

1 A bill to be entitled

2 An act relating to juvenile justice; amending ss.  
3 985.01 and 985.02, F.S.; revising legislative purposes  
4 and intent; amending s. 985.03, F.S.; revising  
5 definitions; amending s. 985.0301, F.S.; clarifying  
6 jurisdictional age restrictions for children in the  
7 juvenile justice system; restricting when cases may be  
8 transferred to a different jurisdiction; amending s.  
9 985.037, F.S.; providing for the placement of a child  
10 in a secure detention facility for contempt of court;  
11 providing due process to a child accused of direct  
12 contempt; revising the procedure for reviewing a  
13 child's placement in secure detention for contempt of  
14 court; amending ss. 985.039, 985.045, and 985.101,  
15 F.S.; conforming provisions; repealing s. 985.105,  
16 F.S., relating to the creation, duties, and  
17 qualifications of the youth custody officers in the  
18 Department of Juvenile Justice; amending s. 985.11,  
19 F.S.; revising when fingerprints must be submitted to  
20 the Department of Law Enforcement; amending s. 985.14,  
21 F.S.; revising the intake process; amending s.  
22 985.145, F.S.; substituting "Department of Juvenile  
23 Justice" for references to "juvenile probation  
24 officer"; creating s. 985.17, F.S.; providing  
25 legislative intent; requiring the department to  
26 provide specialized services to minimize the

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

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

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

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

131 juvenile justice circuit advisory board chairs;  
132 providing that chairs serve at the pleasure of the  
133 secretary; amending s. 985.672, F.S.; clarifying  
134 language concerning expenditures of the direct-support  
135 organization's funds; authorizing the direct-support  
136 organization to use department personnel services;  
137 defining the term "personnel services"; amending s.  
138 985.682, F.S.; deleting obsolete provisions regarding  
139 a comprehensive study relating to the siting of  
140 facilities; amending s. 985.69, F.S.; providing for  
141 the use of specified funds for repair and maintenance;  
142 repealing s. 985.694, F.S.; deleting a provision  
143 relating to the Juvenile Care and Maintenance Trust  
144 Fund; amending s. 985.701, F.S.; defining the term  
145 "juvenile offender" for purposes of prohibiting sexual  
146 misconduct with juvenile offenders; creating s.  
147 985.702, F.S.; providing definitions; providing for  
148 the imposition of criminal penalties against specified  
149 employees who inflict neglect upon juvenile offenders;  
150 providing enhanced penalties for such treatment that  
151 results in great bodily harm, permanent disability, or  
152 permanent disfigurement to a juvenile offender;  
153 specifying that such conduct constitutes sufficient  
154 cause for an employee's dismissal from employment;  
155 prohibiting such employee from future employment with  
156 the juvenile justice system; providing incident

157 reporting requirements; prohibiting an employee who  
 158 witnesses such an incident from knowingly or willfully  
 159 failing to report such incident; prohibiting false  
 160 reporting, preventing another from reporting, or  
 161 coercing another to alter testimony or reports;  
 162 providing criminal penalties; amending s. 985.721,  
 163 F.S.; correcting a cross-reference; amending s.  
 164 943.0582, F.S.; clarifying that minors are not  
 165 eligible for expunction if they have been charged by a  
 166 state attorney for other crimes; repealing s. 945.75,  
 167 F.S.; deleting a requirement that the Department of  
 168 Corrections and counties develop programs under which  
 169 a judge may order juveniles who have committed  
 170 delinquent acts to tour correctional facilities;  
 171 amending ss. 121.0515, 316.635, and 318.143, F.S.;  
 172 conforming provisions and correcting cross-references;  
 173 providing effective dates.

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

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

179 985.01 Purposes and intent.—

180 (1) The purposes of this chapter are:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

255 985.02 Legislative intent for the juvenile justice  
 256 system.—

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

260 (g) Access to prevention programs and ~~preventive~~ services.

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

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

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

286 (a) Develop and implement effective methods of preventing

287 and reducing acts of delinquency, with a focus on maintaining  
288 and strengthening the family as a whole so that children may  
289 remain in their homes or communities.

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

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

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

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

307 (4) DETENTION.—

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

313 ~~further delinquent behavior.~~ The Legislature also finds that  
314 certain juveniles have committed a sufficient number of criminal  
315 acts, including acts involving violence to persons, to represent  
316 sufficient danger to the community to warrant sentencing and  
317 placement within the adult system. It is the intent of the  
318 Legislature to establish clear criteria in order to identify  
319 these juveniles and remove them from the juvenile justice  
320 system.

