirements for continued employment required by s. 943.135. The department must comply with the responsibilities provided for an employing agency under s. 943.133 for each youth custody officer.

(3) A youth custody officer shall inform appropriate local law enforcement agencies of his or her activities under this section.

985.11 Fingerprinting and photographing.—

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

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

1. Assault, as defined in s. 784.011.
2. Battery, as defined in s. 784.03.
3. Carrying a concealed weapon, as defined in s. 790.01(1).
4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).
5. Negligent treatment of children, as defined in former s. 827.05.
6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2).
7. Open carrying of a weapon, as defined in s. 790.053.
8. Exposure of sexual organs, as defined in s. 800.03.
9. Unlawful possession of a firearm, as defined in s. 790.22(5).
10. Petit theft, as defined in s. 812.014.
11. Cruelty to animals, as defined in s. 828.12(1).
12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).
13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

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

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

(2) If the child is not referred to the court, or if the child is found not to have committed a violation of law, the court may, after notice to the law enforcement agency involved, order the originals and copies of the fingerprints and photographs destroyed. Unless otherwise ordered by the court, if the child is found to have committed an offense which would be a felony if it had been committed by an adult, then the law enforcement agency having custody of the fingerprint and photograph records shall retain the originals and immediately thereafter forward adequate duplicate copies to the court along with the

written offense report relating to the matter for which the child was taken into custody. Except as otherwise provided by this subsection, the clerk of the court, after the disposition hearing on the case, shall forward duplicate copies of the fingerprints and photographs, together with the child's name, address, date of birth, age, and sex, to:

(a) The sheriff of the county in which the child was taken into custody, in order to maintain a central child identification file in that county.

(b) The law enforcement agency of each municipality having a population in excess of 50,000 persons and located in the county of arrest, if so requested specifically or by a general request by that agency.

(3) This section does not prohibit the fingerprinting or photographing of child traffic violators. All records of such traffic violations shall be kept in the full name of the violator and shall be open to inspection and publication in the same manner as adult traffic violations. This section does not apply to the photographing of children by the Department of Juvenile Justice or the Department of Children and Family Services.

985.115 Release or delivery from custody.—

(1) A child taken into custody shall be released from custody as soon as is reasonably possible.

(2) Unless otherwise ordered by the court under s. 985.255 or s. 985.26, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

(a) To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section. The person to whom the child is released shall agree to inform the department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.

(b) Contingent upon specific appropriation, to a shelter approved by the department or to an authorized agent under s. 39.401(2)(b).

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.

(d) If the child is believed to be mentally ill as defined in s. 394.463(1), to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455 for examination under s. 394.463.

(e) If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.

(f) If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody. The

center may then release or deliver the child under this section with a copy of the assessment.

(3) Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in s. 985.13(2), provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

(4) Nothing in this section or s. 985.13 shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling. Such programs may be cooperative projects with local community service agencies.

985.12 Civil citation.—

(1) There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice of children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The civil citation program may be established at the local level with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency involved. Under such a juvenile civil citation program, any law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may issue a civil citation assessing not more than 50 community service hours, and may require participation in intervention services appropriate to identified needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services. A copy of each citation issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.

(2) Upon issuing such citation, the law enforcement officer shall send a copy to the county sheriff, state attorney, the appropriate intake office of the department, the community service performance monitor designated by the department, the parent or guardian of the child, and the victim.

(3) The child shall report to the community service performance monitor within 7 working days after the date of issuance of the citation. The work assignment shall be accomplished at a rate of not less than 5 hours per week. The monitor shall advise the intake office immediately upon reporting by the child to the monitor, that the child has in fact reported and the expected date upon which completion of the work assignment will be accomplished.

(4) If the juvenile fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer shall perform a preliminary determination as provided under s. 985.145.

(5) At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time prior to completion of the work assignment.

985.125 Prearrest or postarrest diversion programs.—

(1) A law enforcement agency or school district, in cooperation with the state attorney, may establish a prearrest or postarrest diversion program.

(2) As part of the prearrest or postarrest diversion program, a child who is alleged to have committed a delinquent act may be required to surrender his or her driver's license, or refrain from applying for a driver's license, for not more than 90 days. If the child fails to comply with the requirements of the program, the state attorney may notify the Department of Highway Safety and Motor Vehicles in writing to suspend the child's driver's license for a period that may not exceed 90 days.

(3) The prearrest or postarrest diversion program may, upon agreement of the agencies that establish the program, provide for the expunction of the nonjudicial arrest record of a minor who successfully completes such a program pursuant to s. 943.0582.

985.13 Probable cause affidavits.—

(1) If the child is released, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate juvenile probation officer within 24 hours after such release, stating the facts and the reason for taking the child into custody. Such written report or probable cause affidavit shall:

(a) Identify the child, the parents, guardian, or legal custodian, and the person to whom the child was released.

(b) Contain sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law or a delinquent act.

(2) A person taking a child into custody who determines, under part V, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate juvenile probation officer or, if the court has so ordered under s. 985.255 or s. 985.26, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate juvenile probation officer. Such written report or probable cause affidavit must:

(a) Identify the child and, if known, the parents, guardian, or legal custodian.

(b) Establish that the child was legally taken into custody, with sufficient information to establish the jurisdiction of the court and to make a prima facie showing that the child has committed a violation of law.

(3)(a) A copy of the probable cause affidavit or written report made by the person taking the child into custody shall be filed, by the law enforcement agency which employs the person making such affidavit or written report, with the clerk of the circuit court for the county in which the child is taken into custody or in which the affidavit or report is made within 24 hours after the affidavit or report is made, excluding Saturdays,

Sundays, and legal holidays. Such affidavit or report is a case for the purpose of assigning a uniform case number under this subsection.

(b) Upon the filing of a copy of a probable cause affidavit or written report by a law enforcement agency with the clerk of the circuit court, the clerk shall immediately assign a uniform case number to the affidavit or report, forward a copy to the state attorney, and forward a copy to the intake office of the department which serves the county in which the case arose.

(c) Each letter of recommendation, written notice, report, or other paper required by law pertaining to the case shall bear the uniform case number of the case, and a copy shall be filed with the clerk of the circuit court by the issuing agency. The issuing agency shall furnish copies to the juvenile probation officer and the state attorney.

(d) Upon the filing of a petition based on the allegations of a previously filed probable cause affidavit or written report, the agency filing the petition shall include the appropriate uniform case number on the petition.

985.135 Juvenile assessment centers.—

(1) As used in this section, "center" means a juvenile assessment center comprising community operated facilities and programs which provide collocated central intake and screening services for youth referred to the department.

(2) The department shall work cooperatively with substance abuse programs, mental health providers, law enforcement agencies, schools, health service providers, state attorneys, public defenders, and other agencies serving youth to establish juvenile assessment centers. Each current and newly established center shall be developed and modified through the local initiative of community agencies and local governments and shall provide a broad array of youth-related services appropriate to the needs of the community where the center is located.

(3) Each center shall be managed and governed by the participating agencies, consistent with respective statutory requirements of each agency, through an advisory committee and interagency agreements established with participating entities. The advisory committee shall guide the center's operation and ensure that appropriate and relevant agencies are collaboratively participating in and providing services at the center. Each participating state agency shall have operational oversight of only those individual service components located and provided at the center for which the state agency has statutory authority and responsibility.

(4) Each center shall provide collocated central intake and screening services for youth referred to the department. The center shall provide sufficient services needed to facilitate the initial screening of and case processing for youth, including, at a minimum, delinquency intake; positive identification of the youth; detention admission screening; needs assessment; substance abuse screening and assessments; physical and mental health screening; and diagnostic testing as appropriate. The department shall provide sufficient staff and resources at a center to provide detention screening and intake services.

(5) Each center is authorized and encouraged to establish truancy programs. A truancy program may serve as providing the central intake and screening of truant children for a specific geographic area based upon written agreements between the center, local law enforcement agencies, and local school boards. A center may work cooperatively with any truancy program operating in the area serving the center.

(6) Each center must provide for the coordination and sharing of information among the participating agencies to facilitate the screening of and case processing for youth referred to the department.

(7) The department may utilize juvenile assessment centers to the fullest extent possible for the purpose of conducting predisposition assessments and evaluations of youth. Assessments and evaluations may be conducted by juvenile assessment center staff on a youth while he or she is in a juvenile detention center awaiting placement in a residential commitment facility. If feasible, a youth may be transported from a juvenile detention center to a juvenile assessment center for the purpose of conducting an assessment or evaluation. Such assessments and evaluations may include, but are not limited to, needs assessment; substance abuse evaluations; physical and mental health evaluations; psychological evaluations; behavioral assessments; educational assessments; aptitude testing; and vocational testing. To the extent possible, the youth's parents or guardians and other family members should be involved in the assessment and evaluation process. All information, conclusions, treatment recommendations, and reports derived from any assessment and evaluation performed on a youth shall be included as a part of the youth's commitment packet and shall accompany the youth to the residential commitment facility in which the youth is placed.

985.14 Intake and case management system.—

(1) The department shall develop an intake and a case management system whereby a child brought into intake is assigned a juvenile probation officer if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide case management services for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.46.

(2) The intake process shall be performed by the department through a case management system. The purpose of the intake process is to assess the child's needs and risks and to determine the most appropriate treatment plan and setting for the child's programmatic needs and risks. The intake process shall result in choosing the most appropriate services through a balancing of the interests and needs of the child with those of the family and the public. The juvenile probation officer shall be responsible for making informed decisions and recommendations to other agencies, the state attorney, and the courts so that the child and family may receive the least intrusive service alternative throughout the judicial process. The department shall establish uniform procedures for the juvenile probation officer to provide a preliminary screening of the child and family for substance abuse and mental health services prior to the filing of a petition or as soon as possible thereafter and prior to a disposition hearing.

(3) The intake and case management system shall facilitate consistency in the recommended placement of each child, and in the assessment, classification, and placement process, with the following purposes:

(a) An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment and identifies any needs of the child's parents or guardians for services that would enhance their ability to provide adequate support, guidance, and supervision for the child. This process shall

begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program under s. 985.47. The completed multidisciplinary assessment process shall result in the predisposition report.

(b) A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assessment results when available to classify the child's risk as it relates to placement and supervision alternatives.

(c) An admissions process that facilitates for each child the utilization of the treatment plan and setting most appropriate to meet the child's programmatic needs and provide the minimum program security needed to ensure public safety.

(4) The department shall annually advise the Legislature and the Executive Office of the Governor of the resources needed in order for the intake and case management system to maintain a staff-to-client ratio that is consistent with accepted standards and allows the necessary supervision and services for each child. The intake process and case management system shall provide a comprehensive approach to assessing the child's needs, relative risks, and most appropriate handling, and shall be based on an individualized treatment plan.

985.145 Responsibilities of juvenile probation officer during intake; screenings and assessments.—

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

(a) Reviewing probable cause affidavit.--The juvenile probation officer shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. A report, affidavit, or complaint alleging that a child has committed a delinquent act or violation of law shall be made to the intake office operating in the county in which the child is found or in which the delinquent act or violation of law occurred. Any person or agency having knowledge of the facts may make such a written report, affidavit, or complaint and shall furnish to the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child has committed a delinquent act or violation of law.

(b) Notification concerning apparent insufficiencies in probable cause affidavit.-- In any case where the juvenile probation officer or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the juvenile probation officer or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having

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

(c) Screening.--During the intake process, the juvenile probation officer shall screen each child or shall cause each child to be screened in order to determine:

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

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

(d) Completing risk assessment instrument.--The juvenile probation officer shall ensure that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

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

(f) Multidisciplinary assessment.--The juvenile probation officer shall coordinate the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, the juvenile probation officer shall inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

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

1. Perform the preliminary screening and make referrals for a comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

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

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

(h) Referrals for services.--The juvenile probation officer shall make recommendations for services and facilitate the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services.

(i) Recommendation concerning a petition.--Upon determining that the report, affidavit, or complaint complies with the standards of a probable cause affidavit and that the interest of the child and the public will be best served, the juvenile probation officer may recommend that a delinquency petition not be filed. If such a recommendation is made, the juvenile probation officer shall advise in writing the person or agency making the report, affidavit, or complaint, the victim, if any, and the law enforcement agency having investigative jurisdiction over the offense of the recommendation; the reasons therefore; and that the recipient may submit, within 10 days after the receipt of such notice, the report, affidavit, or complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the report, affidavit, or complaint, and by the juvenile probation officer who made the recommendation that no petition be filed, before making a final decision as to whether a petition or information should or should not be filed.

(j) Completing intake report.--Subject to the interagency agreement authorized under this paragraph, the juvenile probation officer for each case in which a child is alleged to have committed a violation of law or delinquent act and is not detained shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, including a copy of the child's prior juvenile record, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report must be submitted within 24 hours after the child is placed into detention. The intake office report may include a recommendation that a petition or information be filed or that no petition or information be filed and may set forth reasons for the recommendation. The state attorney and the department may, on a district-by-district basis, enter into interagency agreements denoting the cases that will require a recommendation and those for which a recommendation is unnecessary.

(2) Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the juvenile probation officer may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the juvenile probation officer shall request both parents or guardians to receive such parental assistance. The juvenile probation officer may, in determining whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request. The parent or guardian must provide the juvenile probation officer with identifying information, including the parent's or guardian's name, address, date of birth, social security number, and driver's license number or identification card number in order to comply with s. 985.039.

(3) When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394 or chapter 397 or other authorized nonprofit social service agency providing related

services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office.

(4) Client information resulting from the screening and evaluation shall be documented under rules of the department and shall serve to assist the juvenile probation officer in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision.

(5) If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the juvenile probation officer, with the approval of the state attorney, may refer the child for care, diagnostic, and evaluation services; substance abuse treatment services; mental health services; retardation services; a diversionary, arbitration, or mediation program; community service work; or other programs or treatment services voluntarily accepted by the child and the child's parents or legal guardian. Whenever a child volunteers to participate in any work program under this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, the child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

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

985.15 Filing decisions. —

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult under s. 985.556, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such a request. In all other cases, the state attorney may:

(a) File a petition for dependency;

(b) File a petition under chapter 984;

(c) File a petition for delinquency;

(d) File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;

(e) File an information under s. 985.557;

(f) Refer the case to a grand jury;

(g) Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such program commitment is voluntarily accepted by the child or the child's parents or legal guardian; or

(h) Decline to file.

(2) In cases in which a delinquency report, affidavit, or complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed thereon.

985.155 Neighborhood restorative justice.—

(1) DEFINITIONS.—For purposes of this section, the term:

(a) "Board" means a Restorative Justice Board established by the state attorney pursuant to subsection (3).

(b) "Center" means a Neighborhood Restorative Justice Center established by the state attorney pursuant to subsection (2).

(c) "First-time, nonviolent juvenile offender" means a minor who allegedly has committed a delinquent act or violation of law that would not be a crime of violence providing grounds for detention or incarceration and who does not have a previous record of being found to have committed a criminal or delinquent act or other violation of law.

(2) NEIGHBORHOOD RESTORATIVE JUSTICE CENTER.—

(a) The state attorney may establish at least one Neighborhood Restorative Justice Center in designated geographical areas in the county for the purposes of operating a deferred prosecution program for first-time, nonviolent juvenile offenders.

(b) The state attorney may refer any first-time, nonviolent juvenile offender accused of committing a delinquent act to a Neighborhood Restorative Justice Center.

(3) RESTORATIVE JUSTICE BOARD.—

(a) The state attorney may establish Restorative Justice Boards consisting of five volunteer members, of which: two are appointed by the state attorney; two are appointed by the public defender; and one is appointed by the chief judge of the circuit. The state attorney shall appoint a chair for each board.

(b) The board has jurisdiction to hear all matters involving first-time, nonviolent juvenile offenders who are alleged to have committed a delinquent act within the geographical area covered by the board.

(4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.—

(a) The participation by a juvenile in the deferred prosecution program through a Neighborhood Restorative Justice Center is voluntary. To participate in the deferred prosecution program, the juvenile who is referred to a Neighborhood Restorative Justice Center must take responsibility for the actions which led to the current accusation. The juvenile and the juvenile's parent or legal guardian must waive the juvenile's right to a speedy trial and the right to be represented by a public defender while in the Neighborhood Restorative Justice program. This waiver and acknowledgment of responsibility shall not be construed as an admission of guilt in future proceedings. The board or the board's representative must inform the juvenile and the parent or legal guardian of the juvenile's legal rights prior to the signing of the waiver.

(b) If the state attorney refers a juvenile matter to a Neighborhood Restorative Justice Center, the board shall convene a meeting within 15 days after receiving the referral.

(c) The board shall require the parent or legal guardian of the juvenile who is referred to a Neighborhood Restorative Justice Center to appear with the juvenile before the board at the time set by the board. In scheduling board meetings, the board shall be cognizant of a parent's or legal guardian's other obligations. The failure of a parent or legal guardian to appear at the scheduled board meeting with his or her child or ward may be considered by the juvenile court as an act of child neglect as defined by s. 39.01, and the board may refer the matter to the Department of Children and Family Services for investigation under the provisions of chapter 39.

(d) The board shall serve notice of a board meeting on the juvenile referred to the Neighborhood Restorative Justice Center, the juvenile's parent or guardian, and the victim or family of the victim of the alleged offense. These persons and their representatives have the right to appear and participate in any meeting conducted by the board relative to the alleged offense in which they were the alleged juvenile offender or parent or guardian of the alleged juvenile offender, or victim or family of the victim of the alleged juvenile offender. The victim or a person representing the victim may vote with the board.

(5) SANCTIONS.—After holding a meeting pursuant to paragraph (4)(d), the board may impose any of the following sanctions alone or in any combination:

(a) Require the juvenile to make restitution to the victim.

(b) Require the juvenile to perform work for the victim.

(c) Require the juvenile to make restitution to the community.

(d) Require the juvenile to perform work for the community.

(e) Recommend that the juvenile participate in counseling, education, or treatment services that are coordinated by the state attorney.

(f) Require the juvenile to surrender the juvenile's driver's license and forward a copy of the board's resolution to the Department of Highway Safety and Motor Vehicles. The department, upon receipt of the license, shall suspend the driving privileges of the juvenile, or the juvenile may be restricted to travel between the juvenile's home, school, and place of employment during specified periods of time according to the juvenile's school and employment schedule.

(g) Refer the matter to the state attorney for the filing of a petition with the juvenile court.

(h) Impose any other sanction except detention that the board determines is necessary to fully and fairly resolve the matter.

(6) WRITTEN CONTRACT.—

(a) The board, on behalf of the community, and the juvenile, the juvenile's parent or guardian, and the victim or representative of the victim, shall sign a written contract in which the parties agree to the board's resolution of the matter and in which the juvenile's parent or guardian agrees to ensure that the juvenile complies with the contract. The contract may provide that the parent or guardian shall post a bond payable to this state to secure the performance of any sanction imposed upon the juvenile pursuant to subsection (5).

(b) A breach of the contract by any party may be sanctioned by the juvenile court as it deems appropriate upon motion by any party.

(c) If the juvenile disagrees with the resolution of the board, the juvenile may file a notice with the board within 3 working days after the board makes its resolution that the juvenile has rejected the board's resolution. After receiving notice of the juvenile's rejection, the state attorney shall file a petition in juvenile court.

(7) COMPLETION OF SANCTIONS.—

(a) If the juvenile accepts the resolution of the board and successfully completes the sanctions imposed by the board, the state attorney shall not file a petition in juvenile court and the board's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of delinquency. The resolution of the board is not a conviction of a crime, does not impose any civil disabilities ordinarily resulting from a conviction, and does not disqualify the juvenile in any civil service application or appointment.

(b) If the juvenile accepts the resolution reached by the board but fails to successfully complete the sanctions imposed by it, the state attorney may file the matter with the juvenile court.

(c) Upon successful completion of the sanctions imposed by the board, the juvenile shall submit to the board proof of completion. The board shall determine the form and manner in which a juvenile presents proof of completion.

(8) CONSTRUCTION.—This section shall not be construed to diminish, impair, or otherwise affect any rights conferred on victims of crimes under chapter 960, relating to victim assistance, or any other provisions of law.

985.16 Community arbitration.—

(1) PURPOSE.—The purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.

(2) PROGRAMS.—

(a) Each county may establish community arbitration programs designed to complement the department's intake process provided in this chapter. Community arbitration programs shall provide one or more community arbitrators or community arbitration panels to hear informally cases which involve alleged commissions of certain delinquent acts by children.

(b) Cases which may be referred to a community arbitrator or community arbitration panel are limited to those which involve violations of local ordinances, those which involve misdemeanors, and those which involve third degree felonies, exclusive of third degree felonies involving personal violence, grand theft auto, or the use of a weapon.

(c) A child who has been the subject of at least one prior adjudication or adjudication withheld for any first or second degree felony offense, any third degree felony offense involving personal violence, grand theft auto, or the use of a weapon, or any other offense not eligible for arbitration, shall not be eligible for resolution of any current offense through community arbitration.

(d) Cases resolved through community arbitration shall be limited pursuant to this subsection.

1. For each child referred to community arbitration, the primary offense shall be assigned a point value.

a. Misdemeanor offenses shall be assigned two points for a misdemeanor of the second degree, four points for a nonviolent misdemeanor of the first degree, and six points for a misdemeanor of the first degree involving violence.

b. Eligible third degree felony offenses shall be assigned eight points.

2. There is not a restriction on the limit of separate incidents for which a law enforcement officer may refer a child to community arbitration, but a child who has accrued a point value of 12 or more points through community arbitration prior to the current offense shall no longer be eligible for community arbitration.

3. The point values provided in this paragraph shall also be assigned to a child's prior adjudications or adjudications withheld on eligible offenses for cases not referred to community arbitration.

(3) COMMUNITY ARBITRATORS.—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this chapter. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1. Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2. A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him or her.

(4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any juvenile probation officer or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate juvenile probation officer and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and the parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process; the

conditions, procedures, and timeframes under which it will be conducted; and the fact that it is not obligatory. The juvenile probation officer shall contact the child and the parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or the parent or legal custodian or guardian shall inform the juvenile probation officer of the decision to approve or reject the handling of the complaint through community arbitration.

(b) The juvenile probation officer shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the juvenile probation officer shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c) If the child or the parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the juvenile probation officer shall consult with the state attorney for the filing of formal juvenile proceedings.

(d) If the child or the parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the juvenile probation officer shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

(5) HEARINGS.—

(a) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, the officer shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c) The testimony of the complaining witness and any alleged victim may be received when available.

(d) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he or she was cited is privileged and may not be used as evidence against the child either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e) If a child fails to appear on the original hearing date, the matter shall be referred back to the juvenile probation officer who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(6) DISPOSITION OF CASES.—

(a) Subsequent to any hearing held as provided in subsection (5), the community arbitrator or community arbitration panel may:

1. Recommend that the state attorney decline to prosecute the child.

2. Issue a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.

3. Refer the child for placement in a community-based nonresidential program.

4. Refer the child or the family to community counseling.

5. Refer the child to a safety and education program related to delinquent children.

6. Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.

7. Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.

8. Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

9. Continue the case for further investigation.

10. Require the child to undergo urinalysis monitoring.

11. Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the juvenile probation officer.

(b) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d) If a child consents to an informal resolution and, in the presence of the parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the juvenile probation officer, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(7) REVIEW.—Any child or his or her parent or legal custodian or guardian who is dissatisfied with the disposition provided by the community arbitrator or the community arbitration panel may request a review of the disposition to the appropriate juvenile probation officer within 15 days after the community arbitration hearing. Upon receipt of the request for review, the juvenile probation officer shall consult with the state attorney who shall consider the request for review and may file formal juvenile proceedings or take such other action as may be warranted.

(8) FUNDING.—Funding for the provisions of community arbitration may be provided through appropriations from the state or from local governments, through federal or other public or private grants, through any appropriations as authorized by the county participating in the community arbitration program, and through donations.

PART IV
EXAMINATIONS AND EVALUATIONS

985.18 Medical, psychiatric, psychological, substance abuse, and educational examination and treatment.
985.185 Evaluations for disposition.
985.19 Incompetency in juvenile delinquency cases.
985.195 Transfer to other treatment services

985.18 Medical, psychiatric, psychological, substance abuse, and educational examination and treatment.—

(1) After a detention petition or a petition for delinquency has been filed, the court may order the child named in the petition to be examined by a physician. The court may also order the child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disabilities diagnostic and evaluation team of the Department of Children and Family Services. If it is necessary to place a child in a residential facility for such evaluation, the criteria and procedures established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used.

(2) Whenever a child has been found to have committed a delinquent act, or before such finding with the consent of any parent or legal custodian of the child, the court may order the child to be treated by a physician. The court may also order the child to receive mental health, substance abuse, or retardation services from a psychiatrist, psychologist, or other appropriate service provider. If it is necessary to place the child in a residential facility for such services, the procedures and criteria established in chapter 393, chapter 394, or chapter 397, whichever is applicable, shall be used. After a child has been adjudicated delinquent, if an educational needs assessment by the district school board or the Department of Children and Family Services has been previously conducted, the court shall order the report of such needs assessment included in the child's court record in lieu of a new assessment. For purposes of this section, an educational needs assessment includes, but is not limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education.

(3) When any child is detained pending a hearing, the person in charge of the detention center or facility or his or her designated representative may authorize a triage examination as a preliminary screening device to determine if the child is in need of medical care or isolation or provide or cause to be provided such medical or surgical services as may be deemed necessary by a physician.

(4) Whenever a child found to have committed a delinquent act is placed by order of the court within the care and custody or under the supervision of the Department of Juvenile Justice and it appears to the court that there is no parent, guardian, or person

standing in loco parentis who is capable of authorizing or willing to authorize medical, surgical, dental, or other remedial care or treatment for the child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that a representative of the Department of Juvenile Justice may authorize such medical, surgical, dental, or other remedial care for the child by licensed practitioners as may from time to time appear necessary.

(5) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

(6) A physician shall be immediately notified by the person taking the child into custody or the person having custody if there are indications of physical injury or illness, or the child shall be taken to the nearest available hospital for emergency care. A child may be provided mental health, substance abuse, or retardation services, in emergency situations, pursuant to chapter 393, chapter 394, or chapter 397, whichever is applicable. After a hearing, the court may order the custodial parent or parents, guardian, or other custodian, if found able to do so, to reimburse the county or state for the expense involved in such emergency treatment or care.

(7) Nothing in this section shall be deemed to eliminate the right of the parents or the child to consent to examination or treatment for the child, except that consent of a parent shall not be required if the physician determines there is an injury or illness requiring immediate treatment and the child consents to such treatment or an ex parte court order is obtained authorizing treatment.

(8) Nothing in this section shall be construed to authorize the permanent sterilization of any child unless such sterilization is the result of or incidental to medically necessary treatment to protect or preserve the life of the child.

(9) Except as provided in this section, nothing in this section shall be deemed to preclude a court from ordering services or treatment to be provided to a child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when requested by the child.

985.185 Evaluations for disposition.—

(1) A comprehensive evaluation for physical health, mental health, substance abuse, academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department.

(2) Prior to making a final disposition of the case. The court may order additional evaluations and studies to be performed by the department, by the county school system, or by any social, psychological, or psychiatric agencies of the state. The court shall order the educational needs assessment completed under s. 985.18(2) to be included in the assessment and predisposition report.

985.19 Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case, the court has reason to believe that the child named in the petition may be incompetent to proceed with the

hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(a) Any motion questioning the child's competency to proceed must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services. Thereafter, any motion, notice of hearing, order, or other legal pleading relating to the child's competency to proceed with the hearing must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services.

(b) All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child's mental condition made by not less than two nor more than three experts appointed by the court. The basis for the determination of incompetency must be specifically stated in the evaluation. In addition, a recommendation as to whether residential or nonresidential treatment or training is required must be included in the evaluation. Experts appointed by the court to determine the mental condition of a child shall be allowed reasonable fees for services rendered. State employees may be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.

(c) All court orders determining incompetency must include specific written findings by the court as to the nature of the incompetency and whether the child requires secure or nonsecure treatment or training environments.

(d) For incompetency evaluations related to mental illness, the Department of Children and Family Services shall annually provide the courts with a list of mental health professionals who have completed a training program approved by the Department of Children and Family Services to perform the evaluations.

(e) For incompetency evaluations related to mental retardation, the court shall order the Developmental Disabilities Program Office within the Department of Children and Family Services to examine the child to determine if the child meets the definition of "retardation" in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.

(f) A child is competent to proceed if the child has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and the child has a rational and factual understanding of the present proceedings. The report must address the child's capacity to:

1. Appreciate the charges or allegations against the child.
2. Appreciate the range and nature of possible penalties that may be imposed in the proceedings against the child, if applicable.
3. Understand the adversarial nature of the legal process.
4. Disclose to counsel facts pertinent to the proceedings at issue.
5. Display appropriate courtroom behavior.
6. Testify relevantly.

(g) Immediately upon the filing of the court order finding a child incompetent to proceed, the clerk of the court shall notify the Department of Children and Family Services and fax or hand deliver to the Department of Children and Family Services a

referral packet which includes, at a minimum, the court order, the charging documents, the petition, and the court-appointed evaluator's reports.

(h) After placement of the child in the appropriate setting, the Department of Children and Family Services must, within 30 days after the Department of Children and Family Services places the child, prepare and submit to the court a treatment plan for the child's restoration of competency. A copy of the treatment plan must be served upon the child's attorney, the state attorney, and the attorneys representing the Department of Juvenile Justice.

(2) A child who is mentally ill or retarded, who is adjudicated incompetent to proceed, and who has committed a delinquent act or violation of law, either of which would be a felony if committed by an adult, must be committed to the Department of Children and Family Services for treatment or training. A child who has been adjudicated incompetent to proceed because of age or immaturity, or for any reason other than for mental illness or retardation, must not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services. For purposes of this section, a child who has committed a delinquent act or violation of law, either of which would be a misdemeanor if committed by an adult, may not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services.

(3) If the court finds that a child is mentally ill or retarded and adjudicates the child incompetent to proceed, the court must also determine whether the child meets the criteria for secure placement. A child may be placed in a secure facility or program if the court makes a finding by clear and convincing evidence that:

(a) The child is mentally ill and because of the mental illness; or the child is mentally retarded and because of the mental retardation:

1. The child is manifestly incapable of surviving with the help of willing and responsible family or friends, including available alternative services, and without treatment or training the child is likely to either suffer from neglect or refuse to care for self, and such neglect or refusal poses a real and present threat of substantial harm to the child's well-being; or

2. There is a substantial likelihood that in the near future the child will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive alternatives, including treatment or training in community residential facilities or community settings which would offer an opportunity for improvement of the child's condition, are inappropriate.

(4) A child who is determined to be mentally ill or retarded, who has been adjudicated incompetent to proceed, and who meets the criteria set forth in subsection (3), must be committed to the Department of Children and Family Services, and the Department of Children and Family Services must treat or train the child in a secure facility or program which is the least restrictive alternative consistent with public safety. Any placement of a child to a secure residential program must be separate from adult forensic programs. If the child attains competency, then custody, case management, and supervision of the child will be transferred to the department in order to continue delinquency proceedings; however, the court retains authority to order the Department of Children and Family Services to provide continued treatment to maintain competency.

(a) A child adjudicated incompetent due to mental retardation may be ordered into a secure program or facility designated by the Department of Children and Family Services for retarded children.

(b) A child adjudicated incompetent due to mental illness may be ordered into a secure program or facility designated by the Department of Children and Family Services for mentally ill children.

(c) Whenever a child is placed in a secure residential facility, the department will provide transportation to the secure residential facility for admission and from the secure residential facility upon discharge.

(d) The purpose of the treatment or training is the restoration of the child's competency to proceed.

(e) The service provider must file a written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure not later than 6 months after the date of commitment, or at the end of any period of extended treatment or training, and at any time the Department of Children and Family Services, through its service provider determines the child has attained competency or no longer meets the criteria for secure placement, or at such shorter intervals as ordered by the court. A copy of a written report evaluating the child's competency must be filed by the provider with the court and with the state attorney, the child's attorney, the department, and the Department of Children and Family Services.

(5)(a) If a child is determined to be incompetent to proceed, the court shall retain jurisdiction of the child for up to 2 years after the date of the order of incompetency, with reviews at least every 6 months to determine competency.

(b) Whenever the provider files a report with the court informing the court that the child will never become competent to proceed, the Department of Children and Family Services will develop a discharge plan for the child prior to any hearing determining whether the child will ever become competent to proceed. The Department of Children and Family Services must send the proposed discharge plan to the court, the state attorney, the child's attorney, and the attorneys representing the Department of Juvenile Justice. The provider will continue to provide services to the child until the court issues the order finding the child will never become competent to proceed.

(c) If the court determines at any time that the child will never become competent to proceed, the court may dismiss the delinquency petition. If, at the end of the 2-year period following the date of the order of incompetency, the child has not attained competency and there is no evidence that the child will attain competency within a year, the court must dismiss the delinquency petition. If appropriate, the court may order that proceedings under chapter 393 or chapter 394 be instituted. Such proceedings must be instituted not less than 60 days prior to the dismissal of the delinquency petition.

(6)(a) If a child is determined to be mentally ill or retarded and is found to be incompetent to proceed but does not meet the criteria set forth in subsection (3), the court shall commit the child to the Department of Children and Family Services and shall order the Department of Children and Family Services to provide appropriate treatment and training in the community. The purpose of the treatment or training is the restoration of the child's competency to proceed.

(b) All court-ordered treatment or training must be the least restrictive alternative that is consistent with public safety. Any placement by the Department of Children and Family Services to a residential program must be separate from adult forensic programs.

(c) If a child is ordered to receive competency restoration services, the services shall be provided by the Department of Children and Family Services. The department shall continue to provide case management services to the child and receive notice of the competency status of the child.

(d) The service provider must file a written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure, not later than 6 months after the date of commitment, at the end of any period of extended treatment or training, and at any time the service provider determines the child has attained competency or will never attain competency, or at such shorter intervals as ordered by the court. A copy of a written report evaluating the child's competency must be filed by the provider with the court, the state attorney, the child's attorney, the Department of Children and Family Services, and the department.

(7) The provisions of this section shall be implemented only subject to specific appropriation.

985.195 Transfer to other treatment services.—Any child committed to the department may be transferred to retardation, mental health, or substance abuse treatment facilities for diagnosis and evaluation pursuant to chapter 393, chapter 394, or chapter 397, whichever is applicable, for a period not to exceed 90 days.

PART V
DETENTION

985.24 Use of detention; prohibitions.
985.245 Risk assessment instrument.
985.25 Detention intake.
985.255 Detention criteria; detention hearing.
985.26 Length of detention.
985.265 Detention transfer and release; education; adult jails.
985.27 Postcommitment detention while awaiting placement.
985.275 Detention of escapee or absconder on authority of the department.

985.24 Use of detention; prohibitions.—

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

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

(b) Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;

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

(d) Has committed contempt of court by:

1. Intentionally disrupting the administration of the court;

2. Intentionally disobeying a court order; or

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

(e) Requests protection from imminent bodily harm.

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

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

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

(c) To facilitate further interrogation or investigation.

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

(3) A child alleged to be dependent under [1]chapter 39 may not, under any circumstances, be placed into secure detention care.

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

985.245 Risk assessment instrument.—

(1) All determinations and court orders regarding placement of a child into detention care shall comply with all requirements and criteria provided in this part and shall be based on a risk assessment of the child, unless the child is placed into detention care as provided in s. 985.255(2).

(2)(a) The risk assessment instrument for detention care placement determinations and orders shall be developed by the department in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, the Public Defenders Association, the Florida Sheriffs Association, and the Florida Association of Chiefs of Police. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties.

