

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.;

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)~~ (2) 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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

724 | (i)~~(e)~~ 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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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;

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)(e)~~ 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

- 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)~~.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 ~~e. 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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 ~~(c) 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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.—~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

2189 in a consequence unit as provided in 985.439 ~~s. 985.231(1)(a)1.e.~~
 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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)(e)~~ ~~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 (e) 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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 (e) 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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 unsuitability 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

- 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

2795 appropriate restrictiveness level for the child. The court shall
 2796 consider the department's recommendation in making its commitment
 2797 decision.

2798 (b)~~(e)~~ 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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 + 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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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;7

2856 (b) Community service;7

2857 (c) A curfew;7

2858 (d) Revocation or suspension of the driver's license of the
 2859 child;7 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 ~~e.~~ ~~If the conditions of the probation program or the~~
 2910 ~~postcommitment probation program are violated, the department or~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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)~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,~~ 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 | (1) 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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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. ~~985.35985.228~~(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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 |

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

- 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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;

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

- 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 under ~~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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 | ~~(e)~~ (d) 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 | ~~(f)~~ (e) 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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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~~

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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 certifiabile 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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	Felony	Description
Statute	Degree	

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

			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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

			interfere with vehicles or equipment used in firefighting.
5623	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
5624	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
5625	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
5626	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
5627	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
5628	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
5629	817.233	3rd	Burning to defraud insurer.
5630	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

			involved in motor vehicle accidents.
5631	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
5632	817.236	3rd	Filing a false motor vehicle insurance application.
5633	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
5634	817.413 (2)	3rd	Sale of used goods as new.
5635	817.505 (4)	3rd	Patient brokering.
5636	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
5637	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
5638	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

5639	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
5640	843.19	3rd	Injure, disable, or kill police dog or horse.
5641	860.15 (3)	3rd	Overcharging for repairs and parts.
5642	870.01 (2)	3rd	Riot; inciting or encouraging.
5643	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).
5644	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.
5645	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.,

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

			(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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

5652	893.13 (8) (a) 2.	3rd	fraudulent representations in or related to the practitioner's practice. 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.
5657	944.47 (1) (c)	2nd	Possess contraband while upon the

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

grounds of a correctional
institution.

5658

985.721 ~~985.3141~~ 3rd Escapes from a juvenile facility
(secure detention or residential
commitment facility).

5659

5660 Section 115. Subsection (1) of section 938.10, Florida
5661 Statutes, is amended to read:

5662 938.10 Additional court cost imposed in cases of certain
5663 crimes against minors.--

5664 (1) If a person pleads guilty or nolo contendere to, or is
5665 found guilty of, regardless of adjudication, any offense against
5666 a minor in violation of s. 784.085, chapter 787, chapter 794, s.
5667 796.03, s. 800.04, chapter 827, s. 847.0145, or s. 985.701
5668 ~~985.4045~~, the court shall impose a court cost of \$101 against the
5669 offender in addition to any other cost or penalty required by
5670 law.

5671 Section 116. Subsection (9) of section 943.053, Florida
5672 Statutes, is amended to read:

5673 943.053 Dissemination of criminal justice information;
5674 fees.--

5675 (9) Notwithstanding the provisions of s. 943.0525 and any
5676 user agreements adopted pursuant thereto, and notwithstanding the
5677 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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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;

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.--

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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;

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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:

PCB JUVJ 06-01—Reorganization of ch. 985, F.S.

BILL

2006

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.