321 (5) SITING OF FACILITIES.—

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

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

331 (c) The Legislature further finds that such facilities  
332 must be located in areas of the state close to the home  
333 communities of the children they house in order to ensure the  
334 most effective rehabilitation efforts, ~~and the most intensive~~  
335 postrelease supervision, and case management. The placement of  
336 facilities close to the home communities of the children they  
337 house is also intended to facilitate family involvement in the  
338 treatment process. Residential facilities shall have no more

339 than 90 ~~165~~ beds each, including campus-style programs, unless  
340 those campus-style programs include more than one ~~level of~~  
341 ~~restrictiveness, provide multilevel education and treatment~~  
342 program programs using different treatment protocols, and have  
343 facilities that coexist separately in distinct locations on the  
344 same property.

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

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

356 (7) GENDER-SPECIFIC PROGRAMMING.—

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

365 interventions, treatment, and services.

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

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

391 retraumatization. The department should use trauma-specific  
392 interventions that are designed to address the consequences of  
393 trauma in the child and to facilitate healing.

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

413 Section 3. Section 985.03, Florida Statutes, is amended to  
414 read:

415 985.03 Definitions.—As used in this chapter, the term:

416 (1) "Abscond" means to hide, conceal, or absent oneself



417 from the jurisdiction of the court or supervision of the  
418 department to avoid prosecution or supervision.

419 (2)~~(1)~~ "Addictions receiving facility" means a substance  
420 abuse service provider as defined in chapter 397.

421 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the  
422 court to determine whether or not the facts support the  
423 allegations stated in the petition, as is provided for under s.  
424 985.35 in delinquency cases.

425 (4)~~(3)~~ "Adult" means any natural person other than a  
426 child.

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

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

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

443 ~~in need of services;~~ or any married or unmarried person who is  
444 alleged to have committed ~~charged with~~ a violation of law  
445 occurring prior to the time that person reached the age of 18  
446 years.

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

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

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

469 ~~Department of Children and Family Services; or~~

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

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

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

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

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

495 rehabilitative and treatment services, including substance abuse  
496 treatment services, mental health services, developmental  
497 services, literacy services, medical services, family services,  
498 and other specialized services, as appropriate.

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

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

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

521 compliance with, and facilitation of a youth's completion of,  
522 sanctions if ordered by the court. Program types may include,  
523 but are not limited to, career programs, marine programs,  
524 juvenile justice alternative schools, training and  
525 rehabilitation programs, and gender-specific programs.

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

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

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

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

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

547 facility" means any facility designated by the department to  
 548 provide treatment to juvenile offenders.

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

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

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

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

572 (19) "Detention center or facility" means a facility used

573 pending court adjudication or disposition or execution of court  
 574 order for the temporary care of a child alleged or found to have  
 575 committed a violation of law. A detention center or facility may  
 576 provide secure ~~or nonsecure~~ custody. A facility used for the  
 577 commitment of adjudicated delinquents shall not be considered a  
 578 detention center or facility.

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

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

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

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

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

594 (23) "Family in need of services" has the same meaning as  
 595 provided in s. 984.03 ~~means a family that has a child for whom~~  
 596 ~~there is no pending investigation into an allegation of abuse,~~  
 597 ~~neglect, or abandonment or no current supervision by the~~  
 598 ~~department or the Department of Children and Family Services for~~

599 ~~an adjudication of dependency or delinquency. The child must~~  
600 ~~also have been referred to a law enforcement agency or the~~  
601 ~~department for:~~

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

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

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

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

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

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

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

620 ~~If a child who is subject to compulsory school attendance is~~  
621 ~~responsive to the interventions described in ss. 1003.26 and~~  
622 ~~1003.27 and has completed the necessary requirements to pass the~~  
623 ~~current grade as indicated in the district pupil progression~~  
624 ~~plan, the child shall not be determined to be habitually truant~~



625 ~~and shall be passed.~~

626

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

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

647 ~~(d) The failure or refusal of the parent or legal guardian~~  
648 ~~or the child to participate, or make a good faith effort to~~  
649 ~~participate, in the activities prescribed to remedy the truant~~  
650 ~~behavior, or the failure or refusal of the child to return to~~

651 ~~school after participation in activities required by this~~  
652 ~~subsection, or the failure of the child to stop the truant~~  
653 ~~behavior after the school administration and the department have~~  
654 ~~worked with the child as described in s. 1003.27(3) shall be~~  
655 ~~handled as prescribed in s. 1003.27.~~

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

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

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

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

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

677            (25)~~(28)~~ "Judge" means the circuit judge exercising  
 678 jurisdiction pursuant to this chapter.