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

(3) If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

(4) For a child who is under the supervision of the department through probation, home detention, nonsecure detention, conditional release, postcommitment probation, or commitment and who is charged with committing a new offense, the risk assessment

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

985.25 Detention intake.—

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

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

(b) The juvenile probation officer shall base the decision whether or not to place the child into secure detention care, home detention care, or nonsecure detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department under s. 985.245. However, a child charged with possessing or discharging a firearm on school property in violation of s. 790.115 shall be placed in secure detention care.

(c) If the juvenile probation officer determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the juvenile probation officer shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the juvenile probation officer in accordance with ss. 985.115 and 985.13.

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

(2) The arresting law enforcement agency shall complete and present its investigation of an offense to the appropriate state attorney's office within 8 days after placement of the child in secure detention. The investigation shall include, but is not limited to, police reports and supplemental police reports, witness statements, and evidence collection documents. The failure of a law enforcement agency to complete and present its investigation within 8 days shall not entitle a juvenile to be released from secure detention or to a dismissal of any charges.

985.255 Detention criteria; detention hearing.—

(1) Subject to s.985.25(1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

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

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

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

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

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

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

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

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

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

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

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

(2) A child who is charged with committing an offense of domestic violence as defined in s. 741.28 and who does not meet detention criteria may be held in secure detention if the court makes specific written findings that:

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

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

The child may not be held in secure detention under this subsection for more than 48 hours unless ordered by the court. After 48 hours, the court shall hold a hearing if the state attorney or victim requests that secure detention be continued. The child may continue to be held in detention care if the court makes a specific, written finding that detention care is necessary to protect the victim from injury. However, the child may not be held in detention care beyond the time limits set forth in this section or s. 985.26.

(3)(a) A child who meets any of the criteria in subsection (1) and who is ordered to be detained under that subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law that he or she is charged with and the need for continued detention, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program. Unless a child is detained under paragraph (1)(d) or paragraph (1)(e), the court shall use the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in subsection (1), shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court.

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

(c) Except as provided in s. 790.22(8) or in s. 985.27, when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in s. 985.26 or s. 985.27, whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted under s. 985.26(4).

985.26 Length of detention.—

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

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

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

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

(4) The time limits in subsections (2) and (3) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his or her counsel or of the state. Upon the issuance of an order granting a continuance for cause on a motion by either the child, the child's counsel, or the state, the court shall conduct a hearing at the end of each 72-hour period, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention of the child and the need for further continuance of proceedings for the child or the state.

(5) A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order for a period not to exceed 72 hours, excluding weekends and legal holidays, for the purpose of conducting a comprehensive evaluation as provided in s. 985.185. Motions for the issuance of such special detention order may be made subsequent to a finding of delinquency. Upon said motion, the court shall conduct a hearing to determine the appropriateness of such special detention order and shall order the least restrictive level of detention necessary to complete the comprehensive evaluation process that is consistent with public safety. Such special detention order may be extended for an additional 72 hours upon further order of the court.

(6) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with the Florida Rules of Juvenile Procedure within 48 hours after the filing of the petition for delinquency.

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

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

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

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

(b) When a juvenile sexual offender, under this subsection, is released from detention or transferred to home detention or nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel.

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

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

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

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

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

The child shall be housed separately from adult inmates to prohibit a child from having regular contact with incarcerated adults, including trustees. "Regular contact" means sight and sound contact. Separation of children from adults shall permit no more than haphazard or accidental contact. The receiving jail or other facility shall contain a separate section for children and shall have an adequate staff to supervise and monitor the child's activities at all times. Supervision and monitoring of children includes physical observation and documented checks by jail or receiving facility supervisory personnel at intervals not to exceed 15 minutes. This paragraph does not prohibit placing two or more children in the same cell. Under no circumstances shall a child be placed in the same cell with an adult.

985.27 Postcommitment detention while awaiting placement.—

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

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

(b) A child who is awaiting placement in a moderate-risk residential program must be removed from detention within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria under this part. The department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after entry of the commitment order, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this section. A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a moderate-risk program, may be held in secure detention care for 5 days, if the child violates the

conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care until placement or commitment is accomplished.

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

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

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

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a residential commitment facility or from being lawfully transported thereto or therefrom, or has absconded from a nonresidential commitment facility, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.255. The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped from a residential commitment facility or from being lawfully transported thereto or therefrom, or has absconded from a nonresidential commitment facility, into custody and deliver the child to the appropriate juvenile probation officer.

PART VI
PETITION, ARRAIGNMENT, AND ADJUDICATION

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985.318 Petition.—

(1) All proceedings seeking a finding that a child has committed a delinquent act or violation of law shall be initiated by the state by the filing of a petition for delinquency by the state attorney.

(2) The petition shall be in writing and shall be signed by the state attorney under oath.

(3) The state attorney shall represent the state in all proceedings in which a petition alleges delinquency.

(4) When a petition has been filed and the child or his or her counsel has advised the state attorney that the truth of the allegations is admitted and that no contest is to be made of the allegations in the petition, the state attorney may request that the case be set for an adjudicatory hearing. If the child changes the plea at the adjudicatory hearing, the court shall continue the hearing to permit the state attorney to prepare and present the case for the state.

(5) The form of the petition and its contents shall be determined by rules of procedure adopted by the Supreme Court.

985.319 Process and service.—

(1) Personal appearance of any person in a hearing before the court obviates the necessity of serving process on that person.

(2) Upon the filing of a petition containing allegations of facts which, if true, would establish that the child committed a delinquent act or violation of law, and upon the request of the petitioner, the clerk or deputy clerk shall issue a summons.

(3) The summons shall have a copy of the petition attached and shall require the person on whom it is served to appear for a hearing at a time and place specified. Except in cases of medical emergency, the time may not be less than 24 hours after service of the summons. If the child is not detained by an order of the court, the summons shall require the custodian of the child to produce the child at the said time and place.

(4) Law enforcement agencies shall act upon subpoenas received and serve process within 7 days after arraignment or as soon thereafter as is possible, except that no service shall be made on Sundays.

(5) The summons shall be directed to, and shall be served upon, the following persons:

(a) The child, in the same manner as an adult;

(b) The parents of the child; and

(c) Any legal custodians, actual custodians, guardians, and guardians ad litem of the child.

(6) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable to do so, pursuant to the criteria of s. 985.255, the judge may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the child to be taken into custody immediately, and in such case the person serving the summons shall immediately take the child into custody.

(7) If the identity or residence of the parents, custodians, or guardians of the child is unknown after a diligent search and inquiry, if the parents, custodians, or guardians are residents of a state other than Florida, or if the parents, custodians, or guardians evade

service, the person who made the search and inquiry shall file in the case a certificate of those facts, and the court shall appoint a guardian ad litem for the child, if appropriate. If the parent, custodian, or guardian of the child fails to obey a summons, the court may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the parent, custodian, or guardian to be taken into custody immediately to show cause why the parent, guardian, or custodian should not be held in contempt for failing to obey the summons. The court may appoint a guardian ad litem for the child, if appropriate.

(8) Upon the application of the child or the state attorney, the clerk or deputy clerk shall issue, and the court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing.

(9) All process and orders issued by the court shall be served or executed as other process and orders of the circuit court and, in addition, may be served or executed by authorized agents of the Department of Juvenile Justice at the department's discretion.

(10) Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding.

(11) No fee shall be paid for service of any process or other papers by an agent of the department. If any process, orders, or other papers are served or executed by any sheriff, the sheriff's fees shall be paid by the county.

985.325 Threatening or dismissing an employee prohibited.—

(1) An employer, or the employer's agent, may not dismiss from employment an employee who is summoned to appear before the court under s. 985.319 solely because of the nature of the summons or because the employee complies with the summons.

(2) If an employer, or the employer's agent, threatens an employee with dismissal, or dismisses an employee, who is summoned to appear under s. 985.319, the court may hold the employer in contempt.

985.331 Court and witness fees.—In any proceeding under this chapter, court fees shall not be charged against, nor witness fees allowed to, any party to a delinquency petition or any parent or legal guardian or custodian or child named in a summons. Other witnesses shall be paid the witness fees fixed by law.

985.335 No answer to petition required.—No answer to the petition alleging that a child has committed a delinquent act or violation of law need be filed by any child or his or her parent, legal custodian, or guardian. Any matters which might be set forth in an answer or other pleading may be pleaded orally before the court. An answer admitting the allegations of the petition may be filed by the child joined by a parent or the child's counsel. The answer must acknowledge that the child has been advised of the right to counsel, of the right to remain silent, and of the possible dispositions available to the court. It shall provide for a waiver of the adjudicatory hearing, a statement of consent to an order of adjudication, and an authorization for the court to proceed with a disposition hearing. Upon the filing of such an order, a disposition hearing shall be set at the earliest practicable time that will allow for the completion of the assessment and classification process resulting in the predisposition report.

985.345 Delinquency pretrial intervention program.—

(1)(a) Notwithstanding any provision of law to the contrary, a child who is charged under chapter 893 with a felony of the second or third degree for purchase or possession of a controlled substance, and who has not previously been adjudicated for a felony nor been admitted to a delinquency pretrial intervention program under this section, is eligible for admission into a delinquency pretrial substance abuse education and treatment intervention program approved by the chief judge or alternative sanctions coordinator of the circuit to the extent that funded programs are available, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion. If the state attorney believes that the facts and circumstances of the case suggest the child's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes by a preponderance of the evidence at such hearing that the child was involved in the dealing and selling of controlled substances, the court shall deny the child's admission into a delinquency pretrial intervention program.

(b) At the end of the delinquency pretrial intervention period, the court shall consider the recommendation of the state attorney and the program administrator as to disposition of the pending charges. The court shall determine, by written finding, whether the child has successfully completed the delinquency pretrial intervention program.

(c)1. If the court finds that the child has not successfully completed the delinquency pretrial intervention program, the court may order the child to continue in an education, treatment, or urine monitoring program if resources and funding are available or order that the charges revert to normal channels for prosecution.

2. The court may dismiss the charges upon a finding that the child has successfully completed the delinquency pretrial intervention program.

(d) Any entity, whether public or private, providing pretrial substance abuse education, treatment intervention, and a urine monitoring program under this section must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(3). It is the intent of the Legislature that public or private entities providing substance abuse education and treatment intervention programs involve the active participation of parents, schools, churches, businesses, law enforcement agencies, and the department or its contract providers.

(2) The chief judge in each circuit may appoint an advisory committee for the delinquency pretrial intervention program composed of the chief judge or designee, who shall serve as chair; the state attorney, the public defender, and the program administrator, or their designees; and such other persons as the chair deems appropriate. The committee may also include persons representing any other agencies to which children released to the delinquency pretrial intervention program may be referred.

985.35 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(1) The adjudicatory hearing must be held as soon as practicable after the petition alleging that a child has committed a delinquent act or violation of law is filed and in accordance with the Florida Rules of Juvenile Procedure; but reasonable delay for the

purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is being detained, the time limitations in s. 985.26(2) and (3) apply.

(2) Adjudicatory hearings shall be conducted without a jury by the court, applying in delinquency cases the rules of evidence in use in criminal cases; adjourning the hearings from time to time as necessary; and conducting a fundamentally fair hearing in language understandable, to the fullest extent practicable, to the child before the court.

(a) In a hearing on a petition alleging that a child has committed a delinquent act or violation of law, the evidence must establish the findings beyond a reasonable doubt.

(b) The child is entitled to the opportunity to introduce evidence and otherwise be heard in the child's own behalf and to cross-examine witnesses.

(c) A child charged with a delinquent act or violation of law must be afforded all rights against self-incrimination. Evidence illegally seized or obtained may not be received to establish the allegations against the child.

(3) If the court finds that the child named in a petition has not committed a delinquent act or violation of law, it shall enter an order so finding and dismissing the case.

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency.

(a) Upon withholding adjudication of delinquency, the court may place the child in a probation program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, urine monitoring, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance.

(b) If the child is attending public school and the court finds that the victim or a sibling of the victim in the case was assigned to attend or is eligible to attend the same school as the child, the court order shall include a finding pursuant to the proceedings described in s. 985.455, regardless of whether adjudication is withheld.

(c) If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(5) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(6) Except as the term "conviction" is used in chapter 322, and except for use in a subsequent proceeding under this chapter, an adjudication of delinquency by a court with respect to any child who has committed a delinquent act or violation of law shall not be deemed a conviction; nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; nor shall that adjudication operate to impose

upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or appointment, with the exception of the use of records of proceedings under this chapter as provided in s. 985.045(4).

(7) Notwithstanding any other provision of law, an adjudication of delinquency for an offense classified as a felony shall disqualify a person from lawfully possessing a firearm until such person reaches 24 years of age.

PART VII
DISPOSITION; POSTDISPOSITION

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985.43 Predisposition reports; other evaluations. —

(1) Upon a finding that the child has committed a delinquent act:

(a) The court may order the department to prepare a predisposition report regarding the child's eligibility for disposition other than by adjudication and commitment to the department or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential commitment level. The predisposition report shall be the result of the multidisciplinary assessment, when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. A predisposition report shall be

ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department.

(b) A comprehensive evaluation for physical health; mental health; substance abuse; or academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation.

(c) A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order, as provided in s. 985.26(5), for the purpose of conducting a comprehensive evaluation.

(2) The court shall consider the child's entire assessment and predisposition report and shall review the records of earlier judicial proceedings prior to making a final disposition of the case. The court may, by order, require additional evaluations and studies to be performed by the department, the county school system, or any social, psychological, or psychiatric agency of the state. The court shall order the educational needs assessment completed under s. 985.18(2) to be included in the assessment and predisposition report.

(3) The predisposition report, together with all other reports and evaluations used by the department in preparing the predisposition report, shall be made available to the child, the child's parents or legal guardian, the child's legal counsel, and the state attorney upon completion of the report and at a reasonable time prior to the disposition hearing. The predisposition report shall be submitted to the court upon completion of the report but no later than 48 hours prior to the disposition hearing. The predisposition report shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.

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

(1) The court shall notify any victim of the offense, if such person is known and within the jurisdiction of the court, of the hearing.

(2) The court shall notify and summon or subpoena, if necessary, the parents, legal custodians, or guardians of the child to attend the disposition hearing if they reside in the state.

(3) The court may receive and consider any other relevant and material evidence, including other written or oral reports or statements, in its effort to determine the appropriate disposition to be made with regard to the child. The court may rely upon such evidence to the extent of its probative value, even though such evidence may not be technically competent in an adjudicatory hearing.

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

(a) State clearly, using common terminology, the purpose of the hearing and the right of persons present as parties to comment at the appropriate time on the issues before the court.

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

(c) Discuss with the child his or her feelings about the offense committed, the harm caused to the victim or others, and what penalty he or she should be required to pay for such transgression.

(d) Give all parties, as well as the victim, or a representative of the victim, representatives of the school system, and the law enforcement officers involved in the case who are present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include the parents, legal custodians, or guardians of the child; the child's counsel; the state attorney; and representatives of the department.

(5) At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.

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

(a) The seriousness of the offense to the community. If the court determines under chapter 874 that the child was a member of a criminal street gang at the time of the commission of the offense, the seriousness of the offense to the community shall be given great weight.

(b) Whether the protection of the community requires adjudication and commitment to the department.

(c) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

(d) Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

(e) The sophistication and maturity of the child.

(f) The record and previous criminal history of the child, including without limitations:

1. Previous contacts with the department, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, the Department of Corrections, other law enforcement agencies, and courts.
2. Prior periods of probation.
3. Prior adjudications of delinquency.
4. Prior commitments to institutions.

(g) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

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

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

2. Successful completion of a literacy course or courses.
3. Successful completion of a vocational course or courses.
4. Successful attendance and completion of the child's current grade if enrolled in school.
5. Enrollment in an apprenticeship or a similar program.

At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.

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

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

(a) The juvenile probation officer shall recommend to the court the most appropriate placement and treatment plan, specifically identifying the restrictiveness level most appropriate for the child. If the court has determined that the child was a member of a criminal street gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child. The court shall consider the department's recommendation in making its commitment decision.

(b) The court shall commit the child to the department at the restrictiveness level identified or may order placement at a different restrictiveness level. The court shall state for the record the reasons that establish by a preponderance of the evidence why the court is disregarding the assessment of the child and the restrictiveness level recommended by the department. Any party may appeal the court's findings resulting in a modified level of restrictiveness under this paragraph.

(c) The court may also require that the child be placed in a probation program following the child's discharge from commitment. Community-based sanctions under subsection (8) may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

(8) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a probation program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, a day-treatment probation program, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(9) After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of probation that will contain rules, requirements, conditions, and rehabilitative programs, including the option of a day-treatment probation program, that are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

(10) Any disposition order shall be in writing as prepared by the clerk of court and may thereafter be modified or set aside by the court.

985.435 Probation and postcommitment probation; community service.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, place the child in a probation program or a postcommitment probation program. Such placement must be under the supervision of an authorized agent of the department or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct.

(2) A probation program for an adjudicated delinquent child must include a penalty component such as:

(a) Restitution in money or in kind;

(b) Community service

(c) A curfew;

(d) Revocation or suspension of the driver's license of the child; or

(e) Other nonresidential punishment appropriate to the offense.

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

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

(5) If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months.

(6) The court may conduct judicial review hearings for a child placed on probation for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation.

985.437 Restitution.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, order the child to make restitution in the manner provided in this section. This order shall be part of the probation program to be implemented by the department or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment.

(2) The court may order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make.

(3) The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian.

(4) A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this section.

(5) The court may retain jurisdiction over a child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise, as provided in s. 985.0301.

985.439 Violation of probation or postcommitment probation.—

(1)(a) This section is applicable when the court has jurisdiction over an adjudicated delinquent child.

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

(2) A child taken into custody under s. 985.101 for violating the conditions of probation or postcommitment probation shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody under s. 985.101 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under part V in a facility other than a consequence unit. If the child is not eligible for detention for

the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in part V.

(3) If the child denies violating the conditions of probation or postcommitment probation, the court shall, upon the child's request, appoint counsel to represent the child.

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

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

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

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

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

(5) Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

985.441 Commitment.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(a) Commit the child to a licensed child-caring agency willing to receive the child; however, the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

(b) Commit the child to the department at a residential commitment level defined in s. 985.03. Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and release of the child into the community in a postcommitment nonresidential conditional release program. If the child is not successful in the conditional release program, the department may use the transfer procedure under subsection (3).

(c) Commit the child to the department for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.47.

1. Following a delinquency adjudicatory hearing under s. 985.35 and a delinquency disposition hearing under s. 985.433 that results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best

served by a program for serious or habitual juvenile offenders as provided in s. 985.47. The determination shall be made under ss. 985.47(1) and 985.433(7).

2. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(d) Commit the child to the department for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.48, subject to specific appropriation for such a program or facility.

1. The child may only be committed for such placement pursuant to determination that the child is a juvenile sexual offender under the criteria specified in s. 985.475.

2. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(3) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the department and any attorney of record for the child, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

985.442 Form of commitment; certified copy of charge attached.—

(1) When any child is committed to the department, the commitment form to be used by the judge of the committing court shall be as prescribed by the department.

(2) The clerk of each court committing a child to the department shall prepare and attach to each commitment form a certified copy of the petition upon which the child is being committed to the department.

985.445 Cases involving grand theft of a motor vehicle.—

If the offense committed by the child was grand theft of a motor vehicle, the court:

(1) Upon a first adjudication for a grand theft of a motor vehicle, may place the youth in a boot camp, unless the child is ineligible under s. 985.489, and shall order the youth to complete a minimum of 50 hours of community service.

(2) Upon a second adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudication, may place the youth in a boot camp, unless the child is ineligible under s. 985.489, and shall order the youth to complete a minimum of 100 hours of community service.

(3) Upon a third adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudications, shall place the youth in a boot camp or other

treatment program, unless the child is ineligible under s. 985.489, and shall order the youth to complete a minimum of 250 hours of community service.

985.45 Liability and remuneration for work.—

(1) Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or probation program, the child is an employee of the state for the purposes of liability.

(2) In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

985.455 Other dispositional issues.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(a) Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child to render community service in a public service program.

(b) Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or probation program.

(c) Revoke or suspend the driver's license of the child.

(2) If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court shall, on its own motion or upon the request of any party or any parent or legal guardian of the victim, determine whether it is appropriate to enter a no contact order in favor of the victim or a sibling of the victim. If appropriate and acceptable to the victim and the victim's parent or parents or legal guardian, the court may reflect in the written disposition order that the victim or the victim's parent or parents or legal guardian stated in writing or in open court that he or she did not object to the offender being permitted to attend the same school or ride on the same school bus as the victim or a sibling of the victim. If applicable, the court placement or commitment order shall include a finding under this subsection.

(3) Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary release; however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense, except that the duration of a minimum-risk nonresidential commitment for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. The duration of the child's placement in a commitment program of any restrictiveness level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court quarterly, unless the court requests monthly reports. The child's length of stay in a commitment program

may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in the program shall not be extended for purposes of sanction or punishment. Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the commitment program. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

(4) The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child in a probation program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

985.46 Conditional release.—

(1) The Legislature finds that:

(a) Conditional release is the care, treatment, help, and supervision provided juveniles released from residential commitment programs to promote rehabilitation and prevent recidivism.

(b) Conditional release services can contribute significantly to a successful transition of a juvenile from a residential commitment to the juvenile's home, school, and community. Therefore, the best efforts should be made to provide for a successful transition.

(c) The purpose of conditional release is to protect safety; reduce recidivism; increase responsible productive behaviors; and provide for a successful transition of care and custody of the youth from the state to the family.

(d) Accordingly, conditional release should be included in the continuum of care.

(2) It is the intent of the Legislature that:

(a) Commitment programs include rehabilitative efforts on preparing committed juveniles for a successful release to the community.

(b) Conditional release transition planning begins as early in the commitment process as possible.

(c) Each juvenile committed to a residential commitment program be assessed to determine the need for conditional release services upon release from the commitment program.

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, assessing each juvenile placed in a residential commitment program to determine the need for conditional release services

upon release from the program, supervising the juvenile when released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a residential commitment program as a component of conditional release.

(4) A juvenile under nonresidential commitment placement will continue to be on commitment status and subject to the transfer provision under s. 985.441(3).

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

985.465 Juvenile correctional facilities or juvenile prison.—A juvenile correctional facility or juvenile prison is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 13 years of age to 19 years of age, or until the jurisdiction of the court expires. Each child committed to this level must meet one of the following criteria:

(1) The child is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

(a) Arson;
(b) Sexual battery;
(c) Robbery;
(d) Kidnapping;
(e) Aggravated child abuse;
(f) Aggravated assault;
(g) Aggravated stalking;
(h) Murder;
(i) Manslaughter;
(j) Unlawful throwing, placing, or discharging of a destructive device or bomb;
(k) Armed burglary;
(l) Aggravated battery;
(m) Carjacking;
(n) Home-invasion robbery;
(o) Burglary with an assault or battery;
(p) Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
(q) Carrying, displaying, using, threatening to use, or attempting to use a weapon or firearm during the commission of a felony.

(2) The child is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed three or more times to a delinquency commitment program.

(3) The child is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(4) The child is at least 13 years of age at the time of the disposition for the current offense, the child is eligible for prosecution as an adult for the current offense, and the current offense is ranked at level 7 or higher on the Criminal Punishment Code offense severity ranking chart pursuant to s. 921.0022.

985.47 Serious or habitual juvenile offender.—

(1) CRITERIA.—A "serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The child is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary;
12. Aggravated battery;
13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

(c) The child is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(2) DETERMINATION.--After a child has been adjudicated delinquent under s. 985.35, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender under subsection (1). If the court determines that the child does not meet such criteria, ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455 shall apply.

(3) PLACEMENT RECOMMENDATIONS.--After a child has been transferred for criminal prosecution, a circuit court judge may direct a juvenile probation officer to consult with designated staff from an appropriate serious or habitual juvenile offender

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program for the purpose of making recommendations to the court regarding the child's placement in such program.

(4) TIME AND PLACE FOR RECOMMENDATIONS.--Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(5) REPORTING RECOMMENDATIONS TO COURT.--Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer shall make the following recommendations to the court:

(a) For each child who has not been transferred for criminal prosecution, the juvenile probation officer shall recommend whether placement in such program is appropriate and needed.

(b) For each child who has been transferred for criminal prosecution, the juvenile probation officer shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the juvenile probation officer and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(6) ACTION ON RECOMMENDATIONS.--The treatment and placement recommendations shall be submitted to the court for further action under this subsection:

(a) If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 985.489 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

(b) If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

(7) DURATION OF COMMITMENT.--Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(9) SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall consist of at least 9 months of intensive secure residential treatment. Conditional release assessment and services shall be provided in accordance with s. 985.46. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Prevocational and vocational services.
4. Job training, job placement, and employability-skills training.
5. Case management services.
6. Educational services, including special education and pre-GED literacy.
7. Self-sufficiency planning.
8. Independent living skills.
9. Parenting skills.
10. Recreational and leisure time activities.
11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
12. Intensive conditional release supervision.
13. Graduated reentry into the community.
14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(10) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures. These professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for serious or habitual juvenile offenders.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of a serious or habitual juvenile offender under this chapter.

(e) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the conditional release component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of conditional release based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the conditional release component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall use the reassessment determination to resolve the disagreement and make a final decision.

(11) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under subsection (1) and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.
3. Tendency toward gang involvement.
4. Substance abuse or addiction and the level thereof.
5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.
6. Number and type of previous adjudications, findings of guilt, and convictions.
7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider is appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. The person receiving the test results may divulge the test results to the relevant facility staff and department personnel; however, such information is exempt from ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained under paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

(f) A record of the assessment and treatment of each serious or habitual juvenile offender shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any serious or habitual juvenile offender from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information under this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information under this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 985.04 apply to the assessment and treatment records of serious or habitual juvenile offenders.

(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on the serious or habitual juvenile offenders it treats.

(m) The file of each serious or habitual juvenile offender shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of serious or habitual juvenile offender programs and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for serious or habitual juvenile offenders.

(12) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for serious or habitual juvenile offenders shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for serious or habitual juvenile offenders shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of serious or habitual juvenile offenders under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed under subsection (8).

985.475 Juvenile sexual offenders.—

(1) CRITERIA.—A "juvenile sexual offender" means:

(a) A juvenile who has been found by the court under s. 985.35 to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any felony violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior that occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(2) Following a delinquency adjudicatory hearing under s. 985.35, the court may on its own or upon request by the state or the department and subject to specific appropriation, determine whether a juvenile sexual offender placement is required for the protection of the public and what would be the best approach to address the treatment needs of the juvenile sexual offender. When the court determines that a juvenile has no history of a recent comprehensive assessment focused on sexually deviant behavior, the court may, subject to specific appropriation, order the department to conduct or arrange for an examination to determine whether the juvenile sexual offender is amenable to community-based treatment.

(a) The report of the examination shall include, at a minimum, the following:

1. The juvenile sexual offender's account of the incident and the official report of the investigation.

2. The juvenile sexual offender's offense history.

3. A multidisciplinary assessment of the sexually deviant behaviors, including an assessment by a certified psychologist, therapist, or psychiatrist.

4. An assessment of the juvenile sexual offender's family, social, educational, and employment situation. The report shall set forth the sources of the evaluator's information.

(b) The report shall assess the juvenile sexual offender's amenability to treatment and relative risk to the victim and the community.

(c) The department shall provide a proposed plan to the court that shall include, at a minimum:

1. The frequency and type of contact between the offender and therapist.
2. The specific issues and behaviors to be addressed in the treatment and description of planned treatment methods.
3. Monitoring plans, including any requirements regarding living conditions, school attendance and participation, lifestyle, and monitoring by family members, legal guardians, or others.
4. Anticipated length of treatment.
5. Recommended crime-related prohibitions and curfew.
6. Reasonable restrictions on the contact between the juvenile sexual offender and either the victim or alleged victim.

(d) After receipt of the report on the proposed plan of treatment, the court shall consider whether the community and the offender will benefit from use of juvenile sexual offender community-based treatment alternative disposition and consider the opinion of the victim or the victim's family as to whether the offender should receive a community-based treatment alternative disposition under this subsection.

(e) If the court determines that this juvenile sexual offender community-based treatment alternative is appropriate, the court may place the offender on community supervision for up to 3 years. As a condition of community treatment and supervision, the court may order the offender to:

1. Undergo available outpatient juvenile sexual offender treatment for up to 3 years. A program or provider may not be used for such treatment unless it has an appropriate program designed for sexual offender treatment. The department shall not change the treatment provider without first notifying the state attorney's office.
2. Remain within described geographical boundaries and notify the court or the department counselor prior to any change in the offender's address, educational program, or employment.
3. Comply with all requirements of the treatment plan.

(f) The juvenile sexual offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties to the proceedings. The juvenile sexual offender reports shall reference the treatment plan and include, at a minimum, the following:

1. Dates of attendance.
2. The juvenile sexual offender's compliance with the requirements of treatment.
3. A description of the treatment activities.
4. The sexual offender's relative progress in treatment.
5. The offender's family support of the treatment objectives.
6. Any other material specified by the court at the time of the disposition.

(g) At the disposition hearing, the court may set case review hearings as the court considers appropriate.

(h) If the juvenile sexual offender violates any condition of the disposition or the court finds that the juvenile sexual offender is failing to make satisfactory progress in treatment, the court may revoke the community-based treatment alternative and order commitment to the department under s. 985.441.

(i) If the court determines that the juvenile sexual offender is not amenable to community-based treatment, the court shall proceed with a juvenile sexual offender disposition hearing under s. 985.441.

985.48 Juvenile sexual offender commitment programs; sexual abuse intervention networks.—

(1) In order to provide intensive treatment and psychological services to a juvenile sexual offender committed to the department, it is the intent of the Legislature to establish programs and strategies to effectively respond to juvenile sexual offenders. In designing programs for juvenile sexual offenders, it is the further intent of the Legislature to implement strategies that include:

(a) Developing adequate commitment programs and facilities to ensure appropriate and effective treatment and ensure that decisions to release juvenile sexual offenders into the community are not made on the basis of inadequate space.

(b) Providing an adequate number of well-trained staff to address the treatment needs of juvenile sexual offenders.

(c) Providing intensive postcommitment supervision of juvenile sexual offenders who are released into the community with terms and conditions which may include electronic monitoring of a juvenile sexual offender for the purpose of enhancing public safety.

(d) Providing notification to the school to which the juvenile sexual offender is returning, the parents or legal guardians of the victim, and law enforcement, when a juvenile sexual offender returns into the community.

(2) Contingent upon a specific appropriation, the department shall implement and operate programs to provide intensive educational and psychological services and other treatment for juvenile sexual offenders.

(3) Subject to specific appropriation, a child may be placed in a juvenile sexual offender program when committed to the department.

(4) The program shall include educational components, life management training, substance abuse treatment, and intensive psychological treatment provided by appropriate mental health professionals. Juvenile sexual offenders shall be required to participate in all programs and treatment.

(5) Based on assessed need for conditional release, the department shall provide an intensive conditional release component for monitoring and assisting the transition of a juvenile sexual offender into the community with terms and conditions that may include electronic monitoring of the juvenile sexual offender.

(6) The department shall establish protocol and procedures to notify schools, the appropriate law enforcement agencies, and the court when a juvenile sexual offender returns to the community.

(7) The department may contract with private organizations for the operation of a juvenile sexual offender program and conditional release.

(8) The Juvenile Justice Standards and Training Commission shall establish criteria for training all contract and department staff or provide a special training program for contract and department staff to effectively manage and provide services and treatment to a juvenile sexual offender in a juvenile sexual offender program.

(9) The department shall conduct inspections of and quality assurance activities for each juvenile sexual offender program operated by or under contract with the department, based on standards specifically developed for these types of programs, to determine whether the program complies with department rules for continued operation of the program.

(10) The department shall maintain records and other information necessary to evaluate the effectiveness of each juvenile sexual offender program and other outcome evaluation requirements.

(11) A child protection team or the state attorney in any judicial circuit may establish a sexual abuse intervention network to assist in identifying, investigating, prosecuting, treating, and preventing sexual abuse with special emphasis on juvenile sexual offenders and victims of sexual abuse.

(12) Membership of a sexual abuse intervention network shall include, but is not limited to, representatives from:

(a) Local law enforcement agencies;
(b) Local school boards;
(c) Child protective investigators;
(d) The office of the state attorney;
(e) The office of the public defender;
(f) The juvenile division of the circuit court;
(g) Professionals licensed under chapter 458, chapter 459, s. 490.0145, or s. 491.0144 providing treatment for juvenile sexual offenders or their victims;
(h) The guardian ad litem program;
(i) The Department of Juvenile Justice; and
(j) The Department of Children and Family Services.

(13) Each sexual abuse intervention network shall develop a cooperative working agreement describing the roles and responsibilities of all members towards the identification, investigation, prosecution, treatment, and reintegration of juvenile sexual offenders and the treatment of their victims.

(14) Subject to specific appropriation, availability of funds, or receipt of appropriate grant funds, the Office of the Attorney General, the Department of Children and Family Services, the Department of Juvenile Justice, or local juvenile justice councils shall award grants to sexual abuse intervention networks that apply for such grants. The grants may be used for training, treatment, conditional release, evaluation, public awareness, and other specified community needs that are identified by the network. A grant shall be awarded based on the applicant's level of local funding, level of collaboration, number of juvenile sexual offenders to be served, number of victims to be served, and level of unmet needs.

985.483 Intensive residential treatment program for offenders less than 13 years of age.—

(1) CRITERIA.—A "child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary;
12. Aggravated battery;
13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(2) DETERMINATION.--After a child has been adjudicated delinquent under s. 985.35, the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age under subsection (1). If the court determines that the child does not meet the criteria, the provisions of ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455shall apply.

(3) PLACEMENT RECOMMENDATIONS.--After a child has been transferred for criminal prosecution, a circuit court judge may direct a juvenile probation officer to consult with designated staff from an appropriate intensive residential treatment program for offenders less than 13 years of age for the purpose of making recommendations to the court regarding the child's placement in such program.

(4) TIME AND PLACE FOR RECOMMENDATIONS.--Recommendations as to a child's placement in an intensive residential treatment program for offenders less than 13 years of age may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

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(5) REPORTING RECOMMENDATIONS.--Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer shall make the following recommendations to the court:

(a) For each child who has not been transferred for criminal prosecution, the juvenile probation officer shall recommend whether placement in such program is appropriate and needed.

(b) For each child who has been transferred for criminal prosecution, the juvenile probation officer shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age, or placement in the adult correctional system.

If treatment provided by an intensive residential treatment program for offenders less than 13 years of age is determined to be appropriate and needed and placement is available, the juvenile probation officer and the court shall identify the appropriate intensive residential treatment program for offenders less than 13 years of age best suited to the needs of the child.

(6) ACTION ON RECOMMENDATIONS.--The treatment and placement recommendations shall be submitted to the court for further action under this subsection:

(a) If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is inappropriate, the court shall make an alternative disposition under s. 985.489 or other alternative sentencing as applicable, using the recommendation as a guide.

(b) If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for intensive residential treatment program for offenders less than 13 years of age.

(7) DURATION OF COMMITMENT.--Any commitment of a child to the department for placement in an intensive residential treatment program for offenders less than 13 years of age shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment that an adult may serve for the same offense. Any child who has not completed the residential portion of the intensive residential treatment program for offenders less than 13 years of age by his or her fourteenth birthday may be transferred to another program for committed delinquent offenders.