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

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

699            (28)~~(31)~~ "Legal custody or guardian" means a legal status  
 700 created by court order or letter of guardianship which vests in  
 701 a custodian of the person or guardian, whether an agency or an  
 702 individual, the right to have physical custody of the child and

703 the right and duty to protect, train, and discipline the child  
704 and to provide him or her with food, shelter, education, and  
705 ordinary medical, dental, psychiatric, and psychological care.

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

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

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

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

723 (33)~~(36)~~ "Mediation" means a process whereby a neutral  
724 third person called a mediator acts to encourage and facilitate  
725 the resolution of a dispute between two or more parties. It is  
726 an informal and nonadversarial process with the objective of  
727 helping the disputing parties reach a mutually acceptable and  
728 voluntary agreement. In mediation, decisionmaking authority

729 rests with the parties. The role of the mediator includes, but  
730 is not limited to, assisting the parties in identifying issues,  
731 fostering joint problem solving, and exploring settlement  
732 alternatives.

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

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

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

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

755 that are administered or performed on a routine basis and do not  
756 involve hospitalization, surgery, the use of general anesthesia,  
757 or the provision of psychotropic medications.

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

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

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

781 ~~stable living environment and shall promote family autonomy and~~  
782 ~~shall strengthen family life as the first priority whenever~~  
783 ~~possible.~~

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

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

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

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

807 services or a family in need of services is unavailable.

808 (44)~~(46)~~ "Restrictiveness level" means the level of  
809 programming and security provided by programs that service the  
810 supervision, custody, care, and treatment needs of committed  
811 children. Sections 985.601(10) and 985.721 apply to children  
812 placed in programs at any residential commitment level. The  
813 restrictiveness levels of commitment are as follows:

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

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



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

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

859 safety and require close supervision. The staff at a facility at  
 860 this commitment level may seclude a child who is a physical  
 861 threat to himself or herself or others. Mechanical restraint may  
 862 also be used when necessary.

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

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

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

911 cell occupancy, except that youth may be housed together during  
912 prerelease transition. Youth assessed and classified for this  
913 level of placement require close supervision in a maximum  
914 security residential setting. Placement in a program at this  
915 level is prompted by a demonstrated need to protect the public.

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

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

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

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

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

937        ~~(48)-(53)~~ "Taken into custody" means the status of a child  
938 immediately when temporary physical control over the child is  
939 attained by a person authorized by law, pending the child's  
940 release, detention, placement, or other disposition as  
941 authorized by law.

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

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

963 ~~during which the child is supervised by a juvenile probation~~  
964 ~~officer or other nonresidential staff of the department or staff~~  
965 ~~employed by an entity under contract with the department.~~

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

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

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

977 (c) Services that have proven effective toward achieving  
978 the transition to adulthood.

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

985 (53)~~(57)~~ "Violation of law" or "delinquent act" means a  
986 violation of any law of this state, the United States, or any  
987 other state which is a misdemeanor or a felony or a violation of  
988 a county or municipal ordinance which would be punishable by

989 incarceration if the violation were committed by an adult.

990 (54)~~(58)~~ "Waiver hearing" means a hearing provided for  
 991 under s. 985.556(4).

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

994 985.0301 Jurisdiction.—

995 (4) (a) Petitions alleging delinquency shall be filed in  
 996 the county where the delinquent act or violation of law  
 997 occurred. The ~~, but the~~ circuit court for that county may  
 998 transfer the case to the circuit court of the circuit in which  
 999 the child resides or will reside at the time of detention or  
 1000 placement for dispositional purposes. A child who has been  
 1001 detained may ~~shall~~ be transferred to the ~~appropriate~~ detention  
 1002 center or facility in the circuit in which the child resides or  
 1003 will reside at the time of detention ~~or other placement directed~~  
 1004 ~~by the receiving court.~~

1005 (b) The jurisdiction to be exercised by the court when a  
 1006 child is taken into custody before the filing of a petition  
 1007 under subsection (2) shall be exercised by the circuit court for  
 1008 the county in which the child is taken into custody, which court  
 1009 shall have personal jurisdiction of the child and the child's  
 1010 parent or legal guardian. Upon the filing of a petition in the  
 1011 appropriate circuit court, the court that is exercising initial  
 1012 jurisdiction of the person of the child shall, if the child has  
 1013 been detained, immediately order the child to be transferred to  
 1014 the detention center or facility or other placement as ordered

1015 by the court having subject matter jurisdiction of the case.