(8) ASSESSMENT AND TREATMENT SERVICES.—Pursuant to this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(9) INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR OFFENDERS LESS THAN 13 YEARS OF AGE.—

(a) There is created the intensive residential treatment program for offenders less than 13 years of age. The program shall consist of at least 9 months of intensive secure residential treatment. Conditional release assessment and services shall be provided in accordance with s. 985.46. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.
2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.
3. Life skills.
4. Values clarification.
5. Case management services.
6. Educational services, including special and remedial education.
7. Recreational and leisure time activities.
8. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.
9. Intensive conditional release supervision.
10. Graduated reentry into the community.
11. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.
12. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(e) The department shall establish quality assurance standards to ensure the quality and substance of mental health services provided to children with mental, nervous, or emotional disorders who may be committed to intensive residential treatment programs.

The quality assurance standards shall address the possession of credentials by the mental health service providers.

(10) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures. These professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age. The department must involve the following groups in the promulgation of rules for services for this population: local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles. When promulgating these rules, the department must consider program principles, components, standards, procedures for intake, diagnostic and assessment activities, treatment modalities, and case management.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of an intensive offender less than 13 years of age under this chapter.

(e) The following provisions shall apply to children in an intensive residential treatment program for offenders less than 13 years of age:

1. A child shall begin participation in the conditional release component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of conditional release based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the conditional release component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(11) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Under of this section, the department shall implement the comprehensive assessment instrument for the treatment needs of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age and for the assessment, which assessment shall include the criteria under subsection (1) and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider is appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. The person receiving the test results may divulge the test results to the relevant facility staff and department personnel; however, such information is exempt from ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained under paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons authorized by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

(f) A record of the assessment and treatment of each child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice

deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any child who is eligible for an intensive residential treatment program for offenders less than 13 years of age from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information under this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information under this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 985.045 shall apply to the assessment and treatment records of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age.

(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on each child it treats in the intensive residential treatment program for offenders less than 13 years of age.

(m) The file of each child treated in the intensive residential treatment program for offenders less than 13 years of age shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of intensive residential treatment programs for offenders less than 13 years of age and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for children who are treated in an intensive residential treatment program for offenders less than 13 years of age.

(12) DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for an intensive residential treatment program for offenders less than 13 years of age shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed under subsection (8).

985.486 Intensive residential treatment programs for offenders less than 13 years of age; prerequisite for commitment.—No child who is eligible for commitment to an intensive residential treatment program for offenders less than 13 years of age as established in s. 985.483(1), may be committed to any intensive residential treatment program for offenders less than 13 years of age as established in s. 985.483, unless such program has been established by the department through existing resources or specific appropriation, for such program.

985.489 Boot camp for children.—

(1) Contingent upon specific appropriation, local funding, or specific appropriation and local funding, the department or a county or municipal government may implement and operate a boot camp program to provide an intensive educational and physical training and rehabilitative program for appropriate children. Boot camps implemented and operated by a sheriff shall be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff.

(2) A child may be placed in a boot camp program if he or she is at least 14 years of age but less than 18 years of age at the time of adjudication and has been committed to the department for any offense that, if committed by an adult, would be a felony, other than a capital felony, a life felony, or a violent felony of the first degree.

(3) A child committed to the department and eligible for placement in a boot camp shall be placed in a boot camp in or nearest to the judicial circuit in which the child was

adjudicated, unless such a placement would not be in the best interest of the child or the boot camp was unable to accept the child.

(4) The department, county, or municipality operating the boot camp program shall screen children sent to the boot camp program, so that only those children who have medical and psychological profiles conducive to successfully completing an intensive work, educational, and disciplinary program may be admitted to the program. The department shall adopt rules for use by the department, county, or municipality operating the boot camp program for screening such admissions.

(5) The program shall include educational assignments, work assignments, and physical training exercises. Children shall be required to participate in educational, vocational, and substance abuse programs and to receive additional training in techniques of appropriate decisionmaking, as well as in life skills and job skills. The program shall include counseling that is directed at replacing the criminal thinking, beliefs, and values of the child with moral thinking, beliefs, and values.

(6) A boot camp operated by the department, a county, or a municipality must provide for the following minimum periods of participation:

(a) A participant in a low-risk residential program must spend at least 2 months in the boot camp component of the program. Conditional release assessment and services shall be provided in accordance with s. 985.46.

(b) A participant in a moderate-risk residential program must spend at least 4 months in the boot camp component of the program. Conditional release assessment and services shall be provided in accordance with s. 985.46.

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program.

(7) The department shall adopt rules for use by the department, county, or municipality operating the boot camp program which provide for disciplinary sanctions and restrictions on the privileges of the general population of children in the program.

(8) The department shall conduct quarterly inspections and evaluations of each department, county, or municipal government boot camp program to determine whether the program complies with department rules for continued operation of the program. If a county or municipal government boot camp program fails to pass the department's quarterly inspection and evaluation, such failure shall cause the department to terminate the program unless the program complies with department rules within 3 months or unless there are documented extenuating circumstances.

(9) If a department-operated boot camp fails to pass the department's quarterly inspection and evaluation, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with department rules. If the department-operated boot camp fails to achieve compliance with department rules within 3 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

(a) Contracting out for the operation of the boot camp;

(b) Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet department rules;

(c) Redesigning the program; or

(d) Realigning the program.

(10) The department shall keep records and monitor criminal activity, educational progress, and employment placement of all boot camp program participants in department, county, and municipal boot camp programs after their release from the program. The department must publish an outcome evaluation study of each boot camp program within 18 months after the fourth platoon has graduated.

(11) A child in any boot camp program who becomes unmanageable or medically or psychologically ineligible must be removed from the program.

(12)(a) The department may contract with private organizations for the operation of its boot camp program and conditional release.

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and conditional release.

(13)(a) The Juvenile Justice Standards and Training Commission shall either establish criteria for training all contract staff or provide a special training program for department, county, and municipal boot camp program staff, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

(b) Administrative staff must successfully complete a minimum of 120 contact hours of commission-approved training. Staff who have direct contact with children must successfully complete a minimum of 200 contact hours of commission-approved training, which must include training in the counseling techniques that are used in the boot camp program, basic cardiopulmonary resuscitation and choke-relief, and the control of aggression.

(c) All training courses must be taught by persons who are certified as instructors by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement and who have prior experience in a juvenile boot camp program. A training course in counseling techniques need not be taught by a certified instructor but must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology, or a related field.

(d) A person may not have direct contact with a child in the boot camp program until he or she has successfully completed the training requirements specified in paragraph (b), unless he or she is under the direct supervision of a certified drill instructor or camp commander.

985.494 Commitment programs for juvenile felony offenders.—

(1) Notwithstanding any other law and regardless of the child's age, a child who is adjudicated delinquent, or for whom adjudication is withheld, for an act that would be a felony if committed by an adult, shall be committed to:

(a) A boot camp program under s. 985.489 if the child has participated in an early delinquency intervention program as provided in s. 985.61.

(b) A program for serious or habitual juvenile offenders under s. 985.47 or an intensive residential treatment program for offenders less than 13 years of age under s.

985.483, if the child has participated in an early delinquency intervention program and has completed a boot camp program.

(c) A maximum-risk residential program, if the child has participated in an early delinquency intervention program, has completed a boot camp program, and has completed a program for serious or habitual juvenile offenders or an intensive residential treatment program for offenders less than 13 years of age. The commitment of a child to a maximum-risk residential program must be for an indeterminate period, but may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) In committing a child to the appropriate program, the court may consider an equivalent program of similar intensity as being comparable to a program required under subsection (1).

PART VIII
AUTHORITY OF THE COURT OVER PARENTS OR GUARDIANS

985.511 Costs of representation.
985.512 Powers with respect to certain children.
985.513 Powers of the court over parent or guardian at disposition.
985.514 Responsibility for cost of care; fees.

985.511 Costs of representation.—The responsibilities of the parents or legal guardian of the child to pay costs associated with the representation of the child are prescribed under s. 985.033.

985.512 Powers with respect to certain children.—In carrying out the provisions of this chapter, the court may order the parent or legal guardian of a child adjudicated dependent, a child in need of services, or a delinquent child to attend a course of instruction in parenting skills, to accept counseling, or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the court shall order both parents or guardians to receive such parental assistance.

985.513 Powers of the court over parent or guardian at disposition.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

(a) Order the child's parent or guardian together with the child to render community service in a public service program or to participate in a community work project. In addition to the sanctions imposed on the child, the court may order the child's parent or guardian to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts.

(b) Order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court may also require the child's parent or legal guardian to be responsible for any restitution ordered against the child, as

provided under s. 985.437. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in s. 985.437. The court may retain jurisdiction, as provided under s. 985.0301, over the child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied or the court orders otherwise.

(2) Notwithstanding whether adjudication is imposed or withheld, the court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. In addition, the court may use its contempt powers to enforce a court-imposed sanction.

985.514 Responsibility for cost of care; fees. —

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

(2) When any child is found by the court to have committed a delinquent act and is placed on probation, regardless of adjudication, under the supervision of or in the temporary legal custody of the department, the court shall order the child's parents to pay fees to the department as provided in s. 985.039.

(3) When the court under s. 985.565 orders any child prosecuted as an adult to be supervised by or committed to the department for treatment in any of the department's programs for children, the court shall order the child's parents to pay fees as provided in s. 985.039.

PART IX
APPEAL

985.534 Appeal.
985.535 Additional grounds for appeal by the state; time for taking.
985.536 Order or decision when state appeals.

985.534 Appeal.—

(1) An appeal from an order of the court affecting a party to a case involving a child under this chapter may be taken to the appropriate district court of appeal within the time and in the manner prescribed by s. 924.051 and the Florida Rules of Appellate Procedure by:

(a) Any child, and any parent or legal guardian or custodian of any child.

(b) The state, which may appeal from:

1. An order dismissing a petition or any section thereof;
2. An order granting a new adjudicatory hearing;
3. An order arresting judgment;

4. A ruling on a question of law when the child is adjudicated delinquent and appeals from the judgment;

5. The disposition, on the ground that it is illegal;

6. A judgment discharging a child on habeas corpus;

7. An order adjudicating a child insane under the Florida Rules of Juvenile Procedure; and

8. All other preadjudicatory hearings, except that the state may not take more than one appeal under this subsection in any case.

In the case of an appeal by the state, the notice of appeal shall be filed by the appropriate state attorney or his or her authorized assistant under s. 27.18. Such an appeal shall embody all assignments of error in each preadjudicatory hearing order that the state seeks to have reviewed. The state shall pay all costs of the appeal except for the child's attorney's fee.

(2) The Department of Legal Affairs shall represent the state upon appeal and shall be notified of the appeal by the clerk when the notice of appeal is filed in the circuit court.

(3) The taking of an appeal shall not operate as a supersedeas in any case unless pursuant to an order of the court.

(4) The case on appeal shall be docketed, and any papers filed in the appellate court shall be entitled, with the initials but not the name of the child and the court case number, and the papers shall remain sealed in the office of the clerk of the appellate court when not in use by the appellate court and shall not be open to public inspection. The decision of the appellate court shall be likewise entitled and shall refer to the child only by initials and court case number.

(5) The original order of the appellate court, with all papers filed in the case on appeal, shall remain in the office of the clerk of the court, sealed and not open to inspection except by order of the appellate court. The clerk of the appellate court shall return to the circuit court all papers transmitted to the appellate court from the circuit court, together with a certified copy of the order of the appellate court.

985.535 Additional grounds for appeal by the state; time for taking.—

(1) The state may appeal from a preadjudicatory hearing order dismissing a search warrant, suppressing evidence obtained by search and seizure, or suppressing a confession or admission made by a child. The appeal must be taken before the adjudicatory hearing.

(2) An appeal by the state from a preadjudicatory hearing order shall stay the case against a child upon whose application the order was made until the appeal is determined. If the court from which the appeal is taken determines that the evidence, confession, or admission that is the subject of the order would materially assist the state in proving its case against another child and that the prosecuting attorney intends to use it for that purpose, the court shall stay the case of that child until the appeal is determined. The trial court in its discretion may release a child whose case is stayed pending appeal. A child who is not released from custody pending appeal may petition the appellate court for expedited consideration of the appeal.

985.536 Order or decision when state appeals.—

(1) When the state appeals from an order dismissing a delinquency petition, or a count thereof, or an order granting a new adjudicatory hearing, and the order is affirmed, the appellate court shall direct the court from which the appeal was taken to implement the order. If an order dismissing a delinquency petition, or a count thereof, is reversed, the appellate court shall direct the court from which the appeal is taken to permit the child to be tried on the reinstated petition or count thereof. If an order granting a new trial is reversed, the appellate court shall direct that judgment of adjudication be entered against the child.

(2) When the state appeals from a ruling on a question of law adverse to the state, the appellate court shall decide the question.

PART X
TRANSFER TO ADULT COURT

985.556 Waiver of juvenile court jurisdiction.
985.557 Direct filing of an information; discretionary and mandatory criteria.
985.56 Indictment of a juvenile.
985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.
985.57 Transfer of children from the Department of Corrections to the Department of Juvenile Justice.

985.556 Waiver of juvenile court jurisdiction.—

(1) VOLUNTARY WAIVER.—The court shall transfer and certify a child's criminal case for trial as an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by the guardian or guardian ad litem, demands in writing to be tried as an adult. Once a child has been transferred for criminal prosecution pursuant to a voluntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565(4)(b).

(2) INVOLUNTARY DISCRETIONARY WAIVER.—Except as provided in subsection (3), the state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 years of age or older at the time the alleged delinquent act or violation of law was committed.

(3) INVOLUNTARY MANDATORY WAIVER.—

(a) If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or

(b) If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or

conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person; the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed under s. 985.557(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

(4) WAIVER HEARING.—

(a) Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, but before an adjudicatory hearing and after considering the recommendation of the juvenile probation officer, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution.

(b) After the filing of the motion of the state attorney, summonses must be issued and served in conformity with s. 985.319. A copy of the motion and a copy of the delinquency petition, if not already served, must be attached to each summons.

(c) The court shall conduct a hearing on all transfer request motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The probable cause as found in the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;

b. Prior periods of probation;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

(d) Prior to a hearing on the transfer request motion by the state attorney, a study and report to the court relevant to the factors in paragraph (c) must be made in writing by

an authorized agent of the department. The child and the child's parents or legal guardians and counsel and the state attorney shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e) Any decision to transfer a child for criminal prosecution must be in writing and include consideration of, and findings of fact with respect to, all criteria in paragraph (c). The court shall render an order including a specific finding of fact and the reasons for a decision to impose adult sanctions. The order shall be reviewable on appeal under s. 985.534 and the Florida Rules of Appellate Procedure.

(5) EFFECT OF ORDER WAIVING JURISDICTION.—

(a) Once a child has been transferred for criminal prosecution pursuant to an involuntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall thereafter be handled in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565.

(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If the child is acquitted of all charged offenses or lesser included offenses contained in the original case transferred to adult court, all felony cases that were transferred to adult court under this paragraph shall be subject to the same penalties such cases were subject to before being transferred to adult court.

985.557 Direct filing of an information; discretionary and mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);
12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony;

15. Grand theft in violation of s. 812.014(2)(a);

16. Possessing or discharging any weapon or firearm on school property in violation of s. 790.115;

17. Home invasion robbery;

18. Carjacking; or

19. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at $20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

(b) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

(2) MANDATORY DIRECT FILE.—

(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.

(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.

(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this

section, "willing passengers" means all willing passengers who have participated in the underlying offense.

(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.-q., and, during the commission of or attempt to commit the offense, the child:

a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.

b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.

c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.

2. Upon transfer, any child who is:

a. Charged under sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.

b. Charged under sub-subparagraph 1.b. or sub-subparagraph 1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.

3. Upon transfer, any child who is charged under this paragraph, but who does not meet the requirements specified in subparagraph 2., shall be sentenced under s. 985.565; however, if the court imposes a juvenile sanction, the court must commit the child to a high-risk or maximum-risk juvenile facility.

4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the child in adult court.

5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.

(3) EFFECT OF DIRECT FILE.—

(a) Once a child has been transferred for criminal prosecution pursuant to an information and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565.

(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If a child is acquitted of all charged offenses or lesser included offenses contained in the original case transferred to adult court, all felony cases that were transferred to adult court as a result of this paragraph shall be subject to the same penalties to which such cases would have been subject before being transferred to adult court.

(c) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may be made under s. 985.565 and may include the enforcement of any restitution ordered in any juvenile proceeding.

(4) DIRECT-FILE POLICIES AND GUIDELINES.—Each state attorney shall develop written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than January 1 of each year.

(5) An information filed pursuant to this section may include all charges that are based on the same act, criminal episode, or transaction as the primary offenses.

985.56 Indictment of a juvenile.—

(1) A child of any age who is charged with a violation of state law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 985.0301(2) unless and until an indictment on the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the child must be tried and handled in every respect as an adult:

(a) On the offense punishable by death or by life imprisonment; and

(b) On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

(2) An adjudicatory hearing may not be held until 21 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he or she does not intend to present the case to the grand jury, or has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this part.

(3) If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence under s. 985.565.

(4)(a) Once a child has been indicted pursuant to this section and has been found to have committed any offense for which he or she was indicted as a part of the criminal episode, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565.

(b) When a child has been indicted pursuant to this section the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, that have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If the child is acquitted of all charged offenses or lesser included offenses contained in the indictment case, all felony cases that were transferred to adult court pursuant to this paragraph shall

be subject to the same penalties such cases were subject to before being transferred to adult court.

985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(1) POWERS OF DISPOSITION.—

(a) A child who is found to have committed a violation of law may, as an alternative to adult dispositions, be committed to the department for treatment in an appropriate program for children outside the adult correctional system or be placed on juvenile probation.

(b) In determining whether to impose juvenile sanctions instead of adult sanctions, the court shall consider the following criteria:

1. The seriousness of the offense to the community and whether the community would best be protected by juvenile or adult sanctions.

2. Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the offense was against persons or against property, with greater weight being given to offenses against persons, especially if personal injury resulted.

4. The sophistication and maturity of the offender.

5. The record and previous history of the offender, including:

a. Previous contacts with the Department of Corrections, the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, law enforcement agencies, and the courts.

b. Prior periods of probation.

c. Prior adjudications that the offender committed a delinquent act or violation of law as a child.

d. Prior commitments to the Department of Juvenile Justice, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, or other facilities or institutions.

6. The prospects for adequate protection of the public and the likelihood of deterrence and reasonable rehabilitation of the offender if assigned to services and facilities of the Department of Juvenile Justice.

7. Whether the Department of Juvenile Justice has appropriate programs, facilities, and services immediately available.

8. Whether adult sanctions would provide more appropriate punishment and deterrence to further violations of law than the imposition of juvenile sanctions.

(2) PRESENTENCE INVESTIGATION REPORT.—

(a) Upon a plea of guilty, the court may refer the case to the department for investigation and recommendation as to the suitability of its programs for the child.

(b) Upon completion of the presentence investigation report, it must be made available to the child's counsel and the state attorney by the department prior to the sentencing hearing.

(3) SENTENCING HEARING.—

(a) At the sentencing hearing the court shall receive and consider a presentence investigation report by the Department of Corrections regarding the suitability of the offender for disposition as an adult or as a juvenile. The presentence investigation report

must include a comments section prepared by the Department of Juvenile Justice, with its recommendations as to disposition. This report requirement may be waived by the offender.

(b) After considering the presentence investigation report, the court shall give all parties present at the hearing an opportunity to comment on the issue of sentence and any proposed rehabilitative plan. Parties to the case include the parent, guardian, or legal custodian of the offender; the offender's counsel; the state attorney; representatives of the Department of Corrections and the Department of Juvenile Justice; the victim or victim's representative; representatives of the school system; and the law enforcement officers involved in the case.

(c) The court may receive and consider any other relevant and material evidence, including other reports, written or oral, in its effort to determine the action to be taken with regard to the child, and may rely upon such evidence to the extent of its probative value even if the evidence would not be competent in an adjudicatory hearing.

(d) The court shall notify any victim of the offense of the hearing and shall notify, or subpoena if appropriate, the parents, guardians, or legal custodians of the child to attend the disposition hearing.

(4) SENTENCING ALTERNATIVES.—

(a) *Adult sanctions.*—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under chapter 958; or

c. As a juvenile under this section.

3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s. 985.556(3) and that motion is granted, or if the state attorney is required to file an information under s. 985.557(2)(a) or (b), the court must impose adult sanctions.

4. Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

5. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) *Juvenile sanctions.*—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3) or s. 985.557(2)(a) or (b), the court may

impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455 as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

(c) *Adult sanctions upon failure of juvenile sanctions.*—If a child proves not to be suitable to a commitment program, in a juvenile probation program, or treatment program under paragraph (b), the department shall provide the sentencing court with a written report outlining the basis for its objections to the juvenile sanction and shall simultaneously provide a copy of the report to the state attorney and the defense counsel. The department shall schedule a hearing within 30 days. Upon hearing, the court may revoke the previous adjudication, impose an adjudication of guilt, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department. The court may also classify the child as a youthful offender under s. 958.04, if appropriate. For purposes of this paragraph, a child may be found not suitable to a commitment program, community control program, or treatment program under paragraph (b) if the child commits a new violation of law while under juvenile sanctions, if the child commits any other violation of the conditions of juvenile sanctions, or if the child's actions are otherwise determined by the court to demonstrate a failure of juvenile sanctions.

(d) *Further proceedings heard in adult court.*—When a child is sentenced to juvenile sanctions, further proceedings involving those sanctions shall continue to be heard in the adult court.

(e) *School attendance.*—If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceeding described in 985.455(2), regardless of whether adjudication is withheld).

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.

985.57 Transfer of children from the Department of Corrections to the Department of Juvenile Justice.—

(1) When any child under the age of 18 years is sentenced by any court of competent jurisdiction to the Department of Corrections, the Secretary of Juvenile Justice may transfer such child to the department for the remainder of the sentence, or until his or her 21st birthday, whichever results in the shorter term. If, upon such person's attaining his or her 21st birthday, the sentence has not terminated, he or she shall be transferred to the Department of Corrections for placement in a youthful offender program, transferred to the supervision of the department, or be given any other transfer that may lawfully be made.

(2) If the child is under sentence for a term of years, after the department has supervised him or her for a sufficient length of time to ascertain that he or she has attained satisfactory rehabilitation, the department, upon determination that such action is in the best interests of both the child and society, may relieve the child from making further reports.

(3) When the child has, in the opinion of the department, so conducted himself or herself as to deserve a pardon, a commutation of sentence, or the remission in whole or in part of any fine, forfeiture, or penalty, the secretary may recommend that such clemency be extended to the child. In such case the secretary shall fully advise the Governor of the facts upon which such recommendation is based.

(4) The department shall grant gain-time for good conduct, may grant extra good-time allowances, and may declare a forfeiture thereof. If any child who was sentenced pursuant to s. 921.18 is transferred to the department, the department may determine the exact sentence of the child, but the sentence may not be longer than the maximum sentence that was imposed by the court pursuant to s. 921.18. All time spent in the department shall count toward the expiration of sentence. Any child transferred to the department may, at the discretion of the secretary, be returned to the Department of Corrections.

(5) Any child who has been convicted of a capital felony while under the age of 18 years may not be released on probation without the consent of the Governor and two members of the Cabinet.

PART XI
DEPARTMENT OF JUVENILE JUSTICE

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985.601 Administering the juvenile justice continuum.—

(1) The Department of Juvenile Justice shall plan, develop, and coordinate comprehensive services and programs statewide for the prevention, early intervention, control, and rehabilitative treatment of delinquent behavior.

(2) The department shall develop and implement an appropriate continuum of care that provides individualized, multidisciplinary assessments, objective evaluations of relative risks, and the matching of needs with placements for all children under its care, and that uses a system of case management to facilitate each child being appropriately assessed, provided with services, and placed in a program that meets the child's needs.

(3)(a) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, individual and family counseling, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified probation, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders. Each program shall place particular emphasis on reintegration and conditional release for all children in the program.

(b) The Legislature intends that, whenever possible and reasonable, the department make every effort to consider qualified faith-based organizations on an equal basis with other private organizations when selecting contract providers of services to juveniles.

(c) The department may contract with faith-based organizations on the same basis as any other nongovernmental providers, without impairing the religious character of such organizations. Any faith-based organization may act as a contractor in the delivery of services under any program, on the same basis as any other nongovernmental provider, without impairing the religious character of such organization. A faith-based organization, which has entered into a contract with the department, shall retain its independence from state and local governments with regard to control over the definition, development, practice, and expression of its religious beliefs. The department shall not require a faith-based organization to alter its form of internal government or remove religious art, icons, scripture, or other symbols in order to be eligible to contract as a provider.

(d) The department may include in any services contract a requirement that providers prepare plans describing their implementation of paragraphs (a) and (c). A failure to deliver such plans, if required, may be considered by the department as a breach of the contract that may result in cancellation of the contract.

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Agency for Workforce Innovation, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

(5) The department may provide consulting services and technical assistance to courts, law enforcement agencies, and other state agencies, local governments, and public and private organizations, and may develop or assist in developing community interest and action programs relating to intervention against, diversion from, and prevention and treatment of, delinquent behavior.

(6) In view of the importance of the basic values of work, responsibility, and self-reliance to a child's return to his or her community, the department may pay a child a reasonable sum of money for work performed while employed in any of the department's work programs. The work programs shall be designed so that the work benefits the department or the state, their properties, or the child's community. Funds for payments shall be provided specifically for salaries pursuant to this subsection, and payments shall be made pursuant to a plan approved or rules adopted by the department.

(7) The department shall administer programs and services for children in need of services and families in need of services and shall coordinate its efforts with those of the Federal Government, state agencies, county and municipal governments, private agencies, and child advocacy groups. The department shall establish standards for, providing technical assistance to, and exercising the requisite supervision of, services and programs for children in all state-supported facilities and programs.

(8) The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of children are appropriately apprised of the requirements of this chapter and trained in the specialized areas required to comply with standards established by rule.

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

(b) The department shall adopt rules prescribing standards and requirements with reference to:

1. The construction, equipping, maintenance, staffing, programming, and operation of detention facilities;
2. The treatment, training, and education of children confined in detention facilities;
3. The cleanliness and sanitation of detention facilities;
4. The number of children who may be housed in detention facilities per specified unit of floor space;
5. The quality, quantity, and supply of bedding furnished to children housed in detention facilities;
6. The quality, quantity, and diversity of food served in detention facilities and the manner in which it is served;
7. The furnishing of medical attention and health and comfort items in detention facilities; and
8. The disciplinary treatment administered in detention facilities.

(c) The rules must provide that the time spent by a child in a detention facility must be devoted to educational training and other types of self-motivation and development. The use of televisions, radios, and audio players shall be restricted to educational programming. However, the manager of a detention facility may allow noneducational programs to be used as a reward for good behavior. Exercise must be structured and calisthenic and aerobic in nature and may include weight lifting.

(d) Each programmatic, residential, and service contract or agreement entered into by the department must include a cooperation clause for purposes of complying with the department's quality assurance requirements, cost-accounting requirements, and the program outcome evaluation requirements.

(10) The department shall implement procedures to ensure that educational support activities are provided throughout the juvenile justice continuum. Such activities may include, but are not limited to, mentoring, tutoring, group discussions, homework assistance, library support, designated reading times, independent living, personal finance, and other appropriate educational activities.

985.6015 Shared County/State Juvenile Detention Trust Fund.—

(1) The Shared County/State Juvenile Detention Trust Fund is created within the department.

(2) The fund is established for use as a depository for funds to be used for the costs of predisposition juvenile detention. Moneys credited to the trust fund shall consist of funds from the counties' share of the costs for predisposition juvenile detention.

(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Shared County/State Juvenile Detention Trust Fund shall, unless terminated sooner, be

terminated on July 1, 2009. Before its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

985.605 Prevention service program; monitoring; uniform performance measures.—

(1) The department's prevention service program shall monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to inform the Governor and the Legislature concerning efforts designed to further the policy of the state concerning juvenile justice and delinquency prevention, consistent with ss. 984.02 and 985.02.

(2) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in ss. 984.02 and 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state moneys to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the following strategies:

1. Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance and collecting outcome data to reveal the number of days youth attended school while participating in the program.

2. Engaging youth in productive and wholesome activities during nonschool hours that build positive character, instill positive values, or enhance educational experiences and collecting outcome data to reveal the number of youths who are arrested during nonschool hours while participating in the program.

3. Encouraging youth to avoid the use of violence and collecting outcome data to reveal the number of youths who are arrested for crimes involving violence while participating in the program.

4. Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth and collecting outcome data to reveal the number of youths who obtain and maintain employment for at least 180 days.

(b) The department shall develop an outcome measure for each program strategy specified in paragraph (a) that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

985.606 Prevention services providers; performance data collection; reporting.—Each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, shall collect data relative to the performance of such activities and shall provide said data to the Governor, the President of the Senate, and the Speaker of the House no later than January 31st of each year for the preceding fiscal year.

985.61 Early delinquency intervention program; criteria.—

(1) The Department of Juvenile Justice shall, contingent upon specific appropriation and with the cooperation of local law enforcement agencies, the judiciary, district school board personnel, the office of the state attorney, the office of the public defender, the Department of Children and Family Services, and community service agencies that work with children, establish an early delinquency intervention program, the components of which shall include, but not be limited to:

(a) Case management services.

(b) Treatment modalities, including substance abuse treatment services, mental health services, and retardation services.

(c) Prevocational education and career education services.

(d) Diagnostic evaluation services.

(e) Educational services.

(f) Self-sufficiency planning.

(g) Independent living skills.

(h) Parenting skills.

(i) Recreational and leisure time activities.

(j) Program evaluation.

(k) Medical screening.

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 7 days to 6 weeks, followed by 6 to 9 months of additional services. An early delinquency intervention program facility shall be designed to accommodate the placement of a maximum of 10 children, except that the facility may accommodate up to 2 children in excess of that maximum if the additional children have previously been released from the residential portion of the program and are later found to need additional residential treatment.

(3) A copy of the arrest report of any child 15 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local operating circuit office of the Department of Juvenile Justice. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the Department of Juvenile Justice shall initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the Department of Juvenile Justice shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent or a child in need of services.

(b) The physical, emotional, and intellectual status and developmental level of the child.

(c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.

(d) The nature and quality of the child's peer group relationships.

(e) The child's history of substance abuse or behavioral problems.

(f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.

(g) The child's family history of substance abuse or criminal activity.

(h) The supervision that is available in the child's home.

(i) The nature of the relationship between the parents and the child and any siblings and the child.

(4) Upon determination that a child is likely to continue to exhibit significant delinquent behavior, the department may recommend to the court that the child be placed in an early delinquency intervention program, and the court may order the program as the dispositional placement for the child. At the discretion of the department or its designee, or upon order of the court, a child who is 11 years of age or younger may be excused from the residential portion of treatment.

(5) Not later than 18 months after the initiation of an early delinquency intervention program, the department shall prepare and submit a progress report to the chairs of the appropriate House and Senate fiscal committees and the appropriate House and Senate substantive committees on the development and implementation of the program, including:

(a) Factors determining placement of a child in the program.

(b) Services provided in each component of the program.

(c) Costs associated with each component of the program.

(d) Problems or difficulties encountered in the implementation and operation of the program.

985.614 Children locked out of the home; interagency cooperation.—The department and the Department of Children and Family Services shall encourage interagency cooperation within each circuit and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

985.618 Educational and career-related programs.—

(1)(a) It is the finding of the Legislature that the educational and career-related programs of the Department of Juvenile Justice are uniquely different from other programs operated or conducted by other departments in that it is essential to the state that these programs provide juveniles with useful information and activities that can lead to meaningful employment after release in order to assist in reducing the return of juveniles to the system.

(b) It is further the finding of the Legislature that the mission of a juvenile educational and career-related program is, in order of priority:

1. To provide a joint effort between the department, the juvenile work programs, and educational and career training programs to reinforce relevant education, training, and postrelease job placement, and help reduce recommitment.

2. To serve the security goals of the state through the reduction of idleness of juveniles and the provision of an incentive for good behavior in residential commitment facilities.

3. To teach youth in juvenile justice programs relevant job skills and the fundamentals of a trade in order to prepare them for placement in the workforce.

(c) It is further the finding of the Legislature that a program which duplicates as closely as possible free-work production and service operations in order to aid juveniles in adjustment after release and to prepare juveniles for gainful employment is in the best interest of the state, juveniles, and the general public.

(2)(a) The department is strongly encouraged to require juveniles placed in a high-risk residential, a maximum-risk residential, or a serious/habitual offender program to participate in an educational or career-related program 5 hours per day, 5 days per week. All policies developed by the department relating to this requirement must be consistent with applicable federal, state, and local labor laws and standards, including all laws relating to child labor.

(b) Nothing in this subsection is intended to restore, in whole or in part, the civil rights of any juvenile. No juvenile compensated under this subsection shall be considered as an employee of the state or the department, nor shall such juvenile come within any other provision of the Workers' Compensation Law.

(3) In adopting or modifying master plans for juvenile work programs and educational and career training programs, and in the administration of the Department of Juvenile Justice, it shall be the objective of the department to develop:

(a) Attitudes favorable to work, the work situation, and a law-abiding life in each juvenile employed in the juvenile work program.

(b) Education and training opportunities that are reasonably broad, but which develop specific work skills.

(c) Programs that motivate juveniles to use their abilities.

(d) Education and training programs that will be of mutual benefit to all governmental jurisdictions of the state by reducing the costs of government to the taxpayers and which integrate all instructional programs into a unified curriculum suitable for all juveniles, but taking account of the different abilities of each juvenile.

(e) A logical sequence of educational or career training, employment by the juvenile work programs, and postrelease job placement for juveniles participating in juvenile work programs.

(4)(a) The Department of Juvenile Justice shall establish guidelines for the operation of juvenile educational and career-related programs, which shall include the following procedures:

1. Participation in the educational and career-related programs shall be on a 5-day-per-week, 5-hour-per-day basis.

2. The education, training, work experience, emotional and mental abilities, and physical capabilities of the juvenile and the duration of the term of placement imposed on the juvenile are to be analyzed before assignment of the juvenile into the various processes best suited for educational or career training.

3. When feasible, the department shall attempt to obtain education or training credit for a juvenile seeking apprenticeship status or a high school diploma or its equivalent.

4. The juvenile may begin in a general education and work skills program and progress to a specific work skills training program, depending upon the ability, desire, and education and work record of the juvenile.

5. Modernization and upgrading of equipment and facilities should include greater automation and improved production techniques to expose juveniles to the latest technological procedures to facilitate their adjustment to real work situations.

(b) Evaluations of juvenile educational and career-related programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with s. 985.632(1), (2), and (5), to determine whether the programs are related to successful postrelease adjustments.

2. Operations and policies of the programs shall be reevaluated to determine if they are consistent with their primary objectives.

(c) The department shall seek the advice of private labor and management to:

1. Assist its work programs in the development of statewide policies aimed at innovation and organizational change.

2. Obtain technical and practical assistance, information, and guidance.

3. Encourage the cooperation and involvement of the private sector.

4. Assist in the placement of youth into meaningful jobs upon release from the residential program.

(d) The department and providers are strongly encouraged to work in partnership with local businesses and trade groups in the development and operation of educational and career programs.

(5)(a) The Department of Juvenile Justice may adopt and put into effect an agricultural and industrial production and marketing program to provide training facilities for persons placed in serious/habitual offender, high-risk residential, and maximum-risk residential programs and facilities under the control and supervision of the department. The emphasis of this program shall be to provide juveniles with useful work experience and appropriate job skills that will facilitate their reentry into society and provide an economic benefit to the public and the department through effective utilization of juveniles.

(b) The department is authorized to contract with the private sector for substantial involvement in a juvenile industry program which includes the operation of a direct private sector business within a juvenile facility and the hiring of juvenile workers. The purposes and objectives of this program shall be to:

1. Increase benefits to the general public by reimbursement to the state for a portion of the costs of juvenile residential care.

2. Provide purposeful work for juveniles as a means of reducing tensions caused by confinement.

3. Increase job skills.

4. Provide additional opportunities for rehabilitation of juveniles who are otherwise ineligible to work outside the facilities, such as maximum security juveniles.

5. Develop and establish new models for juvenile facility-based businesses which create jobs approximating conditions of private sector employment.

6. Draw upon the economic base of operations for disposition to the Crimes Compensation Trust Fund.

7. Substantially involve the private sector with its capital, management skills, and expertise in the design, development, and operation of businesses.

(c) Notwithstanding any other law to the contrary, including s. 440.15(8), private sector employers shall provide juveniles participating in juvenile work programs under paragraph (b) with workers' compensation coverage, and juveniles shall be entitled to the benefits of such coverage. Nothing in this subsection shall be construed to allow juveniles to participate in unemployment compensation benefits.

(6) The department, working with providers, shall inventory juvenile vocational and work training programs in use in commitment programs across the state. The inventory shall list the commitment program, the type of vocational or work program offered, the relevant job skills provided, and which programs work with the trades industry to place youth in jobs upon release.

985.622 Multiagency plan for vocational education.—

(1) The Department of Juvenile Justice and the Department of Education shall, in consultation with the statewide Workforce Development Youth Council, school districts, providers, and others, jointly develop a multiagency plan for vocational education that establishes the curriculum, goals, and outcome measures for vocational programs in juvenile commitment facilities. The plan must include:

(a) Provisions for maximizing appropriate state and federal funding sources, including funds under the Workforce Investment Act and the Perkins Act;

(b) The responsibilities of both departments and all other appropriate entities; and

(c) A detailed implementation schedule.

The plan must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by May 1, 2001.

(2) The plan must define vocational programming that is appropriate based upon:

(a) The age and assessed educational abilities and goals of the youth to be served; and

(b) The typical length of stay and custody characteristics at the commitment program to which each youth is assigned.

(3) The plan must include a definition of vocational programming that includes the following classifications of commitment facilities that will offer vocational programming by one of the following types:

(a) *Type A.*—Programs that teach personal accountability skills and behaviors that are appropriate for youth in all age groups and ability levels and that lead to work habits that help maintain employment and living standards.

(b) *Type B.*—Programs that include Type A program content and an orientation to the broad scope of career choices, based upon personal abilities, aptitudes, and interests. Exploring and gaining knowledge of occupation options and the level of effort required to achieve them are essential prerequisites to skill training.

(c) *Type C.*—Programs that include Type A program content and the vocational competencies or the prerequisites needed for entry into a specific occupation.

(4) The plan must also address strategies to facilitate involvement of business and industry in the design, delivery, and evaluation of vocational programming in juvenile justice commitment facilities and conditional release programs, including apprenticeship and work experience programs, mentoring and job shadowing, and other strategies that lead to postrelease employment. Incentives for business involvement, such as tax breaks, bonding, and liability limits should be investigated, implemented where appropriate, or recommended to the Legislature for consideration.

(5) The Department of Juvenile Justice and the Department of Education shall each align its respective agency policies, practices, technical manuals, contracts, quality-assurance standards, performance-based-budgeting measures, and outcome measures with the plan in commitment facilities by July 31, 2001. Each agency shall provide a report on the implementation of this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 31, 2001.

(6) All provider contracts executed by the Department of Juvenile Justice or the school districts after January 1, 2002, must be aligned with the plan.

(7) The planning and execution of quality assurance reviews conducted by the Department of Education or the Department of Juvenile Justice after August 1, 2002, must be aligned with the plan.

(8) Outcome measures reported by the Department of Juvenile Justice and the Department of Education for youth released on or after January 1, 2002, should include outcome measures that conform to the plan.

985.625 Literacy programs for juvenile offenders.—

(1) INTENT.—It is the intent of the Legislature that mandatory literacy programs for juvenile offenders committed by the court and placed in residential commitment programs be established. Juvenile offenders shall have the opportunity to achieve reading and writing skills as a means to further their educational and vocational needs and to assist them in discontinuing a life of crime. The literacy programs shall be of high quality, targeted to the juvenile offender's assessed ability and needs, and use appropriate instructional technology and qualified educational instructors. The programs shall be offered in each residential commitment program operated by or under contract with the department and shall consist of standardized outcomes so that an offender who is transferred to another facility may be able to continue his or her literacy education with minimal disruption.

(2) JUVENILE OFFENDER LITERACY PROGRAMS.—The Department of Education, in consultation with the Department of Juvenile Justice, shall identify and, contingent upon specific appropriations, implement and administer juvenile offender literacy programs for each residential commitment program operated by or under contract with the department. These programs shall promote the reading and writing skills of juvenile offenders.

(a)1. An offender 16 years of age or younger who meets the criteria of this section shall be required to participate in a literacy program.

2. An offender 17 years of age or older who is admitted to a residential commitment program on or after July 1, 1998, shall be required to participate in a literacy program. An offender 17 years of age or older who was committed to a residential commitment

program before July 1, 1998, may voluntarily participate in a program if the offender otherwise meets the requirements for eligibility.

(b) An offender is eligible to participate in a program if the offender is unable to read and write at a sixth-grade level and is not exempt under subsection (4).

(c) In addition to any other requirements determined by the department, a literacy program shall:

1. Provide for the participation of an offender who may not attain a sixth-grade or higher reading and writing level due to a medical, developmental, or learning disability but who can reasonably be expected to benefit from a literacy program.

2. Require an eligible offender to participate in a minimum of 240 hours of education per year unless the offender attains a sixth-grade or higher reading and writing level or is released from the commitment facility.

3. Require counseling for an offender who has not achieved a sixth-grade or higher reading and writing level after participation in a program. The counseling shall address the benefits of continuing in the program.

4. Include a system of incentives to encourage and reward the performance of an offender in a program.

5. Include a system of disincentives that may include disciplinary action if an offender refuses or intentionally fails to participate in good faith in a program.

6. Provide for reports to be maintained in the offender's records and forwarded to the appropriate educational facility upon the offender's release from the commitment facility.

(3) INITIAL ASSESSMENT.—When an offender is admitted to a residential commitment facility, the department or a provider under contract with the department shall immediately assess whether the offender has achieved a sixth-grade or higher reading and writing level. An assessment may be conducted at a juvenile assessment center as provided in s. 985.135 as a part of the intake process. If the department or a provider determines that an offender has not achieved a sixth-grade or higher reading and writing level, the offender shall participate in a program if the offender meets the criteria for participation.

(4) OFFENDERS EXEMPT FROM PARTICIPATION.—If an offender is not reasonably expected to benefit from a program as a result of a medical, developmental, or learning disability, the offender may not be required to participate in a program. The determination that an offender should be exempt from a program must be made by an appropriate psychologist, psychiatrist, or physician.

(5) EVALUATION AND REPORT.—The department, in consultation with the Department of Education, shall develop and implement an evaluation of the literacy program in order to determine the impact of the programs on recidivism. The department shall submit an annual report on the implementation and progress of the programs to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.

985.629 Contracts for the transfer of Florida children in federal custody.—To the extent that maintenance costs are borne entirely from federal funds, the department is empowered to contract with federal authorities for the return of Florida children who are in the custody of a federal court or a federal correctional institution for violation of

federal law. Such children under contract are to be transferred to the exclusive custody and active control of the department, under the terms, agreements, and provisions of the contract.

985.632 Quality assurance and cost-effectiveness.—

(1) It is the intent of the Legislature that the department:

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

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

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

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

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

(f) Improve service delivery to clients.

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

(2) As used in this section, the term:

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

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

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

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

(4)(a) The Department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research, and contract service providers, shall develop a

cost-effectiveness model and apply the model to each commitment program. Program recidivism rates shall be a component of the model. The cost-effectiveness model shall compare program costs to client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness model and to integrate the standard methodology developed under [1]s. 985.401(4) for interpreting program outcome evaluations.

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year.

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

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

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

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

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

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

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(5) The department shall:

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

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

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

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

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

(f) Evaluate each program operated by the department or a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

1. Contracting out for the services provided in the program;
2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;
3. Redesigning the program; or
4. Realigning the program.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department shall ensure the reliability and validity of the information contained in the report.

(6) The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.

(7) No later than November 1, 2001, the department shall submit a proposal to the Legislature concerning funding incentives and disincentives for the department and for providers under contract with the department. The recommendations for funding incentives and disincentives shall be based upon both quality assurance performance and cost-effectiveness performance. The proposal should strive to achieve consistency in incentives and disincentives for both department-operated and contractor-provided programs. The department may include recommendations for the use of liquidated

damages in the proposal; however, the department is not presently authorized to contract for liquidated damages in non-hardware-secure facilities until January 1, 2002.

985.636 Inspector general; inspectors.—The secretary is authorized to designate persons holding law enforcement certification within the Office of the Inspector General as law enforcement officers, as necessary, to enforce any criminal law, and conduct any criminal investigation that relates to state-operated programs or state-operated facilities over which the department has jurisdiction. Persons designated as law enforcement officers must be certified pursuant to s. 943.1395.

985.64 Rulemaking.—The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.

985.644 Departmental contracting powers; personnel standards and screening.—

(1) The Department of Juvenile Justice or the Department of Children and Family Services, as appropriate, may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(a) When the Department of Juvenile Justice or the Department of Children and Family Services contracts with a provider for any program for children, all personnel, including owners, operators, employees, and volunteers, in the facility must be of good moral character. Each contract entered into by either department for services delivered on an appointment or intermittent basis by a provider that does not have regular custodial responsibility for children and each contract with a school for before or aftercare services must ensure that the owners, operators, and all personnel who have direct contact with children are of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month need not be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(b) The Department of Juvenile Justice and the Department of Children and Family Services shall require employment screening pursuant to chapter 435, using the level 2 standards set forth in that chapter for personnel in programs for children or youths.

(c) The Department of Juvenile Justice or the Department of Children and Family Services may grant exemptions from disqualification from working with children as provided in s. 435.07.

(2) The department may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes and the responsibilities of the delinquency services and programs of the department.

(3) The department shall adopt a rule pursuant to chapter 120 establishing a procedure to provide notice of policy changes that affect contracted delinquency services and programs. A policy is defined as an operational requirement that applies to only the specified contracted delinquency service or program. The procedure shall include:

(a) Public notice of policy development.
(b) Opportunity for public comment on the proposed policy.
(c) Assessment for fiscal impact upon the department and providers.
(d) The department's response to comments received.

(4) When the department contracts with a provider for any delinquency service or program, all personnel, including all owners, operators, employees, and volunteers in the facility or providing the service or program shall be of good moral character. A volunteer who assists on an intermittent basis for less than 40 hours per month is not required to be screened if the volunteer is under direct and constant supervision by persons who meet the screening requirements.

(5)(a) For any person employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs, the department shall require:

1. A level 2 employment screening pursuant to chapter 435 prior to employment.
2. A federal criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

(b) Except for law enforcement, correctional, and correctional probation officers, to whom s. 943.13(5) applies, the department shall electronically submit to the Department of Law Enforcement:

1. Fingerprint information obtained during the employment screening required by subparagraph (a)1.
2. Beginning on December 15, 2005, fingerprint information for all persons employed by the department, or by a provider under contract with the department, in delinquency facilities, services, or programs if such fingerprint information has not previously been electronically submitted to the Department of Law Enforcement under this paragraph.

(c) All fingerprint information electronically submitted to the Department of Law Enforcement under paragraph (b) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Thereafter, such fingerprint information shall be available for all purposes and uses authorized for arrest fingerprint information entered into the statewide automated fingerprint identification system pursuant to s. 943.051 until the fingerprint information is removed pursuant to paragraph (e). The Department of Law Enforcement shall search all arrest fingerprint information received pursuant to s. 943.051 against the fingerprint information entered into the statewide automated fingerprint system pursuant to this subsection. Any arrest records identified as a result of the search shall be reported to the department in the manner and timeframe established by the Department of Law Enforcement by rule.

(d) The department shall pay an annual fee to the Department of Law Enforcement for its costs resulting from the fingerprint information retention services required by this subsection. The amount of the annual fee and procedures for the submission and retention of fingerprint information and for the dissemination of search results shall be established by the Department of Law Enforcement by a rule that is applicable to the department individually pursuant to this subsection or that is applicable to the department and other employing agencies pursuant to rulemaking authority otherwise provided by law.

(e) The department shall notify the Department of Law Enforcement when a person whose fingerprint information is retained by the Department of Law Enforcement under this subsection is no longer employed by the department, or by a provider under contract with the department, in a delinquency facility, service, or program. This notice shall be provided by the department to the Department of Law Enforcement no later than 6 months after the date of the change in the person's employment status. Fingerprint information for persons identified by the department in the notice shall be removed from the statewide automated fingerprint system.

(6) The department may grant exemptions from disqualification from working with children as provided in s. 435.07.

985.648 Consultants.—The department may hire consultants to advise and confer with the judges of the circuit courts upon request of any such court and for the purpose of advising the department on programs, facilities, institutions, care, supervision, and all other services and treatment for children committed to the department's care under this chapter.

985.652 Participation of certain programs in the State Risk Management Trust Fund.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Financial Services is authorized to insure a private agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

985.66 Juvenile justice training academies; Juvenile Justice Standards and Training Commission; Juvenile Justice Training Trust Fund.—

(1) LEGISLATIVE PURPOSE.—In order to enable the state to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff that will meet the needs of such persons in their discharge of duties while at the same time meeting the requirements for the American Correction Association accreditation by the Commission on Accreditation for Corrections, it is the purpose of the Legislature to require the department to establish, maintain, and oversee the operation of juvenile justice training academies in the state. The purpose of the Legislature in establishing staff development and training programs is to foster better staff morale and reduce mistreatment and aggressive and abusive behavior in delinquency programs; to positively impact the recidivism of children in the juvenile justice system; and to afford greater protection of the public through an improved level of services delivered by a professionally trained juvenile justice program staff to children who are alleged to be or who have been found to be delinquent.

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

(a) There is created under the Department of Juvenile Justice the Juvenile Justice Standards and Training Commission, hereinafter referred to as the commission. The 17-member commission shall consist of the Attorney General or designee, the Commissioner of Education or designee, a member of the juvenile court judiciary to be appointed by the

Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice as follows:

1. Seven members shall be juvenile justice professionals: a superintendent or a direct care staff member from an institution; a director from a contracted community-based program; a superintendent and a direct care staff member from a regional detention center or facility; a juvenile probation officer supervisor and a juvenile probation officer; and a director of a day treatment or conditional release program. No fewer than three of these members shall be contract providers.

2. Two members shall be representatives of local law enforcement agencies.

3. One member shall be an educator from the state's university and community college program of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of juvenile justice program staff.

4. One member shall be a member of the public.

5. One member shall be a state attorney, or assistant state attorney, who has juvenile court experience.

6. One member shall be a public defender, or assistant public defender, who has juvenile court experience.

7. One member shall be a representative of the business community.

All appointed members shall be appointed to serve terms of 2 years.

(b) The composition of the commission shall be broadly reflective of the public and shall include minorities and women. The term "minorities" as used in this paragraph means a member of a socially or economically disadvantaged group that includes blacks, Hispanics, and American Indians.

(c) The Department of Juvenile Justice shall provide the commission with staff necessary to assist the commission in the performance of its duties.

(d) The commission shall annually elect its chairperson and other officers. The commission shall hold at least four regular meetings each year at the call of the chairperson or upon the written request of three members of the commission. A majority of the members of the commission constitutes a quorum. Members of the commission shall serve without compensation but are entitled to be reimbursed for per diem and travel expenses as provided by s. 112.061 and these expenses shall be paid from the Juvenile Justice Training Trust Fund.

(e) The powers, duties, and functions of the commission shall be to:

1. Designate the location of the training academies; develop, implement, maintain, and update the curriculum to be used in the training of juvenile justice program staff; establish timeframes for participation in and completion of training by juvenile justice program staff; develop, implement, maintain, and update job-related examinations; develop, implement, and update the types and frequencies of evaluations of the training academies; approve, modify, or disapprove the budget for the training academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.

2. Establish uniform minimum job-related training courses and examinations for juvenile justice program staff.

3. Consult and cooperate with the state or any political subdivision; any private entity or contractor; and with private and public universities, colleges, community colleges, and other educational institutions concerning the development of juvenile justice training and programs or courses of instruction, including, but not limited to, education and training in the areas of juvenile justice.

4. With the approval of the department, make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as the commission determines are necessary in the execution of its powers or the performance of its duties.

5. Make recommendations to the Department of Juvenile Justice concerning any matter within the purview of this section.

(3) JUVENILE JUSTICE TRAINING PROGRAM.—The commission shall establish a certifiable program for juvenile justice training pursuant to this section, and all department program staff and providers who deliver direct care services pursuant to contract with the department shall be required to participate in and successfully complete the commission-approved program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, and school district personnel may participate in such training program. For the juvenile justice program staff, the commission shall, based on a job-task analysis:

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

1. Be at least 19 years of age.

2. Be a high school graduate or its equivalent as determined by the commission.

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

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

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

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

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

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

(4) JUVENILE JUSTICE TRAINING TRUST FUND.—

(a) There is created within the State Treasury a Juvenile Justice Training Trust Fund to be used by the Department of Juvenile Justice for the purpose of funding the development and updating of a job-task analysis of juvenile justice personnel; the development, implementation, and updating of job-related training courses and examinations; the cost of commission-approved juvenile justice training courses; and reimbursement for expenses as provided in s. 112.061 for members of the commission and staff.

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

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

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

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

(6) SCHOLARSHIPS AND STIPENDS.—

(a) By rule, the commission shall establish criteria to award scholarships or stipends to qualified juvenile justice personnel who are residents of the state who want to pursue a bachelor's or associate in arts degree in juvenile justice or a related field. The department shall handle the administration of the scholarship or stipend. The Department of Education shall handle the notes issued for the payment of the scholarships or stipends. All scholarship and stipend awards shall be paid from the Juvenile Justice Training Trust Fund upon vouchers approved by the Department of Education and properly certified by the Chief Financial Officer. Prior to the award of a scholarship or stipend, the juvenile justice employee must agree in writing to practice her or his profession in juvenile justice or a related field for 1 month for each month of grant or to repay the full amount of the scholarship or stipend together with interest at the rate of 5 percent per annum over a period not to exceed 10 years. Repayment shall be made payable to the state for deposit into the Juvenile Justice Training Trust Fund.

(b) The commission may establish the scholarship program by rule and implement the program on or after July 1, 1996.

(7) ADOPTION OF RULES.—The commission shall adopt rules as necessary to carry out the provisions of this section.

(8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of Risk Management of the Department of Financial Services is authorized to insure a private

agency, individual, or corporation operating a state-owned training school under a contract to carry out the purposes and responsibilities of any program of the department. The coverage authorized herein shall be under the same general terms and conditions as the department is insured for its responsibilities under chapter 284.

(9) The Juvenile Justice Standards and Training Commission is terminated on June 30, 2001, and such termination shall be reviewed by the Legislature prior to that date.

985.664 Juvenile justice circuit boards and juvenile justice county councils.—

(1) There is authorized a juvenile justice circuit board to be established in each of the 20 judicial circuits and a juvenile justice county council to be established in each of the 67 counties. The purpose of each juvenile justice circuit board and each juvenile justice county council is to provide advice and direction to the department in the development and implementation of juvenile justice programs and to work collaboratively with the department in seeking program improvements and policy changes to address the emerging and changing needs of Florida's youth who are at risk of delinquency.

(2) Each juvenile justice county council shall develop a juvenile justice prevention and early intervention plan for the county and shall collaborate with the circuit board and other county councils assigned to that circuit in the development of a comprehensive plan for the circuit.

(3) Juvenile justice circuit boards and county councils shall also participate in facilitating interagency cooperation and information sharing.

(4) Juvenile justice circuit boards and county councils may apply for and receive public or private grants to be administered by one of the community partners that support one or more components of the county or circuit plan.

(5) Juvenile justice circuit boards and county councils shall advise and assist the department in the evaluation and award of prevention and early intervention grant programs, including the Community Juvenile Justice Partnership Grant program established in s. 985.676 and proceeds from the Invest in Children license plate annual use fees.

(6) Each juvenile justice circuit board shall provide an annual report to the department describing the activities of the circuit board and each of the county councils contained within its circuit. The department may prescribe a format and content requirements for submission of annual reports.

(7) Membership of the juvenile justice circuit board may not exceed 18 members, except as provided in subsections (8) and (9). Members must include the state attorney, the public defender, and the chief judge of the circuit, or their respective designees. The remaining 15 members of the board must be appointed by the county councils within that circuit. The board must include at least one representative from each county council within the circuit. In appointing members to the circuit board, the county councils must reflect:

(a) The circuit's geography and population distribution.

(b) Juvenile justice partners, including, but not limited to, representatives of law enforcement, the school system, and the Department of Children and Family Services.

(c) Diversity in the judicial circuit.

(8) At any time after the adoption of initial bylaws pursuant to subsection (12), a juvenile justice circuit board may revise the bylaws to increase the number of members by not more than three in order to adequately reflect the diversity of the population and community organizations or agencies in the circuit.

(9) If county councils are not formed within a circuit, the circuit board may establish its membership in accordance with subsection (10). For juvenile justice circuit boards organized pursuant to this subsection, the state attorney, public defender, and chief circuit judge, or their respective designees, shall be members of the circuit board.

(10) Membership of the juvenile justice county councils, or juvenile justice circuit boards established under subsection (9), may include representatives from the following entities:

(a) Representatives from the school district, which may include elected school board officials, the school superintendent, school or district administrators, teachers, and counselors.

(b) Representatives of the board of county commissioners.

(c) Representatives of the governing bodies of local municipalities within the county.

(d) A representative of the corresponding circuit or regional entity of the Department of Children and Family Services.

(e) Representatives of local law enforcement agencies, including the sheriff or the sheriff's designee.

(f) Representatives of the judicial system.

(g) Representatives of the business community.

(h) Representatives of other interested officials, groups, or entities, including, but not limited to, a children's services council, public or private providers of juvenile justice programs and services, students, parents, and advocates. Private providers of juvenile justice programs may not exceed one-third of the voting membership.

(i) Representatives of the faith community.

(j) Representatives of victim-service programs and victims of crimes.

(k) Representatives of the Department of Corrections.

(11) Each juvenile justice county council, or juvenile justice circuit board established under subsection (9), must provide for the establishment of an executive committee of not more than 10 members. The duties and authority of the executive committee must be addressed in the bylaws.

(12) Each juvenile justice circuit board and county council shall develop bylaws that provide for officers and committees as the board or council deems necessary and shall specify the qualifications, method of selection, and term for each office created. The bylaws shall address at least the following issues: process for appointments to the board or council; election or appointment of officers; filling of vacant positions; duration of member terms; provisions for voting; meeting attendance requirements; and the establishment and duties of an executive committee, if required under subsection (11).

(13) Members of juvenile justice circuit boards and county councils are subject to the provisions of part III of chapter 112.

985.668 Innovation zones.—The department shall encourage each of the juvenile justice circuit boards to propose at least one innovation zone within the circuit for the

purpose of implementing any experimental, pilot, or demonstration project that furthers the legislatively established goals of the department. An innovation zone is a defined geographic area such as a circuit, commitment region, county, municipality, service delivery area, school campus, or neighborhood providing a laboratory for the research, development, and testing of the applicability and efficacy of model programs, policy options, and new technologies for the department.

(1)(a) The juvenile justice circuit board shall submit a proposal for an innovation zone to the secretary. If the purpose of the proposed innovation zone is to demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the proposal may request the secretary to waive such existing rules, policies, or procedures or to otherwise authorize use of alternative procedures or practices. Waivers of such existing rules, policies, or procedures must comply with applicable state or federal law.

(b) For innovation zone proposals that the secretary determines require changes to state law, the secretary may submit a request for a waiver from such laws, together with any proposed changes to state law, to the chairs of the appropriate legislative committees for consideration.

(c) For innovation zone proposals that the secretary determines require waiver of federal law, the secretary may submit a request for such waivers to the applicable federal agency.

(2) An innovation zone project may not have a duration of more than 2 years, but the secretary may grant an extension.

(3) Before implementing an innovation zone under this subsection, the secretary shall, in conjunction with the Office of Program Policy Analysis and Government Accountability, develop measurable and valid objectives for such zone within a negotiated reasonable period of time. Moneys designated for an innovation zone in one operating circuit may not be used to fund an innovation zone in another operating circuit.

(4) Program models for innovation zone projects include, but are not limited to:

(a) A forestry alternative work program that provides selected juvenile offenders an opportunity to serve in a forestry work program as an alternative to incarceration, in which offenders assist in wildland firefighting, enhancement of state land management, environmental enhancement, and land restoration.

(b) A collaborative public/private dropout prevention partnership that trains personnel from both the public and private sectors of a target community who are identified and brought into the school system as an additional resource for addressing problems which inhibit and retard learning, including abuse, neglect, financial instability, pregnancy, and substance abuse.

(c) A support services program that provides economically disadvantaged youth with support services, jobs, training, counseling, mentoring, and prepaid postsecondary tuition scholarships.

(d) A juvenile offender job training program that offers an opportunity for juvenile offenders to develop educational and job skills in a 12-month to 18-month nonresidential training program, teaching the offenders skills such as computer-aided design, modular panel construction, and heavy vehicle repair and maintenance which will readily transfer to the private sector, thereby promoting responsibility and productivity.

(e) An infant mortality prevention program that is designed to discourage unhealthy behaviors such as smoking and alcohol or drug consumption, reduce the incidence of babies born prematurely or with low birth weight, reduce health care cost by enabling babies to be safely discharged earlier from the hospital, reduce the incidence of child abuse and neglect, and improve parenting and problem-solving skills.

(f) A regional crime prevention and intervention program that serves as an umbrella agency to coordinate and replicate existing services to at-risk children, first-time juvenile offenders, youth crime victims, and school dropouts.

(g) An alternative education outreach school program that serves delinquent repeat offenders between 14 and 18 years of age who have demonstrated failure in school and who are referred by the juvenile court.

(h) A drug treatment and prevention program that provides early identification of children with alcohol or drug problems to facilitate treatment, comprehensive screening and assessment, family involvement, and placement options.

(i) A community resource mother or father program that emphasizes parental responsibility for the behavior of children, and requires the availability of counseling services for children at high risk for delinquent behavior.

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

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

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

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

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

Expenditures of the organization shall be expressly used to prevent and ameliorate juvenile delinquency. The expenditures of the direct-support organization may not be used for the purpose of lobbying as defined in s. 11.045.

(2) CONTRACT.—The direct-support organization shall operate under written contract with the department. The contract must provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the department.

(b) Submission of an annual budget for the approval of the department.

(c) Certification by the department that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the department and in the best interest of the state. Such certification must be made

annually and reported in the official minutes of a meeting of the direct-support organization.

(d) The reversion of moneys and property held in trust by the direct-support organization for the benefit of the juvenile justice system to the state if the department ceases to exist or to the department if the direct-support organization is no longer approved to operate for the department, a county commission, or a circuit board or if the direct-support organization ceases to exist;

(e) The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year;

(f) The disclosure of material provisions of the contract, and the distinction between the department and the direct-support organization, to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.

(3) BOARD OF DIRECTORS.—The Secretary of Juvenile Justice shall appoint a board of directors of the direct-support organization. Members of the organization must include representatives from businesses, representatives from each of the juvenile justice service districts, and one representative appointed at large.

(4) USE OF PROPERTY.—The department may permit, without charge, appropriate use of fixed property and facilities of the juvenile justice system by the direct-support organization, subject to the provisions of this section.

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

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

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

(5) Any moneys may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the contract with the department.

(6) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

985.676 Community juvenile justice partnership grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and circuit juvenile justice plans and the development and implementation of county and circuit interagency agreements under s. 985.664, the community juvenile justice partnership grant program is established, and shall be administered by the department.

(b) In awarding these grants, the department shall consider applications that at a minimum provide for the following:

1. The participation of the agencies and programs needed to implement the project or program for which the applicant is applying;

2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, the enhancement of school safety, and other delinquency early-intervention and diversion services;

3. The number of youths from 10 through 17 years of age within the geographic area to be served by the program, giving those geographic areas having the highest number of youths from 10 to 17 years of age priority for selection;

4. The extent to which the program targets high-juvenile-crime neighborhoods and those public schools serving juveniles from high-crime neighborhoods;

5. The validity and cost-effectiveness of the program; and

6. The degree to which the program is located in and managed by local leaders of the target neighborhoods and public schools serving the target neighborhoods.

(c) In addition, the department may consider the following criteria in awarding grants:

1. The circuit juvenile justice plan and any county juvenile justice plans that are referred to or incorporated into the circuit plan, including a list of individuals, groups, and public and private entities that participated in the development of the plan.

2. The diversity of community entities participating in the development of the circuit juvenile justice plan.

3. The number of community partners who will be actively involved in the operation of the grant program.

4. The number of students or youths to be served by the grant and the criteria by which they will be selected.

5. The criteria by which the grant program will be evaluated and, if deemed successful, the feasibility of implementation in other communities.

(2) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for a maximum of 2 additional years for the same provision of services, shall submit a grant proposal for funding or continued funding to the department. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the juvenile justice circuit board confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the board.

2. A rationale and description of the program and the services to be provided, including goals and objectives.

3. A method for identification of the juveniles most likely to be involved in the juvenile justice system who will be the focus of the program.

4. Provisions for the participation of parents and guardians in the program.

5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.

6. An evaluation component to measure the effectiveness of the program in accordance with s. 985.632.

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the

department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(b) The department shall consider the following in awarding such grants:

1. The recommendations of the juvenile justice county council as to the priority that should be given to proposals submitted by entities within a county.

2. The recommendations of the juvenile justice circuit board as to the priority that should be given to proposals submitted by entities within a circuit.

(c) The department shall make available, to anyone wishing to apply for such a grant, information on all of the criteria to be used in the selection of the proposals for funding pursuant to the provisions of this subsection.

(d) The department shall review all program proposals submitted. Entities submitting proposals shall be notified of approval not later than June 30 of each year.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the circuit juvenile justice manager, the juvenile justice circuit board, and the juvenile justice county council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with s. 985.632. Each entity is also subject to a financial audit and a performance audit.

(f) The department may establish rules and policy provisions necessary to implement this section.

(3) RESTRICTIONS.—This section does not prevent a program initiated under a community juvenile justice partnership grant established pursuant to this section from continuing to operate beyond the 3-year maximum funding period if it can find other funding sources. Likewise, this section does not restrict the number of programs an entity may apply for or operate.

985.682 Siting of facilities; study; criteria.—

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

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

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

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

(c) Geographic location of existing facilities;

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

(e) Current capacity of facilities in the area;

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

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

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

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

(j) Patterns of residential growth and projected population growth; and

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

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

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

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

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

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

(8) When the department requests such a modification and it is denied by the local government, the local government or the department shall initiate the dispute resolution process established under s. 186.509 to reconcile differences on the siting of correctional facilities between the department, local governments, and private citizens. If the regional planning council has not established a dispute resolution process pursuant to s. 186.509, the department shall establish, by rule, procedures for dispute resolution. The dispute resolution process shall require the parties to commence meetings to reconcile their differences. If the parties fail to resolve their differences within 30 days after the denial, the parties shall engage in voluntary mediation or similar process. If the parties fail to resolve their differences by mediation within 60 days after the denial, or if no action is taken on the department's request within 90 days after the request, the department must appeal the decision of the local government on the requested modification of local plans, ordinances, or regulations to the Governor and Cabinet. Any dispute resolution process initiated under this section must conform to the time limitations set forth herein.

However, upon agreement of all parties, the time limits may be extended, but in no event may the dispute resolution process extend over 180 days.

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

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

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

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

(10) The Governor and Cabinet, upon determining that the local government has recommended no feasible alternative site and that the interests of the state in providing facilities outweigh the concerns of the local government, shall authorize construction and operation of a facility on the proposed site notwithstanding any local plan, ordinance, or regulation.

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

(12) Actions taken by the department or the Governor and Cabinet pursuant to this section shall not be subject to the provisions of ss. 120.56, 120.569, and 120.57. The decision by the Governor and Cabinet shall be subject to judicial review pursuant to s. 120.68 in the District Court of Appeal, First District.

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

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

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

(b) Notwithstanding ss. 255.25(1)(b) and 255.25001(2), the department may enter into lease-purchase agreements to provide juvenile justice facilities for the housing of committed youths contingent upon available funds. The facilities provided through such agreements shall meet the program plan and specifications of the department. The department may enter into such lease agreements with private corporations and other

governmental entities. However, notwithstanding the provisions of s. 255.25(3)(a), no such lease agreement may be entered into except upon advertisement for the receipt of competitive bids and award to the lowest and best bidder except when contracting with other governmental entities.

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

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

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

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

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

(18) The department may begin preliminary site preparation and obtain the appropriate permits for the construction of a juvenile justice facility after approval by the Board of Trustees of the Internal Improvement Trust Fund of the lease purchase agreement or option contract if, in the department's discretion, commencing construction is in the best interests of the state.

(19) Insofar as the provisions of this section are inconsistent with the provisions of any other law, general, special, or local, the provisions of this section are controlling. Additionally, the criteria and procedures set forth in this section supersede and are in lieu of any review and approval required by s. 380.06.

985.686 Shared county and state responsibility for juvenile detention.—

(1) It is the policy of this state that the state and the counties have a joint obligation, as provided in this section, to contribute to the financial support of the detention care provided for juveniles.

(2) As used in this section, the term:

(a) "Detention care" means secure detention.

(b) "Fiscally constrained county" means a county designated as a rural area of critical economic concern under s. 288.0656 for which the value of a mill in the county is no more than $3 million, based on the property valuations and tax data annually published by the Department of Revenue under s. 195.052.

(3) Each county shall pay the costs of providing detention care, exclusive of the costs of any preadjudicatory nonmedical educational or therapeutic services, for juveniles for the period of time prior to final court disposition. The department shall develop an accounts payable system to allocate costs that are payable by the counties.

(4) Notwithstanding subsection (3), the state shall pay all costs of detention care for juveniles for which a fiscally constrained county would otherwise be billed.

(a) By October 1, 2004, the department shall develop a methodology for determining the amount of each fiscally constrained county's costs of detention care for juveniles, for the period of time prior to final court disposition, which must be paid by the state. At a minimum, this methodology must consider the difference between the amount appropriated to the department for offsetting the costs associated with the assignment of juvenile pretrial detention expenses to the fiscally constrained county and the total estimated costs to the fiscally constrained county, for the fiscal year, of detention care for juveniles for the period of time prior to final court disposition.

(b) Subject to legislative appropriation and based on the methodology developed under paragraph (a), the department shall provide funding to offset the costs to fiscally constrained counties of detention care for juveniles for the period of time prior to final court disposition. If county matching funds are required by the department to eliminate the difference calculated under paragraph (a) or the difference between the actual costs of the fiscally constrained counties and the amount appropriated in small county grants for use in mitigating such costs, that match amount must be allocated proportionately among all fiscally constrained counties.