1016 (5) (a) Notwithstanding s. ss. 743.07, 985.43, 985.433,  
1017 985.435, 985.439, and 985.441, and except as provided in  
1018 paragraph (b) ss. 985.461 and 985.465 and paragraph (f), when  
1019 the jurisdiction of any child who is alleged to have committed a  
1020 delinquent act or violation of law is obtained, the court shall  
1021 retain jurisdiction to dispose a case, unless relinquished by  
1022 its order, until the child reaches 19 years of age, with the  
1023 same power over the child which the court had before the child  
1024 became an adult. ~~For the purposes of s. 985.461, the court may~~  
1025 ~~retain jurisdiction for an additional 365 days following the~~  
1026 ~~child's 19th birthday if the child is participating in~~  
1027 ~~transition to adulthood services. The additional services do not~~  
1028 ~~extend involuntary court-sanctioned residential commitment and~~  
1029 ~~therefore require voluntary participation by the affected youth.~~

1030 (b) The court shall retain jurisdiction, Notwithstanding  
1031 ~~ss. 743.07 and 985.455(3), the term of any order placing a child~~  
1032 ~~in a probation program must be until the child's 19th birthday~~  
1033 ~~unless relinquished by its own order:~~

1034 1. Over a child on probation until the child reaches 19  
1035 years of age he or she is released by the court on the motion of  
1036 an interested party or on his or her own motion.

1037 2. Over a child committed to the department until the  
1038 child reaches 21 years of age, specifically for the purpose of  
1039 allowing the child to complete the commitment program, including  
1040 conditional release supervision.



1041 (c) The court shall retain jurisdiction over a juvenile  
1042 sexual offender, as defined in s. 985.475, who has been placed  
1043 on community-based treatment alternative with supervision or who  
1044 has been placed in a program or facility for juvenile sexual  
1045 offenders, pursuant to s. 985.48, until the juvenile sexual  
1046 offender reaches 21 years of age, specifically for the purpose  
1047 of allowing the juvenile to complete the program.

1048 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~  
1049 ~~the commitment must be until the child is discharged by the~~  
1050 ~~department or until he or she reaches the age of 21 years.~~  
1051 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~  
1052 ~~985.455, and 985.513, and except as provided in this section, a~~  
1053 ~~child may not be held under a commitment from a court under s.~~  
1054 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~  
1055 ~~21 years of age.~~

1056 ~~(d) The court may retain jurisdiction over a child~~  
1057 ~~committed to the department for placement in a juvenile prison~~  
1058 ~~or in a high-risk or maximum-risk residential commitment program~~  
1059 ~~to allow the child to participate in a juvenile conditional~~  
1060 ~~release program pursuant to s. 985.46. The jurisdiction of the~~  
1061 ~~court may not be retained after the child's 22nd birthday.~~  
1062 ~~However, if the child is not successful in the conditional~~  
1063 ~~release program, the department may use the transfer procedure~~  
1064 ~~under s. 985.441(4).~~

1065 ~~(e) The court may retain jurisdiction over a child~~  
1066 ~~committed to the department for placement in an intensive~~

1067 ~~residential treatment program for 10-year-old to 13-year-old~~  
1068 ~~offenders, in the residential commitment program in a juvenile~~  
1069 ~~prison or in a residential sex offender program until the child~~  
1070 ~~reaches the age of 21. If the court exercises this jurisdiction~~  
1071 ~~retention, it shall do so solely for the purpose of the child~~  
1072 ~~completing the intensive residential treatment program for 10-~~  
1073 ~~year-old to 13-year-old offenders, in the residential commitment~~  
1074 ~~program in a juvenile prison, or in a residential sex offender~~  
1075 ~~program. Such jurisdiction retention does not apply for other~~  
1076 ~~programs, other purposes, or new offenses.~~

1077 ~~(f) The court may retain jurisdiction over a child~~  
1078 ~~committed to a juvenile correctional facility or a juvenile~~  
1079 ~~prison until the child reaches the age of 21 years, specifically~~  
1080 ~~for the purpose of allowing the child to complete such program.~~