(5) Each county shall incorporate into its annual county budget sufficient funds to pay its costs of detention care for juveniles who reside in that county for the period of time prior to final court disposition. This amount shall be based upon the prior use of secure detention for juveniles who are residents of that county, as calculated by the department. Each county shall pay the estimated costs at the beginning of each month. Any difference between the estimated costs and actual costs shall be reconciled at the end of the state fiscal year.

(6) Each county shall pay to the department for deposit into the Juvenile Justice Grants and Donations Trust Fund its share of the county's total costs for juvenile detention, based upon calculations published by the department with input from the counties.

(7) The Department of Juvenile Justice shall determine each quarter whether the counties of this state are remitting to the department their share of the costs of detention as required by this section.

(8) The Department of Revenue and the counties shall provide technical assistance as necessary to the Department of Juvenile Justice in order to develop the most cost-effective means of collection.

(9) Funds received from counties pursuant to this section are not subject to the service charges provided in s. 215.20.

(10) The department may adopt rules to administer this section.

985.688 Administering county and municipal delinquency programs and facilities.—

(1) A county or municipal government may plan, develop, and coordinate services and programs for the control and rehabilitative treatment of delinquent behavior.

(2) A county or municipal government may develop or contract for innovative programs that provide rehabilitative treatment with particular emphasis on reintegration and conditional release for all children in the program, including halfway houses and community-based substance abuse treatment services, mental health treatment services, residential and nonresidential programs, environmental programs, and programs for serious or habitual juvenile offenders.

(3) A county or municipal government developing or contracting for a local program pursuant to this section is responsible for all costs associated with the establishment, operation, and maintenance of the program.

(4) In accordance with rules adopted by the department, a county or municipal government may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program operated, contracted, or subcontracted by the county or municipal government to another such facility or program.

(5) In view of the importance of the basic value of work, responsibility, and self-reliance to a child's rehabilitation within his or her community, a county or municipal government may provide work programs for delinquent children and may pay a child a reasonable sum of money for work performed while employed in any such work program. The work involved in such work programs must be designed to benefit the county or municipal government, the local community, or the state.

(6) A county or municipal government developing or contracting for a local program pursuant to this section is responsible for following state law and department rules relating to children's delinquency services and for the coordination of its efforts with those of the Federal Government, state agencies, private agencies, and child advocacy groups providing such services.

(7) The department is required to conduct quarterly inspections and evaluations of each county or municipal government juvenile delinquency program to determine whether the program complies with department rules for continued operation of the program. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the program. The operation of a program which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection.

(8) A county or municipal government providing a local program pursuant to this section shall ensure that personnel responsible for the care, supervision, and treatment of children in the program are apprised of the requirements of this section and appropriately trained to comply with department rules.

(9) A county or municipal government may establish and operate a juvenile detention facility in compliance with this section, if such facility is certified by the department.

(a) The department shall evaluate the county or municipal government detention facility to determine whether the facility complies with the department's rules prescribing the standards and requirements for the operation of a juvenile detention facility. The rules

for certification of secure juvenile detention facilities operated by county or municipal governments must be consistent with the rules for certification of secure juvenile detention facilities operated by the department.

(b) The department is required to conduct quarterly inspections and evaluations of each county or municipal government juvenile detention facility to determine whether the facility complies with the department's rules for continued operation. The department shall charge, and the county or municipal government shall pay, a monitoring fee equal to 0.5 percent of the direct operating costs of the program. The operation of a facility which fails to pass the department's quarterly inspection and evaluation, if the deficiency causing the failure is material, must be terminated if such deficiency is not corrected by the next quarterly inspection.

(c) A county or municipal government operating a local juvenile detention facility pursuant to this section is responsible for all costs associated with the establishment, operation, and maintenance of the facility.

(d) Only children who reside within the jurisdictional boundaries of the county or municipal government operating the juvenile detention facility and children who are detained for committing an offense within the jurisdictional boundaries of the county or municipal government operating the facility may be held in the facility.

(e) A child may be placed in a county or municipal government juvenile detention facility only when:

1. The department's regional juvenile detention facility is filled to capacity;
2. The safety of the child dictates; or
3. Otherwise ordered by a court.

(f) A child who is placed in a county or municipal government juvenile detention facility must meet the detention criteria as established in this chapter.

(10)(a) The department may institute injunctive proceedings in a court of competent jurisdiction against a county or municipality to:

1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or
2. Terminate the operation of a facility operated pursuant to this section.

(b) The department may institute proceedings against a county or municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.
2. The facility fails to abide by any final order of the department once it has become effective and binding.
3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.
4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel under s. 985.644(1) or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.

(c) Injunctive relief may include temporary and permanent injunctions.

985.69 One-time startup funding for juvenile justice purposes.—Funds from juvenile justice appropriations may be utilized as one-time startup funding for juvenile justice purposes that include, but are not limited to, remodeling or renovation of existing facilities, construction costs, leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs.

985.692 Juvenile Welfare Trust Fund.—

(1) There is created in the Department of Juvenile Justice the Juvenile Welfare Trust Fund. The fund shall be credited with proceeds from the operation of canteens, vending machines, hobby shops, activity centers, farming projects, donations to a program, contracted telephone commissions, and other such facilities or programs designated as accruing to the Juvenile Welfare Trust Fund. The purpose of the trust fund shall be for the benefit and welfare of juveniles committed to or detained in facilities operated by the department or by private vendors contracting with the department.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

985.694 Juvenile Care and Maintenance Trust Fund.—

(1) There is created in the Department of Juvenile Justice the Juvenile Care and Maintenance Trust Fund. The fund shall be credited with any money or other property received for personal use or benefit of juveniles in the custody of the department. The purpose of the trust fund shall be for the department to act in a fiduciary capacity on behalf of juveniles committed to or detained in facilities operated by the department or by private vendors contracting with the department.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

PART XII
MISCELLANEOUS OFFENSES

985.701 Sexual misconduct prohibited; reporting required; penalties.
985.711 Introduction, removal, or possession of certain articles unlawful; penalty.
985.721 Escapes from secure detention or residential commitment facility.
985.731 Sheltering unmarried minors; aiding unmarried minor runaways; violations.

985.701 Sexual misconduct prohibited; reporting required; penalties.—

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

a. "Sexual misconduct" means fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal penetration of another by any other object. The term does not include an act done for a bona fide medical purpose or an internal

search conducted in the lawful performance of duty by an employee of the department or an employee of a provider under contract with the department.

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

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

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

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

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

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

(b) Notwithstanding prosecution, any violation of this subsection, as determined by the Public Employees Relations Commission, constitutes sufficient cause under s. 110.227 for dismissal from employment with the department, and such person may not again be employed in any capacity in connection with the juvenile justice system.

(2) An employee of the department, or an employee of a provider under contract with the department, who witnesses sexual misconduct committed against a juvenile offender, or who has reasonable cause to suspect that sexual misconduct has been committed against a juvenile offender, shall immediately report the incident to the department's incident hotline, and prepare, date, and sign an independent report that specifically describes the nature of the sexual misconduct, the location and time of the incident, and the persons involved. The employee shall deliver the report to the supervisor or program director, who is responsible for providing copies to the department's inspector general and the circuit juvenile justice manager. The inspector general shall immediately conduct an appropriate administrative investigation, and, if there is probable cause to believe that a violation of subsection (1) has occurred, the inspector general shall notify the state attorney in the circuit in which the incident occurred.

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

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

(c) Any person who knowingly or willfully coerces or threatens any other person with the intent to alter testimony or a written report regarding an incident of sexual misconduct commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

985.711 Introduction, removal, or possession of certain articles unlawful; penalty.—

(1)(a) Except as authorized through program policy or operating procedure or as authorized by the facility superintendent, program director, or manager, a person may not introduce into or upon the grounds of a juvenile detention facility or commitment program, or take or send, or attempt to take or send, from a juvenile detention facility or commitment program, any of the following articles, which are declared to be contraband under this section:

1. Any unauthorized article of food or clothing.
2. Any intoxicating beverage or any beverage that causes or may cause an intoxicating effect.
3. Any controlled substance, as defined in s. 893.02(4), or any prescription or nonprescription drug that has a hypnotic, stimulating, or depressing effect.
4. Any firearm or weapon of any kind or any explosive substance.

(b) A person may not transmit contraband to, cause contraband to be transmitted to or received by, attempt to transmit contraband to, or attempt to cause contraband to be transmitted to or received by, a juvenile offender into or upon the grounds of a juvenile detention facility or commitment program, except as authorized through program policy or operating procedures or as authorized by the facility superintendent, program director, or manager.

(c) A juvenile offender or any person, while upon the grounds of a juvenile detention facility or commitment program, may not be in actual or constructive possession of any article or thing declared to be contraband under this section, except as authorized through program policy or operating procedures or as authorized by the facility superintendent, program director, or manager.

(2) Any person who violates this section as it pertains to an article of contraband described in subparagraph (1)(a)1. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In all other cases, a person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

985.731 Sheltering unmarried minors; aiding unmarried minor runaways; violations.—

(1)(a) A person who is not an authorized agent of the department or the Department of Children and Family Services may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

(b) A person may not knowingly provide aid to an unmarried minor who has run away from home without first contacting the minor's parent or guardian or notifying a law enforcement officer. The aid prohibited under this paragraph includes assisting the minor in obtaining shelter, such as hotel lodgings.

(2) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

PART XIII
INTERSTATE COMPACT ON JUVENILES

985.801 Interstate Compact on Juveniles; implementing legislation; legislative findings and policy.
985.802 Execution of compact.
985.8025 State Council for Interstate Juvenile Offender Supervision.
985.803 Juvenile compact administrator.
985.804 Supplementary agreements.
985.805 Financial arrangements.
985.806 Responsibilities of state departments, agencies and officers.
985.807 Additional procedures not precluded.

985.801 Interstate Compact on Juveniles; implementing legislation; legislative findings and policy.—

(1) It is hereby found and declared:

(a) That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others;

(b) That the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of this state.

(2) It shall therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states:

(a) In returning juveniles to such other states whenever their return is sought; and

(b) In accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

History.—s. 1, ch. 57-298; s. 26, ch. 78-414; s. 80, ch. 97-238.

Note.—Former s. 39.25; s. 39.51.

[1]**985.802 Execution of compact.**—The Governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

ARTICLE I

FINDINGS AND PURPOSES.—Juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

EXISTING RIGHTS AND REMEDIES.—All remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

DEFINITIONS.—For the purposes of this compact, "delinquent juveniles" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

RETURN OF RUNAWAYS.—

(1) The parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for the juvenile's return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of the juvenile's running away, the juvenile's location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering the juvenile's own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not the juvenile is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his or her return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, the judge shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to the juvenile's legal custody, and that it is in the best interest and for the protection of such juvenile that he or she is returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him or her to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding the juvenile shall have appointed to receive him or her, unless the juvenile shall first be taken forthwith before a judge of a court in the state, who shall inform the juvenile of the demand made for his or her return, and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition

is in order, the judge shall deliver such juvenile over to the officer whom the court demanding the juvenile shall have appointed to receive him or her. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to the juvenile's legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for the person's own protection and welfare, for such a time not exceeding 90 days as will enable the person's return to another state party to this compact pursuant to a requisition for the person's return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein the juvenile is found any criminal charge, or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he or she shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which he or she ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(2) The state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

(3) "Juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

RETURN OF ESCAPEES AND ABSCONDERS.—

(1) The appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody the delinquent juvenile has escaped shall present to the appropriate court or to executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of the juvenile's adjudication as a delinquent juvenile, the circumstances of the breach of the terms of the juvenile's probation or parole or of the juvenile's escape from an institution or agency vested with his or her legal custody or supervision, and the location of such delinquent juvenile, if known, at the time requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to

the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing the officer or person to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding the juvenile shall have appointed to receive him or her, unless the juvenile shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform the juvenile of the demand made for his or her return and who may appoint counsel or guardian ad litem for the juvenile. If the judge of such court shall find that the requisition is in order, the judge shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding the juvenile shall have appointed to receive him or her. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with the person's legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, the person must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable the person's detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with the juvenile's legal custody or supervision, there is pending in the state wherein the juvenile is detained any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for an act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon the juvenile's return to the state from which the juvenile escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(2) The state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

VOLUNTARY RETURN PROCEDURE.—Any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with the juvenile's legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of article IV(1) or of article V(1), may consent to the juvenile's immediate return to the state from which the juvenile absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and the juvenile's counsel or guardian ad litem, if any, consent to the juvenile's return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of the juvenile's rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver the juvenile to the duly accredited officer or officers of the state demanding the juvenile's return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order the juvenile to return unaccompanied to such state and shall provide the juvenile with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII

COOPERATIVE SUPERVISION OF PROBATIONERS AND PAROLEES.—

(1) The duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

(2) Each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(3) After consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against the juvenile within the receiving state any criminal charge or any proceeding to have the juvenile adjudicated a delinquent juvenile for any act committed in such state, or if the juvenile is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, the juvenile shall not be returned, without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(4) The sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

RESPONSIBILITY FOR COSTS.—

(1) The provisions of articles IV(2), V(2) and VII(4) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(2) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to articles IV(2), V(2) or VII(4) of this compact.

ARTICLE IX

DETENTION PRACTICES.—To every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

SUPPLEMENTARY AGREEMENTS.—The duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment, and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to the juvenile's being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to the juvenile's being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI

ACCEPTANCE OF FEDERAL AND OTHER AID.—Any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII

COMPACT ADMINISTRATORS.—The governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII

EXECUTION OF COMPACT.—This compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV

RENUNCIATION.—This compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the 6 months' renunciation notice of the present article.

ARTICLE XV

SEVERABILITY.—The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XVI

ADDITIONAL ARTICLE.—This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

For the purposes of this article, "child," as used herein, means any minor within the jurisdictional age limits of any court in the home state.

When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within 5 days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

ARTICLE XVII

ADDITIONAL ARTICLE.—

(1) This amendment shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

(2) All provisions and procedures of articles V and VI of the interstate compact on juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law, shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in article V of the compact shall be forwarded by the judge of the court in which the petition has been filed.

ARTICLE XVIII

OUT-OF-STATE CONFINEMENT AMENDMENT.—

(1)(a) Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) Escapees and absconders who would otherwise be returned pursuant to article V of the compact may be confined or reconfined in the receiving state pursuant to this amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such article shall be made and furnished, but in place of the demand pursuant to article V, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in article V may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(c) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(d) As used in this amendment:

1. "Sending state" means sending state as that term is used in article VII of the compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of article V of the compact;

2. "Receiving state" means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that said state is a party to this amendment.

(e) Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a "compact institution" and shall confine persons therein as provided in paragraph (a) hereof unless the sending and receiving state in

question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "compact institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

(f) Persons confined in "compact institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "compact institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(g) All persons who may be confined in a "compact institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if the delinquent had been confined or reconfined in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

(2) In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of a dependent or delinquent juvenile, such authorities may, pursuant to the out-of-state confinement amendment to the interstate compact on juveniles, confine or order the confinement of a delinquent or dependent juvenile in a compact institution within another party state.

History.—s. 2, ch. 57-298; s. 1, ch. 74-22; s. 26, ch. 78-414; s. 243, ch. 95-147; s. 81, ch. 97-238; ss. 1, 4, ch. 2005-80.

[1]**Note.**—

A. Section 1, ch. 2005-80, amended s. 985.502, effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," to read:

985.502 Execution of interstate compact for juveniles.—The Governor is authorized and directed to execute a compact on behalf of this state with any other state or states legally joining thereto in the form substantially as follows. This compact does not interfere with this state's authority to determine policy regarding juvenile offenders and nonoffenders within this state.

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE.—

(1) The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. s. 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

(2) It is the purpose of this compact, through means of joint and cooperative action among the compacting states to: (A) ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state; (B) ensure that the public safety interests of the public, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected; (C) return juveniles who have run away, absconded, or escaped from supervision or control or who have been accused of an offense to the state requesting their return; (D) make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably allocate the costs, benefits, and obligations of the compacting states; (G) establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency that has jurisdiction over juvenile offenders; (H) ensure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines; (I) establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact; (J) establish a system of uniform data collection of information pertaining to juveniles subject to this compact which allows access by authorized juvenile justice and criminal justice officials, and regular reporting of activities under this compact to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators; (K) monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance; (L) coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and (M) coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision, and other compacts affecting juveniles, particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created in this compact are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of the compact. The provisions of the compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II

DEFINITIONS.—As used in this compact, unless the context clearly requires a different construction:

(1) "Bylaws" means those bylaws established by the Interstate Commission for its governance or for directing or controlling its actions or conduct.

(2) "Compact administrator" means the individual in each compacting state, appointed pursuant to the terms of this compact, who is responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and the policies adopted by the state council under this compact.

(3) "Compacting state" means any state that has enacted the enabling legislation for this compact.

(4) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

(5) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

(6) "Deputy compact administrator" means the individual, if any, in each compacting state appointed to act on behalf of a compact administrator pursuant to the terms of the compact who is responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and the policies adopted by the state council under this compact.

(7) "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

(8) "Juvenile" means any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(a) Accused delinquent - a person charged with an offense that, if committed by an adult, would be a criminal offense;

(b) Adjudicated delinquent - a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(c) Accused status offender - a person charged with an offense that would not be a criminal offense if committed by an adult;

(d) Adjudicated status offender - a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(e) Nonoffender - a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

(9) "Noncompacting state" means any state that has not enacted the enabling legislation for this compact.

(10) "Probation or parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

(11) "Rule" means a written statement by the Interstate Commission adopted pursuant to Article VI of this compact which is of general applicability and implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the commission; has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

(12) "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES.—

(1) The compacting states hereby create the "Interstate Commission for Juveniles." The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers, and duties set forth in this compact, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(2) The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator, or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

(3) In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such noncommissioner members must include a member of the national organization of governors, legislatures, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the Interstate Commission shall be ex officio, nonvoting members. The Interstate Commission may provide in its bylaws for such additional ex officio, nonvoting members, including members of other national organizations, in such numbers as shall be determined by the Interstate Commission.

(4) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(5) The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact, which shall be managed by an executive director and Interstate Commission staff. The executive committee shall administer enforcement and compliance with the provisions of the compact, its bylaws, and rules, and shall perform other duties as directed by the Interstate Commission or set forth in the bylaws.

(6) Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and may not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

(7) The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange, and reporting requirements. Such methods of data collection, exchange, and reporting shall, insofar as is reasonably possible, conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV

POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The Interstate Commission shall have the following powers and duties:

(1) To provide for dispute resolution among compacting states.

(2) To adopt rules to effect the purposes and obligations as enumerated in this compact, and which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

(3) To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any bylaws and rules adopted by the Interstate Commission.

(4) To enforce compliance with the compact provisions, the rules adopted by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.

(5) To establish and maintain offices that are located within one or more of the compacting states.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, hire, or contract for services of personnel.

(8) To establish and appoint committees and hire staff that it deems necessary for carrying out its functions, including, but not limited to, an executive committee as required in Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants; to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, use, and dispose of such donations and grants.

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(13) To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.

(14) To sue and to be sued.

(15) To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

(18) To coordinate education, training, and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

(19) To establish uniform standards of the reporting, collecting, and exchanging of data.

(20) To maintain its corporate books and records in accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

Section A. Bylaws.—The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an executive committee and such other committees as may be necessary;

(3) Providing for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(6) Providing a mechanism for concluding the operation of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment or reserving all of its debts and obligations;

(7) Providing start-up rules for initial administration of the compact; and

(8) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and staff.-

(1) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission deems appropriate. The executive director shall serve as secretary to the Interstate Commission, but may not be a member, and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified immunity, defense, and indemnification.—

(1) The Interstate Commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that any such person is not protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state

officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(3) The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The Interstate Commission shall indemnify and hold the commissioner of a compacting state or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—

(1) The Interstate Commission shall adopt and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(2) Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative procedures act as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

(3) When adopting a rule, the Interstate Commission shall, at a minimum:

(a) Publish the proposed rule's entire text stating the reason for that proposed rule;

(b) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record and made publicly available;

(c) Provide an opportunity for an informal hearing if petitioned by 10 or more persons; and

(d) Adopt a final rule and its effective date, if appropriate, based on input from state or local officials or interested parties.

(4) Allow, not later than 60 days after a rule is adopted, any interested person to file a petition in the United States District Court for the District of Columbia, or in the Federal District Court where the Interstate Commission's principal office is located, for judicial review of such rule. If the court finds that the Interstate Commission's actions are not supported by the substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(5) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

(6) The existing rules governing the operation of the Interstate Compact on Juveniles superseded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

(7) Upon determination by the Interstate Commission that a state of emergency exists, it may adopt an emergency rule that shall become effective immediately upon adoption; provided that the usual

rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION.—

Section A. Oversight.—

(1) The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute resolution.—

(1) The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

(2) The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues that are subject to the compact and that may arise among compacting states and between compacting and noncompacting states. The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(3) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII

FINANCE.—

(1) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state, and the Interstate Commission shall adopt a rule that is binding upon all compacting states governing the assessment.

(3) The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(4) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX

THE STATE COUNCIL.—Each member shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must

include at least one representative from the legislative, judicial, and executive branches of government; at least one representative of victims groups; a parent of a youth who is not currently in the juvenile justice system; and the compact administrator, deputy compact administrator, or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council may advise and exercise oversight and advocacy concerning that state's participation in the activities of the Interstate Commission and other duties as may be determined by that state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.—

(1) Any state, including the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands, as defined in Article II of this compact, is eligible to become a compacting state.

(2) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2005, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

(3) The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT.—

Section A. Withdrawal.—

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days after its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extends beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state's reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical assistance, fines, suspension, termination, and default.—

(1) If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the bylaws or duly adopted rules, the Interstate Commission may impose any or all of the following penalties:

(a) Remedial training and technical assistance as directed by the Interstate Commission;

(b) Alternative dispute resolution;

(c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; or

(d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and the minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to

perform such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly adopted rules and any other ground designated in commission bylaws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination.

(2) Within 60 days after the effective date of termination of a defaulting state, the Interstate Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

(3) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations the performance of which extends beyond the effective date of termination.

(4) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(5) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial enforcement.—The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact and its duly adopted rules and bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

Section D. Dissolution of compact.—

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, the business and affairs of the Interstate Commission shall be concluded, and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XII

SEVERABILITY AND CONSTRUCTION.—

(1) The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(2) The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.—

Section A. Other laws.—

(1) Nothing herein prevents the enforcement of any other law of a compacting state which is not inconsistent with this compact.

(2) All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding effect of the compact.—

(1) All lawful actions of the Interstate Commission, including all rules and bylaws adopted by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision

upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

B. Section 4, ch. 2005-80, provides that "[s]ections 985.502 and 985.5025, Florida Statutes, shall stand repealed 2 years after the effective date of this act unless reviewed and saved from repeal through reenactment by the Legislature."

Note.—Former s. 39.26; s. 39.511.

[1]985.8025 State Council for Interstate Juvenile Offender Supervision.—

(1) Pursuant to Article IX of the Interstate Compact for Juveniles in s. 985.802, the State Council for Interstate Juvenile Offender Supervision is created. The purpose of the council is to oversee state participation in the activities of the Interstate Commission for Juveniles.

(2) The council shall consist of seven members and the secretary of the Department of Juvenile Justice or his or her designee, who shall serve as the chair of the council and may vote only to break a tie. The compact administrator or his or her designee and the executive director of the Department of Law Enforcement or his or her designee shall serve as members of the council. The remaining members shall be appointed by the Governor for terms of 4 years; however, the Governor may, in writing and on an individual basis for each appointee, delegate the power of appointment to the Secretary of Juvenile Justice. Of the initial appointees, one shall be appointed for a term of 1 year, one shall be appointed for a term of 2 years, one shall be appointed for a term of 3 years, and two shall be appointed for terms of 4 years each.

(3) Appointees shall be selected from individuals with personal or professional experience in the juvenile justice system and may include a victim's advocate, employees of the Department of Children and Family Services, employees of the Department of Law Enforcement who work with missing and exploited children, and a parent who, at the time of appointment, does not have a child involved in the juvenile justice system.

(4) Council members shall serve without compensation, but they are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.

(5) The provisions of s. 24, Art. I of the State Constitution and of chapter 119 and s. 286.011 apply to proceedings and records of the council. Minutes, including a record of all votes cast, must be maintained for all meetings.

(6) If the council is abolished, its records must be appropriately stored, within 30 days after the effective date of its abolition, by the Department of Juvenile Justice or its successor agency. Any property assigned to the council must be reclaimed by the department or its successor agency. The council may not perform any activities after the effective date of its abolition.

History.—ss. 2, 4, ch. 2005-80.

[1]Note.—

A. Effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80.

B. Section 4, ch. 2005-80, provides that "[s] ections 985.502 and 985.5025, Florida Statutes, shall stand repealed 2 years after the effective date of this act unless reviewed and saved from repeal through reenactment by the Legislature."

[1]**985.803 Juvenile compact administrator.**—Pursuant to said compact, the Governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the Governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

History.—s. 3, ch. 57-298; s. 26, ch. 78-414; s. 82, ch. 97-238; s. 3, ch. 2005-80.

[1]**Note.**—Repealed effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80, by s. 3, ch. 2005-80.

Note.—Former s. 39.27; s. 39.512.

[1]**985.804 Supplementary agreements.**—The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

History.—s. 4, ch. 57-298; s. 26, ch. 78-414; s. 83, ch. 97-238; s. 3, ch. 2005-80.

[1]**Note.**—Repealed effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80, by s. 3, ch. 2005-80.

Note.—Former s. 39.28; s. 39.513.

[1]**985.805 Financial arrangements.**—The compact administrator, subject to the approval of the chief state fiscal officer, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

History.—s. 5, ch. 57-298; s. 26, ch. 78-414; s. 84, ch. 97-238; s. 3, ch. 2005-80.

[1]**Note.**—Repealed effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80, by s. 3, ch. 2005-80.

Note.—Former s. 39.29; s. 39.514.

[1]**985.806 Responsibilities of state departments, agencies and officers.**—The courts, departments, agencies, and officers of this state and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

History.—s. 6, ch. 57-298; s. 26, ch. 78-414; s. 85, ch. 97-238; s. 3, ch. 2005-80.

[1]**Note.**—Repealed effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80, by s. 3, ch. 2005-80.

Note.—Former s. 39.30; s. 39.515.

[1]**985.807 Additional procedures not precluded.**—In addition to any procedure provided in articles IV and VI of the compact for the return of any runaway juvenile, the particular states, the juvenile or the parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.

History.—s. 7, ch. 57-298; s. 26, ch. 78-414; s. 244, ch. 95-147; s. 86, ch. 97-238; s. 3, ch. 2005-80.

[1]**Note.**—Repealed effective "July 1, 2005, or upon enactment of the compact into law by the 35th compacting state, whichever date occurs later," pursuant to s. 5, ch. 2005-80, by s. 3, ch. 2005-80.

Note.—Former s. 39.31; s. 39.516.

DRAFT

Task Force
presentation

Juvenile Sexual Offenders and Their Victims: Final Report

A Report Submitted to The Governor and The Florida Legislature

Task Force on
Juvenile Sexual Offenders
And Their Victims

January 18, 2006

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Executive Summary

The 2005 Florida Legislature authorized the creation of the Task Force on Juvenile Sexual Offenders and Their Victims (C2005-263, L.O.F.). Governor Jeb Bush appointed Task Force members who began their work in July 2005. The Task Force was given a broad mandate to examine all aspects of how the State of Florida processes and treats juvenile sexual offenders and their victims. Specifically, the Task Force was directed to make findings including, but not limited to:

- Identification of statutes that address juvenile sexual offenders.
- A profile of the offenses committed by juvenile sexual offenders placed in programs from July 2000 to July 2005.
- An assessment of the appropriateness of placements based on the acts committed.
- Identification of community-based and residential commitment programs available for juvenile sexual offenders.
- Assessment of the effectiveness of juvenile sexual offender programs.
- Identification of qualifications of staff who serve juvenile sexual offenders.

To fulfill its mission, the Task Force held five meetings and a series of conference calls. Their study of Florida Statutes, juvenile sexual offenders in Florida, resources for treatment of juvenile sexual offenders and their victims, assessment, placement and qualifications of staff resulted in a number of findings and recommendations contained in this report.

Findings of the Task Force

The Task Force found that Juvenile sexual offending behavior is complex and necessitates a careful analysis of statistics, trends and research. They found significant differences between adult sex offenders and juveniles who commit sexual offenses. The Task Force reviewed research findings from national studies and from the State of Florida that indicated:

- The per capita incidence of juvenile sexual offending crimes in Florida has slightly decreased over a six-year period.
- Juveniles who commit sexual offenses have an extremely low re-offense rate.
- A significant percentage of juveniles who commit sexual offenses were themselves victimized.

The Task Force examined the types of events resulting in charges of sexual offenses, and the practices involved in the adjudication and disposition of juvenile sexual offenders. They concluded that changes in *Florida Statutes* were needed to clarify the term 'juvenile sex offender' and the issue of consensual sex between children or between adolescents to prevent unnecessary labeling or other unintended consequences that would stigmatize youth into and through adulthood.

When a sexual offense does occur, the Task Force found a critical gap in services available for victims and their families. They found that victims of child-on-child sexual offenses have needs that extend beyond the time limits and resources available through existing programs. The Task force considered victim services one of the top priorities in their findings and recommendations.

Once any youth is adjudicated for a sexual offense or an offense involving inappropriate sexual behavior, the Task Force concluded that comprehensive assessments must be conducted by qualified practitioners. The results of these assessments should drive the classification of the youth, the treatment intervention, and the decision to place the youth in the community or a residential facility to ensure that the placement is appropriate to the act committed and the treatment needs of the youth.

In identifying available treatment resources, the Task Force found that both community-based and residential treatment options are available in the Department of Juvenile Justice service continuum. In consideration of placement appropriate to the seriousness of the offense and the treatment needs of the youth, however, the Task Force found a gap in specialized treatment in lower restrictiveness or community-based settings. Additional funding or fund-shifting to increase the number of lower restrictiveness beds or community-based slots is needed.

The Task Force concluded that a successful approach to treatment of juvenile sexual offenders and their victims must include the development of a balanced continuum of care beginning with multi-agency involvement, collaboration, and cooperation at the community level. The Task Force called for local communities to work together to address the complexity of need, looking to the Department of Juvenile Justice to take the lead to establish interagency communication, coordination and collaboration to develop and maintain an adequate continuum of services.

Of the findings made by the Task Force, the availability of resources for sexual offenders and their victims, especially the lack of community-based resources was regarded most important. Task Force members considered the following findings critical and in need of immediate attention:

- A coordinated, community-based network of resources for the treatment of the victims of sexual offenders and the families of the victims is limited or non-existent in most areas of Florida.
- Comprehensive psychosexual assessments of juvenile sexual offenders by qualified professionals are not automatically required for all adjudicated youth with a history of sexually delinquent or sexually inappropriate behavior.
- The Department does not require specialized certification for all sexual offender assessment professionals under contract with the Department.
- There is a critical lack of community-based treatment resources, forcing placement of youth who represent less of a risk to public safety into expensive high restrictiveness settings.
- The use of the label 'Juvenile Sex Offender' is inappropriately applied to youth who are very young or who engaged in 'consensual' sexual behavior with victims of the same age or developmental stage with no criminal intent.

Task Force Priority Recommendations

In view of these findings, the Task Force offers the following recommendations as top priorities among the 35 compiled in the course of their deliberations:

- At a minimum, the Florida Legislature should reinstate the $2.4 million that was cut from the community-based sex offender treatment budget to make community-based sex offender treatment available in each circuit.
- The Florida Legislature should fund a Sexual Abuse Intervention Network (SAIN) in each of the 20 judicial circuits, funded at $100,000 annually to cover the costs of a paid coordinator and related expenses.
- The Florida Legislature should require and fund ($290,000) comprehensive psychosexual evaluations, to be conducted by qualified practitioners and included as part of the pre-disposition report, on all adjudicated juveniles with a history of sexual delinquency or sexually inappropriate behavior.
- The Department of Juvenile Justice should contract only with qualified practitioners (defined herein) to conduct psychosexual evaluations and require that they participate in initial and ongoing training regarding the services offered by the Department.
- The Secretary of the Department of Juvenile Justice should appoint a group to study and make recommendations regarding the reallocation of resources from high-risk residential programs to lower risk residential or community treatment programs.
- The Florida Legislature should modify section 985.03, *Florida Statutes*, to change the term "Juvenile Sex Offender" to "Juveniles with Sexual Behavioral Problems." The term "Juvenile Sex Offender" should be reserved for youth transferred to adult court for sexual offenses.
- The Florida Legislature should provide adequate funding for long-term counseling services for all sexual abuse victims ages 18 years and younger.

This report concludes with an appendix that contains the recommendations of the 1995 Task Force on Juvenile Sex Offenders and Victims of Juvenile Sex Offense and Crimes. Although much progress has been made since that report was submitted, many of the findings and recommendations found there are echoed in the findings and recommendations of the 2006 Task Force. The Task Force is pleased to be part of the commitment and efforts by the Florida Legislature and Governor Jeb Bush to care for the victims of juvenile sexual offenders, to treat the offenders effectively and to return them safely to their homes and communities.

Background And Introduction

In 1995, a year after the creation of the Department of Juvenile Justice (throughout the report referenced as "the Department"), the Legislature authorized the creation of the first Task Force on Juvenile Sex Offenders and Their Victims (section 985.403, *Florida Statutes*). A Task Force was created that included representatives of law enforcement, the courts, state agency representatives, victims, and providers. Over a two-year period, this group studied juvenile sexual offending behavior and the service continuum for youth with sexual behavior problems. In a report dated January 1996, the Task Force concluded that "...the occurrence of juvenile sexual abuse appeared to be grossly under-reported throughout the state and there was very little structure or policy directing the response and resolution of this most serious problem."

The Task Force issued two comprehensive reports on juvenile sexual offending and made a series of policy and practice recommendations on how to address the issue of juvenile sexual offending behavior. A review of these recommendations ten years later reveals only a few of the recommendations have been fully implemented. Attachment II provides a summary of the recommendations from the first Task Force.

In 2005, the Florida Legislature once again focused on juvenile sex offenders and their victims. During the 2005 session, the Florida Legislature authorized the creation of the Task Force on Juvenile Sex Offenders and Their Victims (C2005-263, L.O.F.). Legislators charged the Task Force with reviewing and evaluating Florida laws that define and address juvenile sexual offenders, as well as Department of Juvenile Justice practices and procedures for serving offenders and their victims. Specifically, the Task Force was to make findings including but not limited to:

- Identification of statutes that address juvenile sex offenders.
- A profile of the offenses committed by juvenile sex offenders placed in programs from July 2000 to July 2005.
- An assessment of the appropriateness of placements based on the acts committed.
- Identification of community-based and residential commitment programs available for juvenile sex offenders.
- Assessment of the effectiveness of juvenile sex offender programs.
- Identification of qualifications of staff who serve juvenile sex offenders.

The Task Force was additionally charged with making recommendations for improvement of the state's laws, policies, programs, and funding for juvenile sexual offender programs and identification of criteria that should be satisfied prior to placement of a juvenile in sexual offender programming.

The Legislature authorized Governor Bush to appoint up to 12 members to serve on the Task Force including representatives from the following:

- Circuit Court Judge.
- State Attorney.
- Public Defender.
- Representative from the Department of Juvenile Justice.
- Two representatives of providers of juvenile sex offender services.
- Representative from the Florida Juvenile Justice Association.
- Representative from the Florida Association for the Treatment of Sexual Abusers (FATSA).
- Victim of a juvenile sexual offender.[1]

Governor Jeb Bush appointed task force members in July 2005 (see Appendix I). To fulfill its mission, the Task Force held five meetings and a series of conference calls. The Task Force conducted research on youth receiving sex offense treatment and conducted a comprehensive analysis of Florida's current laws, policies, procedures and practices for addressing the needs of juvenile sex offenders and their victims.

This report is a summary of current research related to juvenile sexual offending, data on the incidence of juvenile sexual offenses in Florida, a profile of youth who sexually offend, and programs currently serving youth who sexually offend. After a presentation of data and research, the report provides a summary on six areas:

- Response to Victims.
- Prevention and Awareness.
- Evaluation and Assessment.
- Treatment and Supervision.
- Legal Issues.
- Interagency Collaboration.

In each of these sections, findings and recommendations for action are included.

[1] Every effort to find a victim member was made. However, due to the un-reimbursed travel and time necessary for task force participation, in addition to the issues involved in locating and recruiting a person who is currently an adult but was once victimized by a juvenile sexual offender, a victim was not successfully recruited. The victim representative for the first half of the task force was Donald Ryce, father of the late Jimmy Ryce who was murdered by an adult sexual offender. The victim representative for the second half of the task force was Jeannie Becker-Powell, who has extensive experience in the victim services field. Ms. Becker-Powell served as an ad-hoc member of the task force.

Overview of Juveniles with Sexual Behavior Problems

In recent years an intense media spotlight on the tragic disappearance and deaths of several young children at the hands of adult sex offenders has brought this issue into sharp focus for our nation and our state. In response to such crimes, Florida created a sex offender registry and the Legislature has passed several key pieces of legislation. Most recently, the Jessica Lunsford Act was created, named for a 9-year-old girl from Homosassa Springs, who was allegedly kidnapped and murdered at the hands of an adult sex offender living across the street from her home. This Act, which passed during the 2005 legislative session, provides stricter guidelines for Florida's sex offender registry as well as tougher penalties for those convicted of sex offender crimes. The Task Force views this legislation as offering critical new protections for adult and child citizens of this state.

The intense media scrutiny over tragic cases involving adult sex offenders contributes to fear about juvenile sex offenders. During the course of its work, the Task Force identified several important distinctions between adults and juveniles who sexually offend which should be central to any policy discussion regarding this group of young offenders:

- Juveniles who sexually offend vary considerably with regard to demographics, characteristics, and offense behaviors, which leads to difficulties with interpretation and generalizability of study findings.[2]
- It is estimated that nearly half of all child molestations and one-fifth of all rapes are committed by juveniles.[3]
- Compared to adults who sexually offend, juveniles who sexually offend are less aggressive and less serious in their sexual offenses.[2]
- Most adolescent sex offenders are not sexual predators, do not meet the definition of pedophile, do not have deviant sexual arousal, and do not have the same long-term tendencies as adults.[2]
- Juveniles who sexually offend are generally treatment responsive. The overall sex offense recidivism rate for juveniles is relatively low, usually between 5% and 15%. Juveniles who successfully complete sexual offender treatment have been found to have a lower recidivism rate than their untreated counterparts.[4]
- Non-sexual delinquent behavior is typical among juveniles who sexually offend.[5] Juveniles who sexually offend are more likely to re-offend with non-sexual delinquent offenses than with new sexual offenses.[2]

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[2] National Center for Sexual Behavior of Youth. (July, 2003). NCSBY Facts Sheet: What research shows about adolescent sex offenders [electronic version]. *National Center on Sexual Behavior of Youth*, No. 1, 1-3.
[3] Ryan, G., Miyoshi, T.J., Metzner, J.L., Krugman, R.D., and Fryer, G.E. (1996). Trends in a national sample of sexually abusive youths [electronic version]. *Journal of the American Academy of Child and Adolescent Psychiatry,* vol. 35, No. 1:17 – 25.
[4] Worling, J.R. & Curwen, T., (2000). Adolescent sexual offender recidivism: Success of specialized treatment and implications for risk prediction. Child Abuse and Neglect, 24(7), 965-982.
[5] Office of Juvenile Justice and Delinquency Prevention. (2001). Juveniles who have sexually offended: OJJDP Report [electronic version]. *Office of Juvenile Justice and Delinquency Prevention.*

- Conservative estimates of sexual abuse histories among male juveniles who sexually offend indicate they are three to four times more likely to have been sexually abused than male adolescents in the general population. Various studies have found sexual abuse rates between 40% and 80% and physical abuse rates between 20% and 50% for juveniles who sexually offend.[3]

Post-Treatment Recidivism Rates Nationally and in Florida

The Florida Department of Juvenile Justice tracks recidivism of youth who complete residential treatment. The Department's official recidivism measure is an adjudication or conviction for any new offense committed within the first twelve months after program completion. In addition to tracking recidivism, the Department produces the Program Accountability Measures Report (PAM Report). The Program Accountability Measures Report uses a methodology that calculates expected recidivism based on the risk factors for re-offending of the specific youth released from each residential program. Expected recidivism is then compared to actual or observed recidivism to derive a score ranging from Ineffective to Highly Effective for each residential program that released 15 or more youth during the two-year period of the evaluation[7].

The 2005 Program Accountability Measures Report indicates that the recidivism rate for Florida youth released from high-risk residential sex offender treatment programs between July 1, 2002 and June 30, 2004 ranged from 13% to 26% among the eight programs. Five of the eight programs scored an "Average Effectiveness" rating, one of the eight high-risk residential programs scored in the "Effective" range, and two scored in the "Below Average Effectiveness" range. It is important to note that very few of the new offenses committed by these youth were sexual offenses. In fact, for the cohort of youth released from Department of Juvenile Justice sex offender treatment programs between July 1, 2001 and June 30, 2002, the most recent cohort for which recidivism offense type was analyzed in both the adult and juvenile systems, the sexual offense recidivism rate was 1.6%.

Recidivism for youth released from The Arthur G. Dozier School for Boys Sexual Offender Program (one of The Department's high-risk treatment programs located in Marianna) sex offender treatment component is tracked by the program's Specialized Treatment Program (STP) staff. The recidivism study for 2005 included 382 Dozier youth that participated in sexual offender treatment programming between November 1, 1991 and December 31, 2003. Also included in the 2005 study were 54 sexual offenders from the Jackson Juvenile Offender Correction Center (co-located with Dozier in Marianna) who completed treatment through the STP program. Among these youth, the adult and juvenile recidivism rate for new felony sex offenses was 3.6%. This rate represents all youth released over the last twelve years who have been in the community for at least one year.

The low rate of new sexual offenses for youth released from Florida sex offense treatment programs is consistent with findings from other states. For example, a recent publication based on a 10-year follow-up study on a cohort of youth released from Virginia sex offender treatment programs reported a 10-year recidivism rate for new

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[7] Program Accountability Measure report (2006), Florida Department of Juvenile Justice

sexual offenses of less than 5%.[8] Although it is likely that some juvenile sex offenses go undetected, the very low recidivism rates of these youth supports the notion that most juveniles who sexually offend appear to be highly responsive to treatment and only rarely go on to become adults who sexually offend.

Research on Characteristics and Recidivism Rates

In discussions of treatment and management of these youth it is important that policymakers remain mindful of two critical characteristics of juveniles who sexually offend:

- They are highly responsive to treatment.
- They recidivate at an amazingly low rate.

These important characteristics of juveniles who sexually offend offer an important counterbalance to policy discussions in an era with justified, widespread concern over high-profile sex offense and homicide cases involving adult offenders and child victims. As demonstrated by the overview of national research, juveniles with sexual behavior problems are very distinct from adult sexual offenders, and most juveniles with these behaviors will not continue to perpetrate, especially if they receive appropriate treatment. It is important, in terms of appropriate use of state resources as well as appropriate treatment of youth, that policymakers are aware of these significant differences between adult sex offenders and juveniles with sexual behavior problems.

Although research indicates that many, if not most, juveniles with sexual behavior problems are highly amendable to treatment and unlikely to re-offend sexually, the Task Force recognizes that a small proportion of juveniles with sexual behavior problems are at a high risk to re-offend and may be resistant to treatment. It is very important that this small group of youth who are most likely to re-offend be properly identified through careful assessment, and that their needs are properly addressed in the juvenile justice system, which includes protecting other youth from the peer influence and potential victimization that may result from co-mingling within residential programs.

The Task Force also recognizes that normal, healthy children and adolescents commonly engage in a certain amount of sexual exploration and experimentation. Just as it is important to identify those youth most likely to re-offend, it is important to identify youth who are neither pathological nor at a high risk to re-offend, and to avoid criminalizing or over-criminalizing their behaviors. Public concern over adult sex offenders, related to high-profile tragedies perpetrated by adult pedophiles, should not be allowed to unduly influence policy and practice related to juveniles with sexual behavior problems.

[8] Waite, D., Keller, A., McGarvey, E., Wieckowski, E., Pinkerton, R., Brown, G. (2005). Juvenile sex offender rearrest rates for sexual, violent nonsexual, and property crimes: A 10-year follow-up. *Sexual Abuse: A Journal of Research and Treatment.* No. 3, 313-331.

Sexually Violent Predator Act (Jimmy Ryce Act)

In 1998, the Florida Legislature enacted the Sexually Violent Predator Act known as the "Jimmy Ryce Act." The purpose of this legislation is to protect Florida's communities by confining and providing treatment to those individuals who have been found guilty of a sexual offense, and who are subsequently found through a civil commitment proceeding to be likely to engage in future acts of sexual violence. The Sexually Violent Predator Act does *not* apply to persons less than eighteen (18) years old, and it does *not* apply to individuals who are permitted to remain in the community by the adjudicating court (e.g., probationers in community-based treatment). Primarily due to the age restriction, the Sexually Violent Predator Act is not applicable to the majority of youth who have been committed to the Department after being found guilty of committing a sexually delinquent act. It does, however, apply to those youth who turn 18 during the course of their commitment to a residential Department of Juvenile Justice program, and who have *ever* been found adjudicated delinquent for committing a sexual offense.

The Sexually Violent Predator Act was designed to target the small proportion of sexual offenders who pose the greatest risk of harm to the community. Thus, to commit an individual to confinement and treatment under the Sexually Violent Predator Act, a civil court must determine that the individual suffers from a mental abnormality or personality disorder that makes the individual likely to engage in acts of sexual violence if not confined. Most individuals who have been convicted of sexual offenses do not meet this stringent criterion.

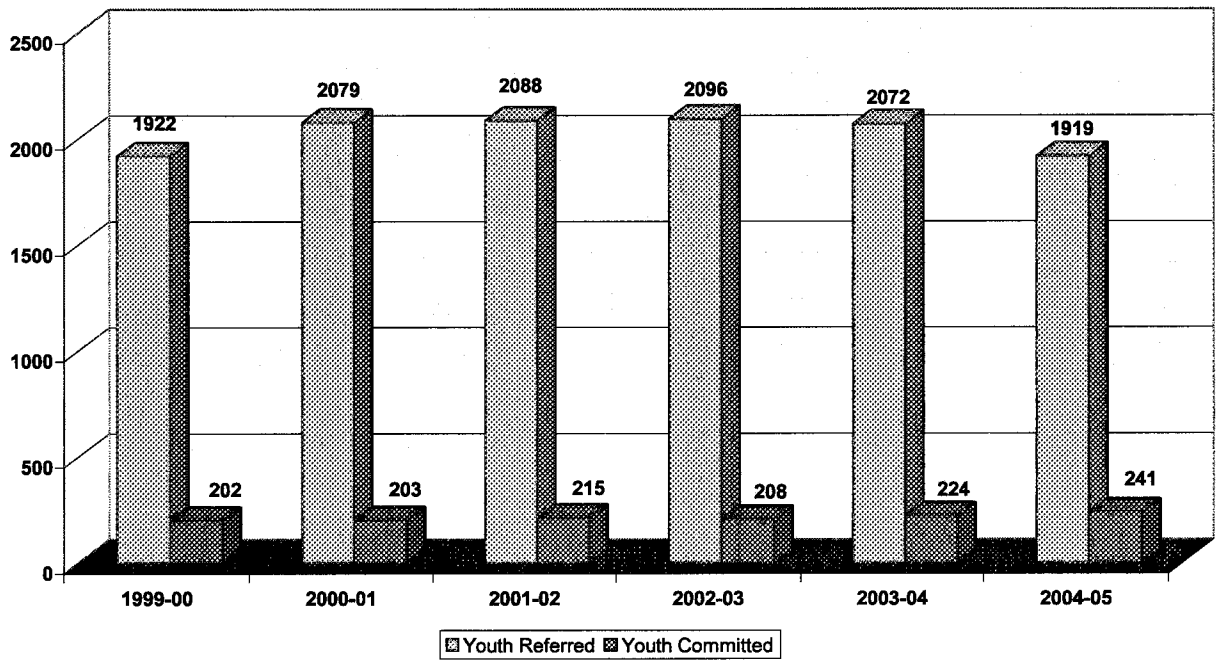
Between 1998 and November 30, 2005, the Department had referred 938 youth who have committed sexually delinquent acts for screening as required under the Sexually Violent Predator Act. Of these 938 youth, the evaluating body of the Sexually Violent Predator Program has recommended that the State of Florida pursue civil commitment of only 34 individuals, approximately 3.5% of the total referrals. In comparison, during this same time period, the Department of Corrections has referred 18,719 individuals for screening, of which 843 (approximately 4.5%) have been recommended for civil commitment. It is important to note that civil commitment under the Sexually Violent Predator Act is a trial proceeding; thus, not every individual who is recommended for civil commitment will ultimately be found to meet criteria as a Sexually Violent Predator. As of November 30, 2005, nine individuals who were referred from the Department have been committed to confinement and treatment at the Sexually Violent Predator treatment facility in Arcadia, Florida, which represents just less than 1% of those referred for civil commitment evaluation.

Juveniles with Sexual Behavior Problems—Youth Referred and The Service Continuum in Florida

Referrals and Commitments

In Fiscal Year 2004-05, more than 95,000 youth were referred to the Department with almost 150,000 delinquency charges. The number of youth referred for sexual delinquency as well as the number of youth committed to residential placement (Table 1) has remained relatively stable over the past six years, even as Florida's population of youth at risk (age 10-17) has grown. In FY 1999-2000, Florida's population of youth at risk was 1,601,113, compared to 1,829,260 in FY 2004-2005, an increase of 14%. The stable and even declining number of referrals for sexual delinquency in conjunction with a growing youth population reflects a declining rate of sexual delinquency referrals among Florida youth.

Table 1. Youth Referred and Committed for Sexual Offenses



Referrals and Sanctions

In fiscal year 2000-01, 1,897 youth (1,845 males and 52 females) were referred to DJJ for felony sex offenses. In fiscal year 2004-05, this number was down to 1,766 (1,678 males and 88 females). This represents a decrease of 7%. Case outcomes for youth referred for felony sex offenses that received sanctions during the 2004-05 fiscal year are displayed in Table 2. The number of youth referred is much greater than the number of youth who ultimately receive sanctions, because many cases are non-filed or are non-judicially diverted.

Table 2: Case Outcomes for Youth Referred for Felony Sexual Delinquency, FY 2004-05

Case Outcome	Males	Females
Diverted	135	7
Probation	403	14
Commitment	223	9
Transfer to Adult	117	2
Total	**878**	**32**

Table 3: Case Outcomes for Youth Referred for Misdemeanor Sexual Delinquency, FY 2004-05

Case Outcome	Males	Females
Diverted	35	6
Probation	37	1
Commitment	8	1
Transfer to Adult	0	0
Total	**80**	**8**

The number of youth referred for misdemeanor sexual offenses also declined over the five-year period from 2000-01 to 2004-05. In Fiscal Year 2000-01, 202 youth (159 males, 43 females) were referred to the Department for misdemeanor sexual offenses. In 2004-05, this number was down to 143 (122 males, 21 females), a 29% decrease. Case outcomes for youth referred for misdemeanor sex offenses that received sanctions are displayed in Table 3 above.

Service Continuum

The Department administers the entire continuum of publicly funded juvenile justice services in Florida either directly or through contracts with private providers. The Department structure includes Prevention and Victim Services, Probation and Community Corrections, Detention Services and Residential and Correctional Facilities. These branches are responsible for the continuum of prevention, intake, diversion, screening and assessment, probation, detention, residential commitment and aftercare services.

Probation and Community Corrections

Prior to 2000, the Department funded community sex offender treatment in many communities across the state. Budget cuts of $2.4 million in 2000 resulted in elimination of all but three of the state's community-based sexual offender treatment programs. Probation and Community Corrections currently has three remaining contracts designed to provide non-residential sex offender treatment to youth in the community, with a total of 120 treatment slots.

Keystone Educational and Youth Services provides 20 slots of community-based day treatment in Circuit 4 (Jacksonville) for youth on Probation or Post-Commitment Probation. The average length of stay for this five-day-a week program is 9 to 18 months and includes a six-week relapse prevention group for transition. Services provided include crisis intervention, educational, life skills, and case management services as well as sexual offender groups four times a week.

The Intensive Treatment Modalities (ITM) Group provides 70 slots of outpatient sex offender treatment in Circuit 5 (Marion County), with an average length of stay of 6 to 12 months. Services include crisis intervention, weekly sexual offender group counseling, twice monthly individual counseling, and monthly family sessions as well as case management services.

Family Services Center provides 30 slots of outpatient sex offender treatment for Circuits 6, 12 and 13 (Pasco, Manatee and Hillsborough Counties), with an average length of stay of 9 to 12 months. Services provided include two 150-minute group sessions per week, individual and family counseling, crisis intervention, and case management services. Staff members are on-call on weekends and during evenings in case of an emergency.

In many circuits, Probation and Community Corrections funds limited sex offender outpatient treatment through contracts with local providers, usually for weekly sex offender groups and family sessions. These services are for the most part funded through dollars attached to Intensive Supervision, with Intensive Juvenile Probation Officers providing case management and supervision. In some circuits, Probation and Community Corrections provides sex offender-specific caseloads and specialized training for the workers who supervise these youth. Although youth released from residential commitment receive aftercare services, none of the contracted aftercare services are sex-offender specific.

Residential and Correctional Facilities

Over the past ten years, the Department and the Legislature have increased residential sex offender capacity. Today, the Department operates ten residential sex offender programs for a total bed capacity of 510, which represents approximately 8% of the Department's total commitment capacity. The Department administers two moderate-risk sex offender treatment programs, with a total capacity of 70 beds, and eight high-risk beds with a total capacity of 440 beds. Additionally, one moderate-risk and one high-risk female program offer sex offender treatment to committed girls based on offense behaviors or assessed need.

Table 4: Moderate-Risk Sexual Offender Treatment Programs

Sexual Offender Program	Judicial Circuit	Capacity
Columbus Juvenile Residential Facility	13	50
Union Juvenile Residential Facility	8	20
Total Moderate-Risk Capacity		**70**

Table 5: High-Risk Sexual Offender Treatment Programs

Sexual Offender Program	Judicial Circuit	Capacity
Three Springs	7	33
Kissimmee Juvenile Correctional Facility	9	50
Manatee Adolescent Treatment Services	12	35
Arthur G. Dozier School for Boys	14	80
Jackson Juvenile Offender Correctional Center	14	32
Sago Palm Academy	15	96
St. John's Juvenile Correctional Facility	7	50
Okeechobee Juvenile Offender Correctional Center	19	64
Total High-Risk Capacity		**440**

Florida Youth in Sex Offender Treatment: 2003 and 2005 Studies

2005 Snapshot Study Findings

In order to better understand the characteristics and needs of youth committed to residential sex offender programs in Florida, the Task Force directed the Florida Department of Juvenile Justice Office of Research and Planning to conduct a descriptive study of youth currently committed to residential sex offender treatment programs. The data collection instrument utilized for this study consisted of selected items from two existing (but not validated) risk assessment instruments for juvenile sexual offenders, the J-SOAP II and the ERASOR.

Data were collected from a large convenience sample of 514 youth in sex offender treatment during October of 2005. Specifically, the survey included:

- 333 youth residing in high-risk programs, representing 72% of high-risk sex offender capacity.
- 60 youth residing in moderate-risk program, representing 86% of moderate-risk sex offender capacity.
- 115 youth in community treatment programs, representing 96% of community placement capacity.

Surveys were sent to programs for distribution to therapists who completed them for as many youth as possible. Therapists were asked to include youth who had been in treatment for at least three months so that they would have adequate knowledge of the youth to respond to the survey items. Items were borrowed directly from the J-SOAP II and ERASOR and were intended to capture information not available in the statewide Juvenile Justice Information System (JJIS), which is mostly limited to statute codes for offenses, adjudication status, disposition and program placement.

Extent of Victimization. More than half of the youth at all treatment levels were believed by their therapist to have one victim. Well over half of the youth at all treatment levels were believed by their therapist to have not demonstrated indiscriminate victim choice, which is one indicator of predatory behavior and high risk to re-offend. Just over half of the youth in high-risk programs, 42% of youth in moderate-risk programs, and half of the youth in community treatment programs were believed by their therapist to have committed a single sex offense. Eighty-two percent of the sample was characterized as demonstrating mild or no planning in their sexual offense(s). It should be noted that this data is based on disclosures to therapists in treatment. It is possible that polygraphs and in-depth psycho-sexual assessments would reveal a greater number of victims and a longer duration of offending for some youth included in the study.

Violence and Deviance. The majority of youth at all treatment levels demonstrated no gratuitous or expressive violence in their current offense and the majority was characterized as having no deviant sexual interest in violence. Just two percent were characterized as clearly having deviant sexual interest in violence. Forty-two percent of the total sample was characterized as having no deviant sexual interests in children. Seventy-three percent were characterized as accepting full or partial responsibility for their offense at the time of program admission.

Nature of the Offense. With regard to the current offense, 6% of the total sample committed a non-contact offense and 4% of the sample (including 5% in high-risk commitment) was characterized by their therapist as having engaged in sexual activity that was absent of force, intimidation, coercion, or power and control (referred to on the data collection instrument as "statutory rape"). Because of existing laws addressing age of consent, these youth were charged with a sexual battery or related offense. Among the remaining youth in the study, 34% committed a fondling/touching offense, and over half at all treatment levels had either penetrated or attempted to penetrate their victim. The youth in this sample did not typically have histories of violent felonies other than their sexual offending. Eighty-six percent of youth in high-risk programs, 90% in moderate-risk programs, and 95% in community-based programs had no violent felony adjudications, aside from their sexual offense(s). Sexual offenses are classified as person offenses even in cases where little or no force is used in the offense.

Aggression. In order to create a category of youth with little or no histories of violence, force, or sexual interest in violence, several variables were combined to create a "Youth With Minimal Aggression" variable. Youth were classified as "Minimally Aggressive" if they met the following criteria:

- No history of violent felony adjudications (aside from sexual offenses).
- Characterized by their therapist as having no deviant sexual interest in violence.
- Displayed no expressive aggression in their offense.
- Current offense was either non-contact, fondling/touching, or consensual.

Sixteen percent (333) of the youth in high-risk commitment programs, 17% (60) of the youth in moderate-risk commitment programs, and 35% (115) of the youth in community-based commitment programs in the study met this "Minimally Aggressive" criteria.

Exposure to Violence. Exposure to violence as both victims and witnesses was very common among the sample of youth in sex offender treatment. Based on therapists' knowledge, 51% had experienced physical abuse, sexual abuse, or both. Sixty percent of youth in the study had been exposed to abuse either as a direct victim or as a witness to domestic violence. Forty seven percent, nearly half of the youth in the sample, were known to have witnessed domestic violence in their homes. It is likely that violence exposure histories known to therapists *underestimate* actual exposure to violence.

Fall 2003 Study and Preliminary Moderate-Risk Placement Criteria

In the Fall of 2003, the Department conducted its first in-depth study of the characteristics of youth committed to sex offender programs. The study was intended to provide information on psychosocial and offense-related characteristics of the youth. The primary goal of the 2003 study was to provide data to guide decision-makers regarding the feasibility of shifting some high-risk sex offender treatment resources to the moderate-risk level. A variety of possible scenarios were presented. Each scenario was based on youth included in the study who were committed to high-risk sex offender commitment programs. For each scenario, the percentage of youth in the study who met the given criteria was presented, along with an estimate of the total number of moderate-risk residential beds that would be needed if these criteria for moderate-risk placement were adopted.

In each of the scenarios below, the assumption is made that youth do not have offending histories or characteristics that would otherwise necessitate high-risk placement. The placement criteria scenarios should be viewed as informational with regard to the committed sex offender population, not as specific recommendations. These groupings overlap and totals should not be summed.

Example 1: Youth with one or zero sex offense adjudications who committed non-contact, fondling/touching, or "consensual" (absence of force, power and control, or coercion but charged due to age differences) sexual battery offenses.

- Percentage of high-risk youth in the study who meet that criterion: 26%.
- Number of moderate-risk beds that would be needed if these criteria were adopted for moderate-risk placement: 110.

Example 2: Youth who have one sex offense adjudication but have no other delinquency adjudications.

- Percentage of high-risk youth in the study who meet these criteria: 17%.
- Number of moderate-risk beds that would be needed if these criteria were adopted for moderate-risk placement: 84.

Example 3: Youth age 13 and younger at the time of placement who demonstrated no gratuitous or expressive violence in the commission of their offense.

- Percentage of high-risk youth in the study who meet these criteria: 10%.
- Number of moderate-risk beds that would be needed if these criteria were adopted for moderate-risk placement: 45.

Example 4: Youth with one or zero sex offense adjudications who demonstrated no gratuitous or expressive violence in their committing offense(s).

- Percentage of high-risk youth in the study who meet that criterion: 49%.
- Number of moderate-risk beds that would be needed if these criteria were adopted for moderate-risk placement: 212.

Since the creation of the Department in 1994, all youth committed for sex offenses were placed in high or maximum risk programs, as these were the only existing commitment programs for sex offender treatment. Recognizing the need for a variety of commitment options for juveniles with sexual behavior problems, the Department in 2003 created the first moderate-risk sex offender program (Union), with 20 beds. In 2004, an additional 50-bed moderate-risk sex offender program was opened (Columbus).

As stated above, a careful analysis of the youth entering residential programs for sexual offending behavior seems to indicate that placement in high-risk programs is overused based on the concentration of resources in the high-risk level, and cannot be justified based on the severity of the offense of a portion of the youth in these programs. According to *Florida Statutes*, youth with sexual offense adjudications cannot be placed at either the low-risk residential commitment level or the newly reinstated minimum-risk non-residential commitment level.

Key Areas of Focus: 2005 Task Force Findings and Recommendations

The Task Force findings and recommendations are grouped into six areas:

- Response to Victims.
- Public Awareness.
- Assessment and Evaluation.
- Treatment and Supervision.
- Legal Issues.
- Interagency Collaboration.

The Task Force offers a summary of its research related to the topics in the following sections. At the end of each section are a number of consensus findings or conclusions endorsed by the Task Force members. Following each finding are specific recommendations for action.

Task Force members made a deliberate decision to address victims first. Victims are severely affected by the behavior of juveniles who sexually offend and it is critical that any discussion related to this topic keep awareness of the victims as a top priority. The Task Force members agree that protection of victims and potential victims cannot be separated from treatment of offenders; the ultimate goal of treatment is the prevention of future victims. Consequently, effective treatment and management of juveniles with sexual behavior problems is a critical component of protecting victims and potential victims.

Response To Victims

A discussion of the victims and impact on the family of juveniles who commit sex offenses is complex and involves multiple issues complicated by whether the crime occurs within the family, by a stranger or within the offender's peer group. The focus of the response more often has been on the offender and not on the needs of the victims and their families. The relational issues between the offender and the victim often complicate addressing these needs. Effective, consistent, and long-term intervention for victims is needed, however, to eliminate the cycle of violence and to mitigate the mental and behavioral health consequences related to victimization and trauma.

Most judicial circuits provide funding for "system advocacy services" to crime victims through law enforcement or state attorney victim assistance programs. These programs provide support to crime victims during the investigation and prosecution of the criminal case, but are not designed for long-term treatment or follow-through. Many programs refer victims for counseling, assist them in applying for Crimes Compensation and provide victim notification and assistance with the court process. Once the case is closed, most offices do not have the capacity, funding or statutory mandates to continue services to the victim or the family. This report addresses recommendations to increase the services to crime victims in the juvenile justice system including the establishment of victim specialists within the Department.

Child Protection Teams, individual therapists and private child advocacy groups provide much needed counseling services to crime victims and families. The available services vary considerably by community and funding. The Crimes Compensation Trust Fund provides reimbursement for counseling services in situations where a crime has been reported and the victim has applied for assistance. Many qualified professionals are unwilling to accept the reduced fee which Crimes Compensation pays under this program.

In some Florida communities there is a collaboration of concerned professionals and community members who are working together to address the systematic issue of responding to sexual abuse. In Hillsborough County, for example, the Sexual Abuse Intervention Network (SAIN), provides referrals to specialized services, education and training to victims, families, and offenders. The SAIN provides a comprehensive systematic approach in addressing the issues experienced by both victim to offender and includes educational services to the community on the issues surrounding this multifaceted issue.

Chapter 960, *Florida Statutes*, encompasses the Victims' Bill of Rights, which outlines the rights of the victims and includes the right to be informed, heard, and notified of all crucial criminal proceedings. The statute also addresses the rights of victims pertaining to information regarding the court process and services available to them and their families. Victims of sexual battery and attempted sexual battery are covered by this statute, but not victims of lewd and lascivious acts, although the trauma and long-term effects of their victimization may be just as difficult as those of sexual battery victims.

Finding 1: Limited Resources for Victims and Families

The needs of crime victims and the family members vary in intensity and complexity, and are often overlooked by the juvenile justice system. Limited resources for treatment and continuity of services for the victim, the family and the offender complicate the situation. Many of the problems caused by trauma and victimization may not surface until later in the child's developmental process, leaving a gap in the availability of services and resources when problems arise.

Recommendation 1a:

The Florida Legislature should provide adequate funding for long-term counseling services for all sexual abuse victims ages 18 years and younger.

Recommendation 1b:

The Florida Legislature should expand the role, capacity and capability of Child Protective Teams to allow investigation and intervention services in child-on-child cases.

Recommendation 1c:

The Department of Juvenile Justice and the Department of Children and Families should collaborate in the development and delivery of training regarding the effects of trauma on child sexual victims.

Recommendation 1d:

The Office of the Attorney General should revisit the current policy requiring therapists to accept less than 100% of their fee for counseling services to crime victims.

Recommendation 1e:

The Florida Legislature should fund a Sexual Abuse Intervention Network (SAIN) in each of the 20 judicial circuits, funded at $100,000 annually to cover the costs of a paid coordinator and related expenses.

Finding 2: Family Relationships Need Attention

The results of research indicate that sexual abuse is often a self-perpetuating, intergenerational cycle that can be broken through appropriate intervention. In intra-familial cases, however, the Department of Children and Families maintains limited or no continuing involvement in managing the relationships between the victim and the family once an offender is removed from the home. The assumption appears to be that once a sex offender is committed to residential treatment, the problem has been "fixed." Many times the offender will be returning to the same home environment where the offending occurred, yet the family unit may be unchanged. The needs of victims and their families with regard to the establishment of healthy relationships are often unmet.

Recommendation 2:

The Florida Legislature should require the Department of Juvenile Justice or the Department of Children and Families to conduct home studies and victim trauma assessments prior to reunification in crimes of sibling incest.

Finding 3: Service Gap for Victims of Child-on-Child Offenses

The role of intra-familial violence is significant when examining continuity of care for the victim and family, placement of the offender, the ability to enforce treatment, the systems' attention or inattention to cases involving child-on-child offenses, compliance with statutory requirements for notification and involvement of victims of juvenile crime. There is a need to address the fragmented system response in cases of intra-familial sexual offending. Child-on-child cases do not receive the same treatment or focus as the adult on child cases, although the long-term effects may be just as damaging for the victim.

Recommendation 3a:

The Florida Legislature should amend section 39.305, *Florida Statutes,* to include all victims in child-on-child cases in addition to intra-familial child victims.

Recommendation 3b:

The Secretary of the Department of Children and Families should clarify the role of the agency regarding child-on-child sexual offenses to ensure that assessment and counseling is required and monitored in all cases. The Department of Children and Families should:

- Centralize and mandate reporting of all alleged child-on-child sexual battery in cases involving children 12 years of age and younger with referrals to appropriate law enforcement agencies.
- Require Department of Children and Families to maintain an open case, ensuring the victim and family receives appropriate treatment during reunification.
- Coordinate and advocate services and resources with other victim assistance agencies on behalf of the victim.
- Require the Abuse hotline to provide callers with referrals to appropriate treatment providers for services to the victim and family and follow up with written information on the referral.

Finding 4: Limited Victim Advocacy

In intra-familial cases, when victims (typically siblings or stepsiblings) are considered neither dependent nor delinquent, they have no independent representation, and families are often not able to meet the minor victim's needs. Families may not fully understand the potential long-term psychosocial impact of victimization or the warning signs of poor coping by the child victim.

Recommendation 4a:

The Florida Legislature should require a review of Chapter 960, *Florida Statutes,* to address issues of victim advocacy and the availability of victim services to all child victims of sexual offenses.

Recommendation 4b:

The Florida Legislature should re-establish the Victim Services Unit of the Department of Juvenile Justice to address sexual victimization issues in the family.

- Assess all aspects regarding the impact of sexual abuse at the beginning of the process involving the victim, the offender, and the victim's family.**REC 3B**
- Assess and refer to treatment for the mental health and substance abuse issues within the family.**REC 2**
- Provide family assessment and safety planning prior to the offender's return to the home.**REC 2**
- Provide ongoing training on the effects of trauma on the victim and the family to those who work in the system, including those who work with the offenders.
- Encourage advocacy for the victim through referrals to Guardian Ad Litem programs.

Prevention And Awareness

In order to develop responsible public policy and successfully treat juvenile sex offenders, it is critical that the myths, fears and misunderstandings about juveniles who sexually offend are acknowledged and addressed. As adolescents develop a normal and healthy awareness and understanding of sexuality and sexual behaviors, it is critical that they also understand the boundaries of appropriate and inappropriate sexual behavior.

As a society there is a reluctance to address the issues of sexuality in an honest and forthcoming way with young children. The end result is that our children receive very mixed and confusing messages about sexuality and what constitutes appropriate behavior. Too often, early inappropriate sexual behavior is rationalized by adults and not addressed seriously. Unfortunately, many youth are not well informed about the dire and often times life-changing consequences of inappropriate sexual behavior and gestures.

Instances exist where children who have engaged in consensual sexual behaviors with another underage youth of similar age or developmental status have been convicted of a sex crime. Sex between a consenting 16 year old and a consenting 15 year old, for example, could result in a second-degree felony charge for the 16 year old. In other situations inappropriate groping, sexual harassment, taking lewd pictures with cell phone cameras and similar behavior may result in a legal consequence that brands the youth as a sex offender. It is likely that adolescents of any age are unaware of these and other similar legal ramifications. Education around these issues is critical for all young people.

Finding 5: Lack of Education About Sexual Offending and Its Consequences

Youth are not fully aware of the potential legal consequences of certain sexual behaviors and they need to be informed on how to protect themselves from unwanted sexual advances or sexual harassment.

Recommendation 5a:

The Department of Health or other appropriate department should conduct a public awareness campaign delivering information aimed at youth about appropriate sexual behavior and the consequences, especially legal consequences, of inappropriate sexual behavior.

Recommendation 5b:

The Department of Juvenile Justice or the Department of Education should develop a simple fact sheet that summarizes the legal consequences of inappropriate or illegal sexual behavior and the impact being identified as a juvenile sex offender will have on a youth's future.

Finding 6: Lack of Educational Effort in Communities

The institutions where youth spend their time (schools, after school programs, community youth programs, etc.) could play a greater role in informing youth of the potential legal consequences of their sexualized behavior.

Recommendation 6:

The Department of Education should encourage all school districts to include information on the legal consequences of inappropriate sexual behavior in their health and physical education curricula.

Assessment And Evaluation

A strong consensus existed among the Task Force members that the initial psychological evaluation is a critical component to directing the appropriate level of treatment. The best utilization of state resources occurs when a comprehensive evaluation of the youth who has committed sexually delinquent acts is conducted prior to disposition. When the evaluation is conducted at this juncture, both the courts and the program to which the youth is referred benefit from the information and recommendations contained in the evaluation. A qualified practitioner experienced with the evaluation and treatment of youth who have committed sexual offenses and their families must conduct the evaluation. Furthermore, assessment should be conceptualized as an ongoing process and should be utilized in refining treatment decisions or transfers to more appropriate placements.

The Office of Probation and Community Corrections currently distributes funds designated by the legislature for assessment to each region and circuit for the purpose of completing comprehensive evaluations for youth anticipating residential commitment. Contracts with local providers specify three levels of evaluation:

- Level 1 evaluations require an interview with the youth and family as well as an assessment of all information provided by the Juvenile Probation Officer (JPO) in the content areas of education, vocational education, physical health, substance abuse and mental health. No psychological testing is required. These evaluations are paid at a rate of $250.
- Level 2 evaluations are completed for youth at higher risk and may include testing along with the interview and review of materials provided by the JPO in the five content areas. The provider is paid at the rate of $450 per evaluation.
- Level 3 evaluations are for youth with more complex problems. It includes testing and clinical analysis along with a youth and parent interview and assessment. This level may include a psychosexual evaluation at the rate of $750 per evaluation.

Current contracts require that staff completing these evaluations be certified or licensed in the area required. The comprehensive evaluation is then submitted to the Commitment Manager for purposes of discussion at the commitment staffing. It is also used to write the Preliminary Disposition Report, which is submitted to the court with the recommendation of Department staff. The comprehensive evaluation also becomes a part of the youth's commitment packet and case file and is also shared with Detention if the youth is detained.

A survey of all 20 judicial circuits indicated that the Department completed approximately 450 sex offender evaluations during FY 2004-05. In some circuits these evaluations are funded through the county, the public defender's office, parent self-pay, or SAIN (Sexual Abuse Intervention Network) at no cost to Department. Two circuits (6 and 9) have negotiated locally for these evaluations to be completed at the Level 2 rate of $450.00, so that more youth may be assessed annually. Estimated expenditures by the Department for sex offender evaluations in FY 2004-05 were $304,500.

Professional criteria for mental health practitioners providing evaluation and treatment of youth who commit sexually delinquent acts are provided in sections 490.0145 and 491.0144, *Florida Statutes*. While these standards are an initial effort to establish

minimum criteria, they are vague and confusing. Furthermore, it is noted that the field of juvenile sex offender evaluation and assessment is rapidly developing and has a unique literature base and set of assessment instruments.

Physiological assessment includes visual reaction time (the assessment of sexual interest by measuring viewing time of non-nude sexual stimuli), plethysmography (direct measure of penile tumescence while the subject views non-nude, non-pornographic sexual stimuli with auditory descriptions), and polygraph (measurement of physiological reactions to specific questions). Use of these measures may clarify diagnostic issues and improve risk assessment. It is noted that the application of these tools may conflict with current Department policies regarding use of intrusive assessment measures and that these policies should be reviewed and revised accordingly. In some instances, these tools may be a component of the comprehensive psychosexual assessment.

Finding 7: Sexual Offender Assessments are Under-Funded; Poor in Quality

Current Department policy does not require automatic referral for a Level 3 evaluation for all youth with a history of sexually delinquent or sexually inappropriate behavior. The current evaluation process is under-funded and resultant evaluations are insufficient to adequately facilitate the appropriate placement of the youth. An evaluation conducted by a qualified practitioner is needed to ensure that youth receive appropriate treatment in the least restrictive and most cost-effective environment that will meet the dual goals of protecting the public and providing the youth with appropriate treatment. Current evaluations do not maximize available assessment procedures including polygraph, visual reaction time, and penile plethysmographs, which would facilitate effective placement and treatment interventions.

Recommendation 7:

The Florida Legislature should require and fund ($290,000) comprehensive psychosexual evaluations, to be conducted by qualified practitioners and included as part of the pre-disposition report, on all adjudicated juveniles with a history of sexual delinquency or sexually inappropriate behavior. The psychosexual evaluation should address the following areas:

- Identifying Information.
- Sexual Development and Sexually Delinquent History.
- Delinquent History.
- Behavioral History.
- Substance Abuse and Mental Health History and Treatment.
- Treatment History for Sexually Delinquent Acts.
- Education, School and Employment History.
- Family History and Family Functioning.
- Intellectual, Personality, Trauma, and Physiological Assessment.
- Risk for Future Sexual Delinquent Acts.
- Risk for Future Aggressive or Self-Harming Behaviors.

- Summary and Diagnosis.
  - Culpability.
  - Risk Assessment.
  - Amenability.
  - Treatment Recommendations Specific to Needs of Youth (Versus Level of Care).

Finding 8: Inadequate Certification for Assessment Professionals

The assessment process is enhanced when a qualified professional who is skilled and experienced with sexual offenders conducts the evaluation. An improved qualification process for mental health professionals conducting evaluations on youths who commit sexual offenses is needed.

Recommendation 8:

The Department of Juvenile Justice should contract only with qualified practitioners, as defined below, to conduct psychosexual evaluations and require that they participate in initial and ongoing training regarding the services offered by the Department. To be qualified, the practitioner should:

1) Hold an active license in the State of Florida under Chapters 458, 459, 490 or 491, *Florida Statutes*, or be supervised by a practitioner licensed under these statutes.
2) Possess 55 hours of post-degree continuing education in the following core areas:
   - Sexual offenders and relevant DSM-IV diagnoses.
   - Etiology of sexual deviance.
   - Evaluation/risk assessment and treatment procedures that have an established scientific basis with youth who have committed sexual delinquent acts.
   - Use of plethysmographs, visual reaction time, and polygraphs in the evaluation, treatment and monitoring of youth who have committed sexually delinquent acts.
   - Evaluation/risk assessment and treatment of specialized populations of youth (for example, females or youth with developmental disabilities) who have committed sexually delinquent acts.
   - Legal and ethical issues in the evaluation and treatment of youth who have committed sexually delinquent acts.
   - Safety planning and family safety planning.
   - Report writing.
3) Have documented 2,000 hours of post-graduate supervised practice in the evaluation and treatment of youth who have sexually delinquent acts under the direction of a qualified practitioner.

4) Complete 20 hours of biennial continuing education in the evaluation and treatment of youth who have committed sexually delinquent acts.

Finding 9: Need for Valid Risk Assessment Tools

An efficient, low-cost screening tool is needed to assist in making determination of risk levels presented by youth who have committed sexually delinquent acts. Currently, a number of tools are in development by experts in the field but have not been adequately validated.

Recommendation 9:

The Department of Juvenile Justice should monitor the field of juvenile sex offender assessment for the development of a validated tool that can be implemented at a future date.

Treatment And Supervision

Appropriate treatment requires the right service at the right time, in the least restrictive environment. The efficacy of treatment is supported by the low recidivism rates for all subsequent delinquent acts, including sexual re-offending, observed among youth released from commitment.

Studies indicate many of the youth who have committed sexually delinquent acts can be safely and successfully treated in the community. At the same time, ethical standards in the treatment of this population mandate, as a first priority, the protection of the community. Relevant and appropriate assessments, consideration of victim rights, risk and mental health status and the ability and willingness of the care takers and community to properly supervise and monitor the offending youth are important factors in determining the level of restrictiveness which must be applied in placement decisions. The Department faces several challenges with regard to placement of sexual offenders.

- The Department's Supervision Risk Classification Instrument may not accurately capture the level of recidivism risk used to guide placement decisions for juvenile sexual offenders. For example, many youth considered high risk to sexually re-offend (for example, by having molested several male children) may be relatively non-delinquent, non-violent youth who do not need the restrictiveness of high-risk residential commitment.
- Treatment needs of sexual offenders do not always fit well with the Department's configuration of residential restrictiveness levels. They may require the extended length of treatment associated with high-risk commitment but also the availability of furloughs and community access of moderate risk programs after progress has been demonstrated in treatment.
- These youth require a flexible length of treatment due to issues that often surface during the treatment process as the youth reveals the true extent of his or her history of sexual offending.

The Department of Juvenile Justice has recently implemented 70 sex offender treatment beds at the moderate-risk level, and is examining the feasibility of shifting some existing high-risk beds to the moderate-risk level.

A review of existing research clearly points to the effectiveness of community interventions for this population, which include group therapy and extensive involvement by the family. This model is less expensive and has been proven to be effective. However, it is currently only available in a few communities in Florida. There are no therapeutic foster homes, independent living facilities, and no specialized aftercare services or transitional services for this population. The emphasis in Florida has been on secure residential beds, which results in isolating the youth from the community during their stay. The lack of community-based options for sexually delinquent youth can force initial placement into high-cost secure residential placement for some youth who do not need that level of security. Up to 25 youth can be served in the community for the cost of one youth in residential treatment.

Treatment, although not a cure, is a component of the management of youth who have committed sexually delinquent acts. To be successful, treatment must be part of a continuum of care including assessment, treatment, reintegration with the family and

community, and aftercare. Treatment does not end when a youth is released from a residential setting.

Best practice in transition planning would ensure that the conditional release counselor/probation officer begin transition planning on the first day the youth enters the commitment program. However, existing conditional release services are limited and are provided to youth in residential programs 60 days prior to release. All evidence indicates the need for multi-agency involvement, collaboration, and cooperation to address the complexity of this transitioning these youth back to the community.

The Task Force is concerned that the lack of options has several deleterious effects including unnecessarily increasing length of stay for youth, return to homes that are ill-prepared to properly supervise these youth, and restrictions of freedom or re-traumatization of the victims who are still in the home.

Finding 10: Lack of Community-Based Treatment Resources

Youth are often placed in higher levels of treatment than they need because lower level options are unavailable. Since 2000, Florida has significantly increased high-risk residential beds and decreased community based resources. The ability to place youth in the least restrictive treatment environment is impaired by lack of community resources and alternative placement.

Recommendation 10a:

The Governor and Florida Legislature should ensure that the Department has sufficient flexibility in contracting to shift beds between security levels, as appropriate.

Recommendation 10b:

The Secretary of the Department of Juvenile Justice should appoint a group to study and make recommendations regarding the reallocation of resources from high-risk residential programs to lower risk residential or community treatment programs.

Recommendation 10c:

At a minimum, the Florida Legislature should reinstate the $2.4 million that was cut from community-based sex offender treatment budget to make community-based sex offender treatment available in each circuit.

Finding 11: Little Specialized Training for Probation

Few Juvenile Probation offices across the state have developed specialized caseloads or procedures directly addressing the unique needs of juvenile sexual offenders.

There is a lack of knowledge and expertise regarding juvenile sexual offenders among Juvenile Probation Officers and conditional release staff. Specific training relating to sexually delinquent behavior, victims and trauma is not available to Juvenile Probation Officers and other community corrections staff.

Recommendation 11a:

The Department of Juvenile Justice should consider expanding specialized caseloads, where feasible, for sexually offending youth to ensure increased community supervision. Caseloads should be based upon national standards for specialized sexual offender caseloads.

Recommendation 11b:

The Florida Department of Juvenile Justice should train probation and conditional release staff in each circuit on the specialized issues surrounding juvenile sexual offenders and the impact on their victims.

Finding 12: Need for Use of New Treatment Technologies

Current tools available to mental health professionals conducting evaluations of youth who commit sexual offenders are underutilized. Specifically, polygraph assessments are an effective tool to facilitate the disclosure of additional sexually delinquent acts, which is critical for successful treatment.

One area of special concern is accurately assessing the recidivism risk of youth in making treatment referral and release decisions. Research has shown that prior offenses and multiple victims as well as attraction to deviant sex contribute to risk but are often undisclosed to the treatment program or evaluator. Discovering this critical information can be accomplished in part through the use of denial and history polygraphs, a standard of care and supervision in the adult sex offender field. Polygraphs are currently in use throughout the United States with youth and have been used in isolated cases with great success in Florida. In addition, the Abel Assessment for Sexual Interest (AASI) uses visual reaction time to assess sexual interest in children. It is a noninvasive instrument that can differentiate quite accurately between a youth attracted to prepubescent children and one who is not. Use of this instrument could assist in determining which youth require deviant arousal reduction and in developing accurate safety plans for youth being discharged from residential care.

Recommendation 12:

The Florida Legislature should authorize and fund the Department of Juvenile Justice to utilize polygraphs and physiological assessment as deemed appropriate by the qualified practitioner as a part of sexual offender treatment.

Finding 13: Lack of A Continuum of Treatment Options

There is a lack of appropriate continuum of care placements, aftercare, and community based services for juveniles who are released from treatment facilities. Too often, youth who have committed sexually delinquent acts are released, only to go back home, often where the victim resides, due to a lack of independent living facilities. In some cases, when a juvenile offender is released to return home, the victim must leave so that the offender has a place to stay. This is inappropriate and risks re-victimizing the victim. Anecdotal evidence also indicates that juvenile offenders are being released to homeless shelters, or other inappropriate or unstructured placements due to limited placement options.

There are no transitional living placements for youth younger than 16 years of age. For youth 16 years of age and older, independent living programs do not exist and employment opportunities such as Job Corps or the military will not accept these youth. Currently, not all communities have a continuum of services to include outpatient and community-based residential (foster care or group homes) for youth who have committed sexually delinquent acts.

Recommendation 13a:

The Florida Legislature should fund a pilot project to examine more effective ways to reintegrate offenders into the community, including transitional living programs and community-based services for those youth who have committed sexually delinquent acts and who cannot reside in their home but do not require a residential level of care.

Recommendation 13b:

The probation/conditional release officer should begin working with youth committed to residential treatment programs no less than ninety days prior to release to focus on coordination and transition of services with family.

Recommendation 13c:

The Florida Legislature should require the Department of Children and Families to participate in transition planning for youth younger than 18 years of age who cannot be returned to their home due to the risk to the victim or lock out by the parents.

Recommendation 13d:

The Florida Legislature should fund transitional living facilities that are focused on self-sufficiency, education and vocational training with goals of independent living.

Finding 14: Need for Specialized Quality Assurance Standards

Current Quality Assurance standards are insufficient to reflect the specialized treatment needs of youth with sexually delinquent behaviors. Effective supervision and treatment practices are essential to managing this population. Some youth are not amenable to treatment and may remain a risk to the community upon release from the jurisdiction of the juvenile justice system. There are no cause and effect data that can predict or broadly explain the development of youth with sexual behavioral problems. Research indicates an individuality and complexity in the etiology of juvenile sexual offending behavior that includes issues such as the development of conduct disorders and anti-social offender characteristics, prior childhood physical and sexual victimization, histories of family dysfunction and violence, pseudo-mature sexual experience, knowledge, exposure, social incompetence, co-morbid diagnoses such as ADHD, self image, and issues with self esteem and various other developmental experiences.

Recommendation 14:

The Department of Juvenile Justice should develop standards of treatment and quality assurance standards for treatment of juvenile sexual offenders. These standards should allow for individualized care specific to sexual offenders.

- The Department should establish a committee comprised of treatment providers, representation of Florida ATSA, policy staffers and Quality Assurance personnel to develop these standards and review the generalized standards.
- Treatment standards should include a range of clinical services that address offense-specific or other needs related to offending.
- Each program's central treatment modality must be an accepted treatment model, and treatment should be delivered consistent with the model. Staff should be trained and knowledgeable regarding the model.
- Curricula must be designed with adequate time for internalizing knowledge with written and behavioral competency-based formats consistent with cognitive levels of the youth and must be delivered by appropriately trained staff.
- Criteria for program completion must be objectively defined, be measurable, and be consistent with the treatment model.
- Standards governing transition from residential treatment to the community should include victim consideration, specifically victim risk and trauma assessments, home studies, family safety planning, assessment of family supervision, willingness, and ability. The Department of Children and Families should have responsibility for victim and family assessment and treatment. Successful transition practices should require multi-agency collaboration to ensure community and family safety.

Legal Issues

The first juvenile court, created in Illinois at the end of the 19th century, was implemented in response to community concern for reform in a criminal justice system that made no distinction between juvenile and adult criminal behavior. The public consensus at the time was that juvenile offenders could be offered treatment and rehabilitation services. A few years into the 21st century we find there is a danger of the pendulum swinging backwards, taking us back 100 years into a system that makes little distinction between adults and juveniles with regard to sexual offending behavior.

Research findings indicate:

- Juvenile sexual delinquency should be viewed differently from adult sexual offending.
- Juvenile sexual delinquency behavior presents entirely different problems than those presented by adult offenders.
- Juvenile sexual delinquency behavior presents very different long-term dangers to the community than those presented by adult offenders.[9]
- Juvenile sex offending usually does not continue into adulthood.[10]

Identifying and punishing juveniles for sexual offending behaviors in the same manner as adult sex.offenders is an inadvisable practice that will cause more harm than good. Once labeled and registered as a sex offender, a juvenile's options in life, such as joining the military, attending college, and location of residence will be substantially limited. Because of the high success rates of treatment, it is important to minimize the unintended consequences of labeling these youth or placing barriers to their successful re-integration into the community.

The law recognizes the difference between juvenile and adult behavior. Juveniles are restricted from owning guns, drinking, and driving because society recognizes the difference in the developmental status of juvenile and adults. Children and adolescents engage in sexual behavior for a variety of reasons, including experimentation and exploration, as a normal part of development. The Task Force recommends that legislative measures regarding juvenile sex offending behavior must consider these motivations and take care not to violate the basic principles of culpability: Juvenile sexual behavior defined as criminal must be motivated by criminal intent.

Careful consideration should be given by the parties making the determination that a juvenile sex offending act was motivated by criminal intent. In order to assist the parties in making this critical determination, the legislature should require that a psychosexual examination be performed on any juvenile who has plead or been found guilty of committing a sexually delinquent act by a qualified practitioner in the field of juvenile sexual behavior. This evaluation should, among other things, address whether the sexual offending behavior was motivated by criminal intent. The behavior should be

[9] Zemring, F.E., (2004). *An American Travesty: Legal Responses to Adolescent Sexual Offending. Chicago:* University of Chicago Press.
[10] Office of Juvenile Justice Delinquency Prevention. (2001). *Juveniles Who Have Sexually Offended: OJJDP Reporting* [electronic version]. Office of Juvenile Justice Delinquency Program

examined to determine whether the behavior was experimental, consensual, or predatory.

Finding 15: State Should Avoid Label 'Juvenile Sex Offender'

The current definition in statute of juvenile sexual offender encompasses a wide range of sexual offenses from exhibitionism to penetration. This creates instant labeling of the youth with consequences that will continue throughout his or her life.

Recommendation 15a:

The Florida Legislature should modify section 985.03 *Florida Statutes*, to change the term "Juvenile Sex Offender" to "Juveniles with Sexual Behavioral Problems." The term "Juvenile Sex Offender" should be reserved for youth transferred to adult court for sexual offenses.

Recommendation 15b:

The Florida Legislature should continue the current policy of not registering juveniles in the Florida sex offender registry.

Recommendation 15c:

The Florida Legislature should change section 800.04 (4)(a), *Florida Statutes*, to reduce the charge from a felony to a misdemeanor in those cases involving sexual offending behavior in which the juvenile offender and the victim are of similar age or developmental status, and have engaged in consensual behavior.

Finding 16: Establishing Intent a Critical Element in Charging and Prosecution

The dynamics of sexual development during childhood and adolescence make the determination of intent a critical part of dealing with juvenile sexual offending behavior. The parties making the determination that a juvenile sex offending act was motivated by criminal intent are not always informed by the findings of a psychosexual evaluation. Quality psychosexual evaluation services may not be available in all cases.

Recommendation 16a:

The Florida Legislature should require that the Department of Juvenile Justice and the courts ascribe greater weight to the recommendations contained in psychosexual evaluations.

Recommendation 16b:

The Florida Legislature should require the State Attorney and Court to consider criminal intent, culpability, and competence before charging a youth or adjudicating a youth with a sexual offense. In those cases where the behavior is determined to be without coercion or manipulation and the parties were similar in age and developmental status and determined to have engaged in consensual behavior, these facts should be given appropriate consideration as mitigating or aggravating factors in charges, adjudications and dispositions.

Finding 17: Very Young Should Not Be Criminalized

Concern is raised about the treatment of the very young (youth less than 12 years of age). Youth 12 years of age and younger represent one percent of the youth committed to moderate or high-risk facilities. Developmentally, youth in this age group lack the cognitive ability of adolescents to understand the criminal nature of their behavior.

Recommendation 17:

Very young children (less than 12 years of age) or those who are developmentally immature involved in sexually delinquent behavior should be referred to treatment by the Department of Children and Families rather than prosecuted.

Interagency Collaboration

When a juvenile commits a sexually delinquent act, it should not be viewed as an isolated incident, but rather should be considered as a behavior that has antecedents and consequences within the juvenile's family and community. To respond appropriately to a single incident of sexual delinquency, the action of a number of separate community agencies is required to ensure that the needs of the juvenile sexual offender, the victim, and their families are adequately assessed and addressed. Among the agencies that might be required to respond are local law enforcement, the Department of Children and Families, the Department of Juvenile Justice, the Attorney General, Office of the State's Attorney, Department of Health, Agency for Health Care Administration and the Department of Education. The unique circumstances of individual cases will dictate the nature and scope of services required of each agency. To effectively serve juvenile sexual offenders, all agencies that come into contact with these youth, their victims and their families must work together to ensure that the limited state resources are coordinated and integrated so that appropriate services can be delivered.

The goal of a multi-agency response is to provide a comprehensive continuum of assessment and intervention services that follows juvenile sexual offenders, victims and their families over time. Intervention is likely to be needed at multiple points, at and beyond the initial reporting of an incident.

As noted earlier in the report, the Legislature in the early 1990's authorized the creation of the Task Force on Juvenile Sex Offenders and Their Victims (section 985.403, *Florida Statutes*). During Fiscal Year 1995-96, this group met and made a series of recommendations regarding how to address the issue of juveniles who commit sexual offenses. The findings of that group have not been fully implemented.

Legislation to create the 2005 Task Force on Juvenile Sexual Offenders and Their Victims repealed authorization for the Task Force as defined in section 985.403, *Florida Statutes*, and put in its place a time limited mandate to convene the 2005 Task Force. The issues around juveniles who commit sexual offending crimes and the impact on victims are dynamic and change over time. It is important that the Department and the Legislature periodically review these issues and if necessary make policy changes.

Finding 18: Poor Coordination of Services for Juvenile Sexual Offenders and Their Victims

Assessment and services in Florida in response to juvenile sexual delinquency and its victims are fragmented, inconsistent, and inadequate. No agency or constellation of agencies has taken the lead to establish interagency communication, coordination and collaboration to develop and maintain an adequate continuum of services. As a result, many needs are not being met.

Following completion of this report, there will be no formal mechanism to periodically review and update the data and research on juveniles who commit sexual crimes and the impact on their victims. It is critical that a mechanism be put into place to address this.

Recommendation 18a:

The Department of Juvenile Justice should take the lead to establish an on-going collaboration to serve juvenile sexual offenders and their victims among the following agencies: Department of Juvenile Justice, Department of Children and Families, law enforcement agencies, Department of Health, Department of Education and the Agency for Health Care Administration. The goals of this summit should be:

- To establish interagency communication and recognition of the need for a collaborative effort in response to juvenile sexual delinquency.
- To define the necessary components of an integrated continuum of assessment and intervention services.
- To assign responsibility for the various identified components to the appropriate agencies.
- To implement the components within each district or circuit, monitor their progress and efficacy, and maintain the communication among agencies that is necessary to sustain the integrated service continuum within each locality.

Recommendation 18b:

The Florida Legislature should require the Department of Juvenile Justice to assemble a Task Force every five years to review the issue of juveniles who commit sexual offenses and the impact on victims. The Task Force should be required to report the results of their deliberations and policy recommendations to the Governor, President of the Senate, and Speaker of the House.

Summary

Juvenile sexual offending behavior is complex and necessitates a careful analysis of statistics, trends and research related to this issue. It is critical to separate the public furor regarding adult sex offenders from the realities of juveniles who commit sexual offenses. In regard to juveniles who commit sexual offenses, there are positive indicators. Research reveals:

- The per capita incidence of juvenile sexual offending crimes in Florida has slightly decreased over a six-year period.
- Juveniles who commit sexual offenses have an extremely low re-offense rate.
- A significant percentage of juveniles who commit sexual offenses were themselves victimized.

Victims are often siblings or young neighbors. There is a need to ensure that these youth and their families have the counseling resources needed.

Public awareness must be enhanced to ensure that all young people understand what constitutes inappropriate sexual behavior and the consequences of such behavior.

Comprehensive assessments must be conducted by qualified practitioners on all youth who exhibit delinquent sexual behavior. The results of these assessments should drive the treatment intervention and the placement in the community or a residential facility.

Treatment options are available in the Department of Juvenile Justice service continuum. More of these services should be provided at a moderate-risk commitment status when a high-risk placement for sexually re-offending is not indicated in the assessment. Additional treatment options are needed in the community, reserving high-risk, costly commitment placements for the few youth that need them. Finally, transition services need to be created so that a full continuum of care can be provided to these youth, giving them access to continued professional treatment during the critical time of transition back into the community.

Changes in *Florida Statutes* are recommended to clarify the term juvenile sex offender and the issue of consensual sex between adolescents.

Finally, the state agencies that serve these youth and families need to coordinate their efforts so that the limited state resources can be maximized.

Appendix I—Task Force Members

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Special thanks to Sherry Jackson for her efforts in staffing the Task Force and assembling this report.

Appendix II—1995 Task Force Recommendations

Overview

The Florida Department of Juvenile Justice was founded in 1994. In 1995, Governor Lawton Chiles created the Task Force on Juvenile Sex Offenders and Victims of Juvenile Sex Offense and Crimes, which researched juvenile sexual offending in Florida. The 1995 Task Force found that "the occurrence of juvenile sexual abuse appeared to be grossly under-reported throughout the state and that there was very little structure or policy directing the response and resolution to this most serious problem."[11]

As a result of its deliberations, the 1995 Task Force issued a series of recommendations designed to strengthen Florida's framework for providing a consistent and effective response to juvenile sexual abuse. The current Task Force found that while some of the recommendations from the 1995 Task Force have been implemented, most are still awaiting action.

Following is a list of the recommendations made by the 1995 Task Force:

Priority Recommendation Number 1: Centralize and mandate reporting of all child-on-child abuse with the Child Abuse Hotline. Direct the Hotline to forward reports to the appropriate law enforcement agency. Direct Department of Health and Rehabilitative Services (HRS) to investigate cases with offenders 12 years of age or younger for possible child abuse and /or neglect.

Priority Recommendation Number 2: Require that each adjudicated/convicted juvenile sex offender be assessed by a psychologist with specific credentials and training in juvenile sexual abuse, prior to placement in any program.

Priority Recommendation Number 3: Fund a system of services beginning with therapeutic resources for victims of juvenile sex crimes and funding for initial medical examinations of sexual offense victims.

Priority Recommendation Number 4: Provide state funding only when there is a community network similar to the Sexual Abuse Intervention Network in Marion County.

Priority Recommendation Number 5: Fund the development and implementation of uniform training specific to juvenile sexual abuse for law enforcement, judges, educators, state attorneys, foster parents, HRS, juvenile justice investigators/case managers, school resource officers, and mental health professionals.

Priority Recommendation Number 6: Develop certification criterion for individuals who investigate, assess, and treat juvenile sex offenders. Develop certification criterion for residential and outpatient programs working with juvenile sex offenders. Develop an annual quality review and outcome report for the system of services addressing the juvenile sex offender.

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[11] *Task Force on Juvenile Sex Offenders & Victims of Juvenile Sexual Abuse and Crimes: The Final Report, 1995.*

Priority Recommendation Number 7: Change the Medicaid plan allowing secure facilities to obtain Medicaid reimbursements for qualified services to eligible clients. Require that service providers maximize Medicaid reimbursements.

Recommendations for prevention: Provide specific counseling services for all child abuse victims 18 years of age and younger.

a. Expand the role, capacity, and capability of child protection teams and the community mental health system, enabling them to serve ***all*** victims of child abuse. Change the language in Florida Statute (FS) 415.5055.
b. Expand capacity and funding for the Crimes Compensation Trust Fund, allowing for the full payment of medical and psychological exams, as well as counseling and psychotherapy from the onset of the investigation. Change FS 415.507 (4) and FS 960.28, to be consistent with the Violent Crime Control and Law Enforcement Act of 1994, Section 2005.
c. Provide education to the general public that encourages and informs them on how to get help for their children and themselves.

Recommendations to stop abuse in foster care system:

a. Develop a policy to more effectively track and assess reports of sexual abuse by foster parents that have been closed without classification.
b. Reword and strengthen the rule and policy that addresses the child perpetrator being placed as the youngest and most vulnerable one placed in a home.
c. Update the rules and policies that relate to new provisions in sections 55 and 59 of House Bill 2409.
d. Improve enforcement and monitoring of the policy that requires referral of the perpetrator and victim of sexual abuse to a mental health provider within 10 working days of an incident.
e. Provide mandatory training regarding juvenile sexual offenders and victims of sexual abuse for foster parents, residential group care providers, and foster care workers on an annual basis.
f. Increase the availability of specialized placements, such as therapeutic foster homes, individualized residential treatment facilities, therapeutic group homes, and residential treatment centers for the treatment of juvenile sexual offenders.

Recommendations regarding the need to pursue prosecution, and require treatment for all adult sex offenders who victimize children: Effective prevention of proliferation is best accomplished through the active prosecution of adults who sexually offend against children.

a. Increase the use of specialized investigators and prosecutors to pursue charges in cases of adult sex offenders.
b. Increase the capacity for assessment, evaluations, and treatment by specially qualified individuals and programs for adult sex offenders who victimize children.
c. Require that adult sex offenders have no unsupervised contact with children until they have successfully completed a qualified treatment program and the court and all parties agree that such visits shall occur.
d. Utilize the new federal tracking and registry system and the Florida Sexual Predators Act to actively monitor the location of sex offenders.
e. Mandate all adult sex offenders be tested for HIV.
f. Educate judges

g. Provide all child victims with Guardians Ad Litem to assure counseling as a preventative intervention.

Recommendations on education and community awareness:

a. Develop and implement a public awareness campaign to educate the public on juvenile sexual abuse, how it can occur, and what individuals can do if they become suspicious or aware of juvenile sexual abuse and the advantages to reporting.
b. Encourage law enforcement, state attorneys, judges, public defenders, community mental health professionals, DJJ and HRS conduct community seminars or a regular basis. These seminars need to be targeted to child serving agencies and individuals, in each district, educating them on the method of reporting, intervention, and treatment of juvenile sex offenders and their victims in that district.

Recommendations for Reporting, Investigating, and Tracking

Require that all suspected cases of juvenile sexual abuse be reported to the abuse hotline.

a. Change FS 415.503, 415.504, and 415.505 to broaden the definition of child abuse to incorporate child-on-child sexual abuse, mandating that cases of child-on-child sexual abuse be reported to the hotline.
b. Expand the capacity of Child Protection Teams to assist in the investigation of child-on-child sexual abuse as they currently do with caretaker abuse.
c. Require the hotline to take full report of the juvenile sexual abuse cases and refer the caller, if appropriate, to the local law enforcement agency that has jurisdiction. The hotline would then be required to route the written report to the law enforcement agency within set time frames. This should be considered for all cases reported to the Hotline.
d. Require the hotline to collect and report annually on the demographics, circumstances, and referrals regarding juvenile sex offenders.
e. Require the hotline to refer the caller, if the caller was a family member of the victim(s), to the appropriate treatment provider for services to the victim and family. The hotline would then be required to send a notice of the referral to the identified provider.
f. Require HRS to investigate potential abuse/neglect when the alleged offender is 12 years of age or younger.
g. Provide a public awareness campaign to inform the general public of these policies.

Recommendations to provide support to law enforcement to investigate all reports of juvenile sexual abuse.

a. Expand training to local law enforcement agencies specific to juvenile sexual abuse.
b. Require law enforcement to refer victims of juvenile sexual abuse to an appropriate local treatment provider.
c. Encourage specialized personnel at each law enforcement agency to handle the juvenile sexual abuse cases.

d. Encourage law enforcement to utilize child protection teams in investigating child-on-child sexual abuse.
e. Require that law enforcement be an active partner in handling the cases of juvenile sexual abuse with the state attorney, the HRS and DJJ, and the local treatment provider.
f. Encourage the state attorney to request the appointment of a Guardian Ad Litem.

Recommendations to require the Department of Juvenile Justice and HRS to track juvenile sex offenders.

a. Require DJJ to create a separate component on juvenile sex offenders in the juvenile justice system annual outcome evaluation. This report should include demographic information, placement information, criminal history, successful completion of placement, recidivism of any crimes, longitudinal studies, and other pertinent information.
b. Require Child Protection Teams and treatment provider agencies to report separately on the victims of juvenile sexual abuse to HRS. This report should include demographic information, treatment information, successful completion, longitudinal studies, and any other pertinent information.
c. Require HRS to report separately on an annual basis on juvenile sex offenders in the HRS system to the Legislature, Attorney General, FDLE, and Governor's Office. This report should include demographic information, placement information, successful completion of placement information, recidivism, longitudinal studies, and any other pertinent information.
d. Juvenile sex offenders convicted of a felony in adult court fall under the new federal tracking requirements under the Violent Crime Control and Law Enforcement act of 1994. Consider using this same system for all juvenile offenders.

Recommendations for serving juvenile sex offenders in the community:

Require that each community establish an intervention network in order to receive any state funding for juvenile sex offender treatment.

a. The intervention network needs to be based on a written agreement that specifically describes how juvenile sex offenders will be handled in that community. Signing partners need to include the judiciary, law enforcement, state attorney, public defender, schools, local government, HRS, The Department of Juvenile Justice, mental health, Guardians Ad Litem, Juvenile Justice Councils and Boards, Health and Human Service Boards, and/or other service providers or community agencies.
b. Add proviso language to the appropriations bill to specify this requirement in obtaining specialized funding separately identified for juvenile sex offender services.

Recommendations to create a system of services in each community with regional long-term residential facilities

a. Each HRS/juvenile justice district must have a continuum of services that includes qualified investigators and prosecutors, assessment providers, outpatient programs, specialized caseloads for the DJJ and HRS, respite care capacity, access to long-term residential care, and re-entry/aftercare.

b. Each HRS/juvenile justice district needs to have a minimum of one 15 bed specialized therapeutic group home that is at least staff secure for youth who can be served in less restrictive community based facilities.
c. Each juvenile justice commitment region needs to have qualified long term residential care capacity. These facilities need to have the capacity to work with youth on a criteria based program model and have an average length of stay of 18 to 24 months.
d. Review F.S. 39.062 to improve that state's ability to monitor/supervise juvenile sex offenders for an appropriate length of time.

Recommendations for Standards of Intervention and Treatment:

a. Persons providing psychotherapy or assessments with juvenile sex offenders must be licensed under FS chapters 490 and 491 and be certified as sex offender treatment specialists.
b. Direct Department of Business and Professional Regulation to work in conjunction with the HRS Office of Alcohol Drug Abuse and Mental Health, Agency for Health Care Administration, and DJJ to develop certification standards and procedures for mental health professionals to work with juvenile sex offenders. These standards need to be consistent with the standards adopted by the National Association of Sex Offender Treatment Providers.
c. Establish specific criteria for assessment of juvenile sex offenders and a screening tool to identify "at-risk" youth.
d. Explore the need for specialized certification for treatment providers serving victims of sexual abuse.

Certify treatment programs and placements for juvenile sex offenders.

a. Direct the HRS Program of Office of Alcohol Drug Abuse and Mental Health, in conjunction with DJJ, to establish specific minimum standards for outpatient programs, residential treatment centers, therapeutic foster homes, individualized residential treatment facilities and group homes that may potentially house juvenile sex offenders.
b. Direct Department of HRS Program Office of Child and Family Services to establish specific minimum standards for foster homes, therapeutic foster homes, individualized residential treatment facilities, and emergency shelters that may potentially house juvenile sex offenders.
c. Direct DJJ to establish specific minimum standards for all level commitment programs, and other community based facilities for juvenile sex offenders and to prevent juvenile sex offenders from being placed in non-sex offender programs.
c. Require an annual quality assurance review that measures each program or placement facilities performance against the established standards. If a program does not meet the minimum standards it may be allowed a reasonable amount of time to correct the identified deficiencies or lose its certification and their ability to work with juvenile sex offenders. The results of these quality assurance reviews must be published and distributed to the Governor, the Legislature, the Juvenile Justice Advisory Board, the district Health and Human Services Boards and Juvenile Justices Boards, state attorneys, judges, and law enforcement annually.
d. Require clear and measurable outcomes for each program and placement for juvenile sex offenders that includes successful program completion and recidivism rates. The report on attainment of these identified outcomes must be made annually in conjunction with the quality assurance reports.

Create specialized caseloads

a. Mandate a specific number of cases and allow for a homogeneous caseload of juvenile sex offenders within DJJ. Create the same specialized caseload for HRS for those cases involving offenders 12 years of age and younger.
b. Encourage specialized caseloads in state attorney's offices and law enforcement agencies and provide targeted funding for these types of positions.

Recommendations to authorize the judiciary to create leverage and motivation for juvenile sex offenders.

a. Create an alternative sanctions sentence that defers sentencing upon successful participation and completion, by juveniles and parents or legal guardian, of a qualified sex offender treatment program and community control.
b. Encourage specific court orders, conditions of probation or conditions of community control that restrict contact with children, victims, and vulnerable individuals and that require expectations of performance in treatment for both the offender and their parent/guardian.
c. Mandate close supervision of juvenile sex offenders with progressive restrictiveness and/or extended sentences for non-compliance with court orders.

Recommendations for Training

Require ongoing training, by recognized experts in the field, for personnel in the social services and juvenile justice system.

a. Provide uniform training, on an ongoing basis through the Professional Development Centers, to all personnel in the social service and juvenile justice system that works with or comes in regular contact with juvenile sex offenders and/or their victims.
b. Provide uniform training on an ongoing basis to foster parents, shelter staff, all residential and commitment program staff that includes a section that addresses juvenile sex offenders and their victims.
c. Encourage specialized caseloads and foster homes for juvenile sex offenders.
d. Provide for in-service training on an ongoing basis for all school personnel that have regular contact with students particularly school social workers and counselors.
e. Provide uniform training to mental health professionals and agencies that work with this population.

JUVENILE JUSTICE COMMITTEE

ADDENDUM

February 8, 2006
10:45-11:45 AM
24 House Office Building

Allan G. Bense
Speaker

Faye B. Culp
Chair

Juvenile Sexual Offenders and Their Victims: Final Report

Task Force on Juvenile Sexual Offenders and Their Victims

February 8, 2006

Mission of the Task Force

- Review and evaluate Florida laws that define and address juvenile sexual offenders.
- Review Department of Juvenile Justice practices and procedures for serving offenders and their victims.

Specific Topics to Address

- Identify related statutes.
- Five-year profile of offenses.
- Appropriateness of placements.
- Identification of residential and community-based programs.
- Assess effectiveness of treatment programs.
- Identify qualifications for treatment staff.

Task Force Membership

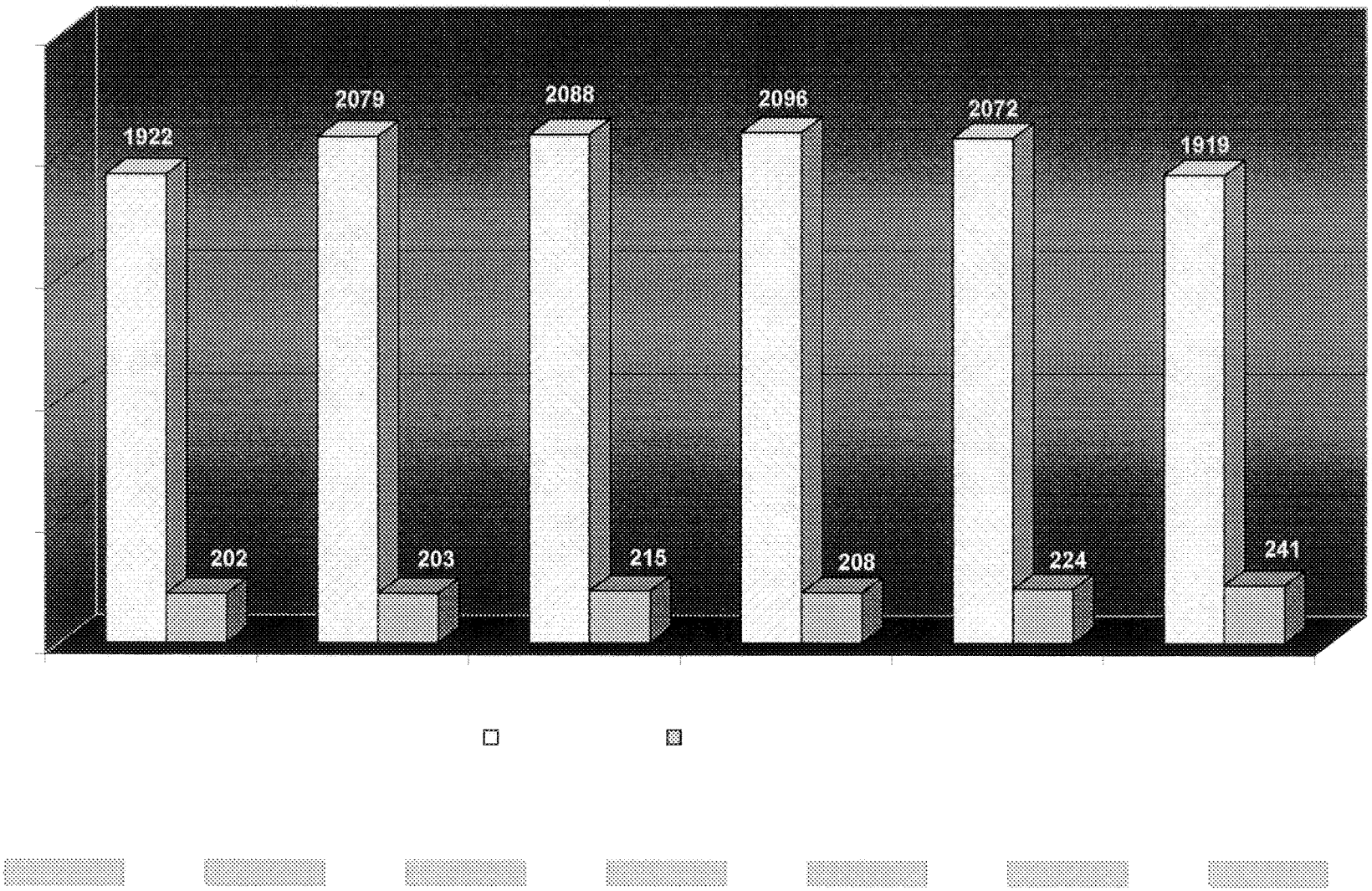
- Circuit Court Judge.
- State Attorney.
- Public Defender.
- Representative from the Department of Juvenile Justice.
- Representative from the Florida Juvenile Justice Association.
- Victim of a juvenile sexual offender.
- Two representatives of providers of juvenile sex offender services.
- Representative from the Florida Association for the Treatment of Sexual Abusers (FATSA).

Juvenile Sexual Offender Characteristics: National Research

- Juveniles are less aggressive and less serious in their sexual offenses.
- Most are not sexual predators, are not pedophiles, do not have deviant sexual arousal.
- Sex offense recidivism rate for juveniles is relatively low, between 5% and 15%.
- When they do recidivate, juvenile sexual offenders are more likely commit non-sexual offenses.

Juvenile Sexual Offenders: Florida Statistics

- About 2000 youth are referred to the Department each year for sexual offenses.
- About 225 juvenile sexual offenders are committed to residential treatment.
- Recidivism rates vary by program between 13 to 26 percent.
- Sexual re-offending rates are much lower: between 2 to 5 percent.


1922
202
2079
203
2088
215
2096
208
2072
224
1919
241

Diverted	135	7
Commitment	223	9

Diverted	35	6
Commitment	8	1

Service Continuum

- Budget cuts in 2000 eliminated all but three community-based sexual offender treatment programs:
  - Keystone Educational and Youth Services—Jacksonville, 20 slots.
  - Intensive Treatment Modalities—5th Circuit, 70 slots.
  - Family Services Center—Tampa Bay Area, 30 slots.
- Programs provide 1-5 individual, group and family treatment sessions per week for 6 to 18 months.

Columbus Juvenile Residential Facility	13	50
Three Springs	7	33
Manatee Adolescent Treatment Services	12	35
Jackson Juvenile Offender Correctional Center	14	32
St. John's Juvenile Correctional Facility	7	50

Resource Allocation Appropriate to Risk and Needs of Offenders

- Concern: Appropriate placement to obtain treatment in the least restrictive setting necessary to maintain public safety.
- 2003 study yielded four scenarios for re-allocating resources at different levels of risk.

Re-Allocation Options

- 1 adjudication; fondling or touching; absence of coercion or control.
  - Percent of High-Risk placements: 26%.
- 1 adjudication; no other delinquency adjudications.
  - Percentage of High-Risk placements: 17%.
- Less than 14 years of age; No violence.
  - Percentage of High-Risk placements: 10%.
- 1 adjudication; no violence.
  - Percentage of High-Risk placements: 49%.

Findings and Recommendations: Key Areas of Focus

- Response to Victims.
- Public Awareness.
- Assessment and Evaluation.
- Treatment and Supervision.
- Legal Issues.
- Inter-Agency Collaboration.

Findings: Response to Victims

- Limited resources for victims and families.
- Family relationships need attention.
- Service gap for victims of child-on-child offenses.
- Limited victim advocacy.

Findings: Public Awareness

- Lack of education about sexual offending and its consequences.
- Lack of educational efforts in communities.

Findings: Assessment and Evaluation

- Sexual offender assessments are under-funded and poor in quality.
- Inadequate certification for assessment professionals.
- Need for a valid risk assessment tools.

Findings: Treatment and Supervision

- Lack of community-based treatment resources.
- Little specialized training for Probation staff.
- Need for use of new treatment technologies.
- Lack of a continuum of treatment options.
- Need for specialized QA standards.

Findings: Legal Issues

- State should avoid the label "Juvenile Sex Offender."
- Establishing intent a critical element in charging and prosecution.
- Very young should not be criminalized.

Findings: Interagency Collaboration

- Poor coordination of services for juvenile sexual offenders and their victims.

Seven Priority Recommendations

1. Florida should restore the $2.4 million cut from community-based treatment to make it available statewide.
2. Florida should fund a Sexual Abuse Intervention Network (SAIN) in each circuit ($2,000,000).

Seven Priority Recommendations

3. Florida should fund and require comprehensive psychosexual evaluations on all adjudicated juveniles with a history of sexual offenses ($290,000).
4. The Department of Juvenile Justice should contract only with qualified practitioners to conduct psychosexual evaluations.

Seven Priority Recommendations

5. The Secretary of the Department should appoint a group to study and make recommendations regarding reallocation of residential resources.
6. Section 985.03, *Florida Statutes*, should be amended to change "Juvenile Sex Offender" to "Juveniles with Sexual Behavioral Problems."

Seven Priority Recommendations

7. Florida should provide adequate funding for long-term counseling services for all sexual abuse victims, ages 18 years and younger.

Task Force Members

Ad Hoc Members

Re-Allocation Options

- One adjudication for sexual offenses.
- Non-contact, fondling or touching.
- Consensual--Absence of coercion or control.
- Charge due to differences in age.
  - Percentage of High-Risk placements: 26%.
  - Moderate-Risk beds required: 110.

Moderate-Risk Criteria 2

- Less than 2 adjudications for sexual offenses.
- No other delinquency adjudications.
  - Percentage of High-Risk placements: 17%.
  - Moderate-Risk beds required: 84.

Moderate-Risk Criteria 4

- Less than 2 adjudications for sexual offenses.
- No gratuitous or expressive violence.
  - Percentage of High-Risk placements: 49%
  - Moderate-Risk beds required: 212

Moderate-Risk Criteria 3

- Less than 14 years of age at time of placement.
- No gratuitous or expressive violence.
  - Percentage of High-Risk placements: 10%.
  - Moderate-Risk beds required: 45.

JUVENILE JUSTICE COMMITTEE

Wednesday, February 8, 2006
10:45-11:45 AM
24 House Office Building

AMENDMENT PACKET

Allan G. Bense
Speaker

Faye B. Culp
Chair

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Culp offered the following:
3
4 **Amendment (with title amendment)**
5 Between lines 352 and 353, insert:
6 Section 7. Section 985.412, Florida Statutes, is amended to
7 read:
8 985.412 Program review and reporting requirements ~~Quality~~
9 ~~assurance and cost effectiveness~~.--
10 (1) LEGISLATIVE PURPOSE.-- It is the intent of the
11 Legislature that the department:
12 (a) Ensure that information be provided to decisionmakers
13 in a timely manner so that resources are allocated to programs
14 that ~~of the department which~~ achieve desired performance levels.
15 (b) Collect and analyze available statistical data for the
16 purpose of ongoing evaluation of all programs.
17 (c) ~~(b)~~ Provide information about the cost of ~~such~~ programs
18 and their differential effectiveness so that program ~~the~~ quality
19 may ~~of such programs can~~ be compared and improvements made
20 continually.
21 (d) ~~(c)~~ Provide information to aid in developing related
22 policy issues and concerns.

23 (e) ~~(d)~~ Provide information to the public about the
24 effectiveness of ~~such~~ programs in meeting established goals and
25 objectives.
26 (f) ~~(e)~~ Provide a basis for a system of accountability so
27 that each youth ~~client~~ is afforded the best programs to meet his
28 or her needs.
29 (g) ~~(f)~~ Improve service delivery to youth ~~clients~~.
30 (h) ~~(g)~~ Modify or eliminate activities that are not
31 effective.
32 (2) DEFINITIONS.-- As used in this section, the term:
33 (a) "Youth" ~~"Client"~~ means any person who is being
34 provided treatment or services by the department or by a
35 provider under contract with the department.
36 (b) "Program" means any facility, service, or program for
37 youth, which is operated by the department or by a provider
38 under contract with the department.
39 (c) ~~(b)~~ "Program component" means an aggregation of
40 generally related objectives which, because of their special
41 character, related workload, and interrelated output, can
42 logically be considered an entity for purposes of organization,
43 management, accounting, reporting, and budgeting.
44 ~~(c) "Program effectiveness" means the ability of the~~
45 ~~program to achieve desired client outcomes, goals, and~~
46 ~~objectives.~~
47 (d) "Program group" means a collection of programs with
48 sufficient similarity of function, services, and youth to permit
49 appropriate comparisons among programs within the group.
50 (3) OUTCOME EVALUATION.-- The department, in consultation
51 with the Office of Economic and Demographic Research, Office of
52 Program Policy Analysis and Government Accountability, and
53 contract service providers, shall develop and utilize a standard

54 methodology for annually measuring, evaluating, and reporting
55 program outputs and youth outcomes for each program and program
56 group.
57 (a) The standard methodology must:
58 1. Incorporate, whenever possible, performance-based
59 budgeting measures.
60 2. Include common terminology and operational definitions
61 for measuring the performance of system and program
62 administration, program outputs, and youth outcomes.
63 3. Specify program outputs for each program and for each
64 program group within the juvenile justice continuum.
65 4. Specify desired youth outcomes and methods by which to
66 measure youth outcomes for each program and program group.
67 (b) By February 15 of each year, the department shall
68 submit to the appropriate substantive and fiscal committees of
69 each house of the Legislature and the Governor, a report that
70 identifies and describes:
71 1. The standard methodology implemented under paragraph
72 (a).
73 2. The programs offered within each program group.
74 3. The demographic profile and offense history of youth
75 served in each program group.
76 4. The actual program outputs and youth outcomes achieved
77 in each program group.
78 ~~The department shall annually collect and report cost data for~~
79 ~~every program operated or contracted by the department. The cost~~
80 ~~data shall conform to a format approved by the department and~~
81 ~~the Legislature. Uniform cost data shall be reported and~~
82 ~~collected for state-operated and contracted programs so that~~
83 ~~comparisons can be made among programs. The department shall~~
84 ~~ensure that there is accurate cost accounting for state-operated~~

85 ~~services including market equivalent rent and other shared cost.~~
86 ~~The cost of the educational program provided to a residential~~
87 ~~facility shall be reported and included in the cost of a~~
88 ~~program. The department shall submit an annual cost report to~~
89 ~~the President of the Senate, the Speaker of the House of~~
90 ~~Representatives, the Minority Leader of each house of the~~
91 ~~Legislature, the appropriate substantive and fiscal committees~~
92 ~~of each house of the Legislature, and the Governor, no later~~
93 ~~than December 1 of each year. Cost-benefit analysis for~~
94 ~~educational programs will be developed and implemented in~~
95 ~~collaboration with and in cooperation with the Department of~~
96 ~~Education, local providers, and local school districts. Cost~~
97 ~~data for the report shall include data collected by the~~
98 ~~Department of Education for the purposes of preparing the annual~~
99 ~~report required by s. 1003.52(19).~~
100 (4) PROGRAM ACCOUNTABILITY MEASURES.-- ~~(a)~~ The department
101 ~~of Juvenile Justice~~, in consultation with the Office of Economic
102 and Demographic Research, and contract service providers, shall
103 develop a cost-effectiveness model and apply the model to each
104 commitment program. ~~Program recidivism rates shall be a~~
105 ~~component of the model.~~
106 (a) The cost-effectiveness model shall compare program
107 costs to expected and actual youth recidivism rates ~~client~~
108 ~~outcomes and program outputs~~. It is the intent of the
109 Legislature that continual development efforts take place to
110 improve the validity and reliability of the cost-effectiveness
111 model ~~and to integrate the standard methodology developed under~~
112 ~~s. 985.401(4) for interpreting program outcome evaluations~~.
113 (b) The department shall rank commitment programs based on
114 the cost-effectiveness model and shall submit a report to the

115 appropriate substantive and fiscal committees of each house of
116 the Legislature by January 15 ~~December 31~~ of each year.
117 (c) Based on reports of the ~~department on client outcomes~~
118 ~~and program outputs and on the~~ department's most recent cost-
119 effectiveness rankings, the department may terminate a
120 commitment program ~~operated by the department or a provider~~ if
121 the program has failed to achieve a minimum threshold of ~~program~~
122 cost-effectiveness. This paragraph does not preclude the
123 department from terminating a contract as provided under this
124 section or as otherwise provided by law or contract, and does
125 not limit the department's authority to enter into or terminate
126 a contract.
127 (d) In collaboration with the Office of Economic and
128 Demographic Research, and contract service providers, the
129 department shall develop a work plan to refine the cost-
130 effectiveness model so that the model is consistent with the
131 performance-based program budgeting measures approved by the
132 Legislature to the extent the department deems appropriate. The
133 department shall notify the Office of Program Policy Analysis
134 and Government Accountability of any meetings to refine the
135 model.
136 (e) Contingent upon specific appropriation, the
137 department, in consultation with the Office of Economic and
138 Demographic Research, and contract service providers, shall:
139 1. Construct a profile of each commitment program that
140 uses the results of the quality assurance report required by
141 this section, the cost-effectiveness report required in this
142 subsection, and other reports available to the department.
143 2. Target, for a more comprehensive evaluation, any
144 commitment program that has achieved consistently high, low, or
145 disparate ratings in the reports required under subparagraph 1.

146 3. Identify the essential factors that contribute to the
147 high, low, or disparate program ratings.
148 4. Use the results of these evaluations in developing or
149 refining juvenile justice programs or program models, youth
150 ~~client~~ outcomes and program outputs, provider contracts, quality
151 assurance standards, and the cost-effectiveness model.
152 (5) QUALITY ASSURANCE.-- The department shall:
153 (a) Establish a comprehensive quality assurance system for
154 each program ~~operated by the department or operated by a~~
155 ~~provider under contract with the department~~. Each contract
156 entered into by the department must provide for quality
157 assurance.
158 (b) Provide operational definitions of and criteria for
159 quality assurance for each specific program component.
160 (c) Establish quality assurance goals and objectives for
161 each specific program component.
162 (d) Establish the information and specific data elements
163 required for the quality assurance program.
164 (e) Develop a quality assurance manual of specific,
165 standardized terminology and procedures to be followed by each
166 program.
167 (f) Evaluate each program ~~operated by the department or a~~
168 ~~provider under a contract with the department~~ and establish
169 minimum thresholds for each program component. If a provider
170 fails to meet the established minimum thresholds, such failure
171 shall cause the department to cancel the provider's contract
172 unless the provider achieves compliance with minimum thresholds
173 within 6 months or unless there are documented extenuating
174 circumstances. In addition, the department may not contract with
175 the same provider for the canceled service for a period of 12
176 months. If a department-operated program fails to meet the

177 established minimum thresholds, the department must take
178 necessary and sufficient steps to ensure and document program
179 changes to achieve compliance with the established minimum
180 thresholds. If the department-operated program fails to achieve
181 compliance with the established minimum thresholds within 6
182 months and if there are no documented extenuating circumstances,
183 the department must notify the Executive Office of the Governor
184 and the Legislature of the corrective action taken. Appropriate
185 corrective action may include, but is not limited to:
186 1. Contracting out for the services provided in the
187 program;
188 2. Initiating appropriate disciplinary action against all
189 employees whose conduct or performance is deemed to have
190 materially contributed to the program's failure to meet
191 established minimum thresholds;
192 3. Redesigning the program; or
193 4. Realigning the program.
194 (g) ~~The department shall~~ Submit an annual report to the
195 President of the Senate, the Speaker of the House of
196 Representatives, the Minority Leader of each house of the
197 Legislature, the appropriate substantive and fiscal committees
198 of each house of the Legislature and the Governor, by ~~no later~~
199 ~~than~~ February 1 of each year. The annual report must contain,
200 at a minimum, for each ~~specific~~ program ~~component~~:
201 1. A comprehensive description of the population served. ~~by~~
202 ~~the program;~~
203 2. A specific description of its ~~the~~ services. ~~by the~~
204 ~~program;~~
205 3. A summary of its performance for each program component
206 evaluated.

207 4. Cost data that is reported in a uniform format so that
208 cost comparisons may be made among programs. For residential
209 programs, the cost data must include the cost of its educational
210 program.~~;~~
211 5. A comparison of expenditures to federal and state
212 funding.~~;~~
213 6. Immediate and long-range concerns.~~; and~~
214 7. Recommendations to maintain, expand, improve, modify, or
215 eliminate each program component so that changes in services
216 lead to enhancement in program quality. ~~The department shall~~
217 ~~ensure the reliability and validity of the information contained~~
218 ~~in the report.~~
219 ~~(6) The department shall collect and analyze available~~
220 ~~statistical data for the purpose of ongoing evaluation of all~~
221 ~~programs. The department shall provide the Legislature with~~
222 ~~necessary information and reports to enable the Legislature to~~
223 ~~make informed decisions regarding the effectiveness of, and any~~
224 ~~needed changes in, services, programs, policies, and laws.~~
225 ~~(7) No later than November 1, 2001, the department shall~~
226 ~~submit a proposal to the Legislature concerning funding~~
227 ~~incentives and disincentives for the department and for~~
228 ~~providers under contract with the department. The~~
229 ~~recommendations for funding incentives and disincentives shall~~
230 ~~be based upon both quality assurance performance and cost-~~
231 ~~effectiveness performance. The proposal should strive to achieve~~
232 ~~consistency in incentives and disincentives for both department-~~
233 ~~operated and contractor-provided programs. The department may~~
234 ~~include recommendations for the use of liquidated damages in the~~
235 ~~proposal; however, the department is not presently authorized to~~
236 ~~contract for liquidated damages in non-hardware-secure~~
237 ~~facilities until January 1, 2002.~~

238

239 ========== T I T L E A M E N D M E N T ==========

240 On line 16, after the ";" insert:

241 amending s. 985.412, F.S.; directing department to collect and
242 analyze specified data; creating and revising definitions;
243 requiring the development of a standard methodology for annually
244 measuring, evaluating, and reporting program outputs and youth
245 outcomes; requiring an annual report; specifying report
246 contents; repealing requirement for an annual cost data report;
247 repealing requirement for a cost benefit analysis of educational
248 programs; revising cost-effectiveness model for commitment
249 programs; revising cost-effectiveness report due date; revising
250 requirements for annual quality assurance reporting; repealing
251 outdated incentive and disincentive proposal requirements;
252 repealing outdated authorization for liquidated damages contract
253 provisions;

254

COUNCIL/COMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	____	

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1 Council/Committee hearing bill: Juvenile Justice Committee
2 Representative Negron offered the following:
3
4 **Amendment (with title amendment)**
5 Remove lines 20 through 67 and insert:
6 Section 1. Paragraph (e) is added to subsection (1) of
7 section 985.207, Florida Statutes, to read:
8 985.207 Taking a child into custody.—
9 (1) A child may be taken into custody under the following
10 circumstances:
11 (e) When a law enforcement officer has probable cause to
12 believe that a child, who is awaiting disposition, has violated
13 conditions imposed by the court under s. 985.228(5) in his or
14 her order of adjudication of delinquency.
15
16 Nothing in this subsection shall be construed to allow the
17 detention of a child who does not meet the detention criteria in
18 s. 985.215.
19 Section 2. Subsection (2) and paragraphs (d) and (g) of
20 subsection (5) of section 985.215, Florida Statutes are amended,
21 to read:
22

23 (2) Subject to the provisions of subsection (1), a child
24 taken into custody and placed into nonsecure or home detention
25 care or detained in secure detention care prior to a detention
26 hearing may continue to be detained by the court if:
27 (a) The child is alleged to be an escapee from a
28 residential commitment program, or an absconder from a
29 nonresidential commitment program, a probation program, or
30 conditional release supervision, or is alleged to have escaped
31 while being lawfully transported to or from a residential
32 commitment program.
33 (b) The child is wanted in another jurisdiction for an
34 offense which, if committed by an adult, would be a felony.
35 (c) The child is charged with a delinquent act or
36 violation of law and requests in writing through legal counsel
37 to be detained for protection from an imminent physical threat
38 to his or her personal safety.
39 (d) The child is charged with committing an offense of
40 domestic violence as defined in s. 741.28 and is detained as
41 provided in s. 985.213(2)(b)3.
42 (e) The child is charged with possession or discharging a
43 firearm on school property in violation of s. 790.115.
44 (f) The child is charged with a capital felony, a life
45 felony, a felony of the first degree, a felony of the second
46 degree that does not involve a violation of chapter 893, or a
47 felony of the third degree that is also a crime of violence,
48 including any such offense involving the use or possession of a
49 firearm.
50 (g) The child is charged with any second degree or third
51 degree felony involving a violation of chapter 893 or any third
52 degree felony that is not also a crime of violence, and the
53 child:

54 1. Has a record of failure to appear at court hearings
55 after being properly notified in accordance with the Rules of
56 Juvenile Procedure;
57 2. Has a record of law violations prior to court hearings;
58 3. Has already been detained or has been released and is
59 awaiting final disposition of the case;
60 4. Has a record of violent conduct resulting in physical
61 injury to others; or
62 5. Is found to have been in possession of a firearm.
63 (h) The child is alleged to have violated the conditions
64 of the child's probation or conditional release supervision.
65 However, a child detained under this paragraph shall ~~may~~ be held
66 ~~only~~ in a consequence unit as provided in s. 985.231(1)(a)1.c.,
67 except that, if a consequence unit is not available, the child
68 shall be placed on home detention. Subject to legislative
69 appropriation, home detention under this paragraph shall be with
70 with electronic monitoring.
71 (i) The child is detained on a judicial order for failure
72 to appear and has previously willfully failed to appear, after
73 proper notice, for an adjudicatory hearing on the same case
74 regardless of the results of the risk assessment instrument. A
75 child may be held in secure detention for up to 72 hours in
76 advance of the next scheduled court hearing pursuant to this
77 paragraph. The child's failure to keep the clerk of court and
78 defense counsel informed of a current and valid mailing address
79 where the child will receive notice to appear at court
80 proceedings does not provide an adequate ground for excusal of
81 the child's nonappearance at the hearings.
82 (j) The child is detained on a judicial order for failure
83 to appear and has previously willfully failed to appear, after
84 proper notice, at two or more court hearings of any nature on

85 the same case regardless of the results of the risk assessment
86 instrument. A child may be held in secure detention for up to 72
87 hours in advance of the next scheduled court hearing pursuant to
88 this paragraph. The child's failure to keep the clerk of court
89 and defense counsel informed of a current and valid mailing
90 address where the child will receive notice to appear at court
91 proceedings does not provide an adequate ground for excusal of
92 the child's nonappearance at the hearings.
93 (k) The child at his or her adjudicatory hearing has been
94 found to have committed a delinquent act or violation of law and
95 has previously willfully failed to appear, after proper notice,
96 for other delinquency court proceedings of any nature regardless
97 of the results of the risk assessment instrument. A child may be
98 held in secure detention, or at the discretion of the court and
99 if available, placed on home detention with electronic
100 monitoring until the child's disposition order is entered in his
101 or her case. The child's failure to keep the clerk of court and
102 defense counsel informed of a current and valid mailing address
103 where the child will receive notice to appear at court
104 proceedings does not provide an adequate ground for excusal of
105 the child's nonappearance at the hearings.
106
107 A child who meets any of these criteria and who is ordered to be
108 detained pursuant to this subsection shall be given a hearing
109 within 24 hours after being taken into custody. The purpose of
110 the detention hearing is to determine the existence of probable
111 cause that the child has committed the delinquent act or
112 violation of law with which he or she is charged and the need
113 for continued detention, except where the child is alleged to
114 have absconded from a nonresidential commitment program in which
115 case the court, at the detention hearing, shall order that the

116 child be released from detention and returned to his or her
117 nonresidential commitment program. Unless a child is detained
118 under paragraph (d), ~~or~~ paragraph (e), or paragraph (k) the
119 court shall use the results of the risk assessment performed by
120 the juvenile probation officer and, based on the criteria in
121 this subsection, shall determine the need for continued
122 detention. A child placed into secure, nonsecure, or home
123 detention care may continue to be so detained by the court
124 pursuant to this subsection. If the court orders a placement
125 more restrictive than indicated by the results of the risk
126 assessment instrument, the court shall state, in writing, clear
127 and convincing reasons for such placement. Except as provided in
128 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
129 paragraph (10)(c), or paragraph (10)(d), when a child is placed
130 into secure or nonsecure detention care, or into a respite home
131 or other placement pursuant to a court order following a
132 hearing, the court order must include specific instructions that
133 direct the release of the child from such placement no later
134 than 5 p.m. on the last day of the detention period specified in
135 paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1.,
136 whichever is applicable, unless the requirements of such
137 applicable provision have been met or an order of continuance
138 has been granted pursuant to paragraph (5)(f).
139 (5)(d) Except as provided in paragraph (2)(k), paragraph
140 (g), or s. 985.228(5), a child may not be held in secure,
141 nonsecure, or home detention care for more than 15 days
142 following the entry of an order of adjudication.
143 (g) Upon good cause being shown that the nature of the
144 charge requires additional time for the prosecution or defense
145 of the case, the court may extend the time limits for detention
146 specified in paragraph (c) or (d) an additional 9 days if the

147 child is charged with an offense that would be, if committed by
148 an adult, a capital felony, a life felony, a felony of the first
149 degree, or a felony of the second degree involving violence
150 against any individual.
151 Section 3. Subsection (5) of section 985.228, Florida
152 Statutes, is amended to read:
153 985.228. Adjudicatory hearings; withheld adjudications;
154 orders of adjudication.--
155 (5)(a) If the court finds that the child named in a
156 petition has committed a delinquent act or violation of law, but
157 elects not to proceed under subsection (4), it shall incorporate
158 that finding in an order of adjudication of delinquency entered
159 in the case, briefly stating the facts upon which the finding is
160 made, and the court shall thereafter have full authority under
161 this chapter to deal with the child as adjudicated.
162 (b) The order of adjudication of delinquency under
163 paragraph (a) shall also include conditions that must be
164 followed by the child until a disposition order is entered in
165 his or her case. These conditions must include, but are not
166 limited to, specifying that the child, during any period of time
167 that he or she:
168 1. Is not in secure detention, must comply with a curfew;
169 must attend school or another educational program, if eligible;
170 and is prohibited from engaging in ungovernable behavior.
171 2. Is in secure detention, is prohibited from engaging in
172 ungovernable behavior.
173 (c) For purposes of this subsection, the term
174 "ungovernable behavior" shall mean:
175 1. Failing to obey the reasonable and lawful demands of the
176 child's parent or legal guardian and, where applicable, of a

177 person responsible for supervising the child while he or she is
178 in school, another educational program, or secure detention.
179 2. Engaging in behavior that evidences a risk that the
180 child may fail to appear for future court proceedings or may
181 inflict harm upon others or the property of others.
182 3. Other behavior as specified in writing by the court in
183 the order of adjudication of delinquency.
184 (d) If a child willfully violates a condition contained in
185 his or her order of adjudication of delinquency, the court may
186 find the child in direct or indirect contempt of court under s.
187 985.216; however, notwithstanding s. 985.216 and the results of
188 the risk assessment instrument, the child's sanctions for such
189 contempt of court shall be placement in secure detention, or at
190 the discretion of the court and if available, on home detention
191 with electronic monitoring until the child's disposition order
192 is entered in his or her case.
193
194 ========== T I T L E A M E N D M E N T ==========
195 Remove lines 2 through 4 and insert:
196 An act relating to juvenile justice; amending s. 985.207, F.S.;
197 permitting a law enforcement officer to take a child into
198 custody for a violation of adjudication order conditions;
199 amending s. 985.215, F.S.; requiring specified home detention to
200 be with electronic monitoring, subject to appropriation;
201 permitting specified types of postadjudication detention for a
202 child who has previously failed to appear at delinquency court
203 proceedings regardless of risk assessment instrument results;
204 providing exceptions that permit postadjudication detention for
205 more than 15 days; conforming a cross-reference; amending s.
206 985.228, F.S.; requiring the court to include specified
207 conditions in a child's order of adjudication of delinquency

208 which apply during the postadjudication and predisposition
209 period; providing a definition; permitting a court to find a
210 child in contempt of court for a violation of adjudication order
211 conditions; providing sanctions; amending