1081 ~~(g) The court may retain jurisdiction over a juvenile~~  
1082 ~~sexual offender who has been placed in a program or facility for~~  
1083 ~~juvenile sexual offenders until the juvenile sexual offender~~  
1084 ~~reaches the age of 21, specifically for the purpose of~~  
1085 ~~completing the program.~~

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

1093 shall be limited to the child's name and address, the name and  
 1094 address of the parent or legal guardian, the name and address of  
 1095 the payee, the case number, the date and amount of restitution  
 1096 ordered, any amount of restitution paid, the amount of  
 1097 restitution due and owing, and a notation that costs, interest,  
 1098 penalties, and attorney fees may also be due and owing. The  
 1099 terms of the restitution order are subject to s. 775.089(5).

1100 (e)~~(i)~~ This subsection does not prevent the exercise of  
 1101 jurisdiction by any court having jurisdiction of the child if  
 1102 the child, after becoming an adult, commits a violation of law.

1103 Section 5. Subsections (2) and (4) of section 985.037,  
 1104 Florida Statutes, are amended to read:

1105 985.037 Punishment for contempt of court; alternative  
 1106 sanctions.—

1107 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may  
 1108 be placed in a secure detention facility for purposes of  
 1109 punishment for contempt of court if alternative sanctions are  
 1110 unavailable or inappropriate, or if the child has already been  
 1111 ordered to serve an alternative sanction but failed to comply  
 1112 with the sanction. A delinquent child who has been held in  
 1113 direct or indirect contempt may be placed in a secure detention  
 1114 facility not to exceed 5 days for a first offense and not to  
 1115 exceed 15 days for a second or subsequent offense.

1116 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE  
 1117 PROCESS.—

1118 (a) If a child is charged with direct contempt of court,

1119 including traffic court, the court may impose an authorized  
 1120 sanction immediately. The court must hold a hearing to determine  
 1121 if the child committed direct contempt. Due process must be  
 1122 afforded to the child during this hearing.

1123 (b) If a child is charged with indirect contempt of court,  
 1124 the court must hold a hearing within 24 hours to determine  
 1125 whether the child committed indirect contempt of a valid court  
 1126 order. At the hearing, the following due process rights must be  
 1127 provided to the child:

- 1128 1. Right to a copy of the order to show cause alleging
- 1129 facts supporting the contempt charge.
- 1130 2. Right to an explanation of the nature and the
- 1131 consequences of the proceedings.
- 1132 3. Right to legal counsel and the right to have legal
- 1133 counsel appointed by the court if the juvenile is indigent,
- 1134 under s. 985.033.
- 1135 4. Right to confront witnesses.
- 1136 5. Right to present witnesses.
- 1137 6. Right to have a transcript or record of the proceeding.
- 1138 7. Right to appeal to an appropriate court.

1139  
 1140 The child's parent or guardian may address the court regarding  
 1141 the due process rights of the child. Upon motion by the defense  
 1142 attorney or state attorney, the court shall review the placement  
 1143 of the child ~~every 72 hours~~ to determine whether it is  
 1144 appropriate for the child to remain in the facility.

1145 (c) The court may not order that a child be placed in a  
1146 secure detention facility for punishment for contempt unless the  
1147 court determines that an alternative sanction is inappropriate  
1148 or unavailable or that the child was initially ordered to an  
1149 alternative sanction and did not comply with the alternative  
1150 sanction. The court is encouraged to order a child to perform  
1151 community service, up to the maximum number of hours, where  
1152 appropriate before ordering that the child be placed in a secure  
1153 detention facility as punishment for contempt of court.

1154 (d) In addition to any other sanction imposed under this  
1155 section, the court may direct the Department of Highway Safety  
1156 and Motor Vehicles to withhold issuance of, or suspend, a  
1157 child's driver ~~driver's~~ license or driving privilege. The court  
1158 may order that a child's driver ~~driver's~~ license or driving  
1159 privilege be withheld or suspended for up to 1 year for a first  
1160 offense of contempt and up to 2 years for a second or subsequent  
1161 offense. If the child's driver ~~driver's~~ license or driving  
1162 privilege is suspended or revoked for any reason at the time the  
1163 sanction for contempt is imposed, the court shall extend the  
1164 period of suspension or revocation by the additional period  
1165 ordered under this paragraph. If the child's driver ~~driver's~~  
1166 license is being withheld at the time the sanction for contempt  
1167 is imposed, the period of suspension or revocation ordered under  
1168 this paragraph shall begin on the date on which the child is  
1169 otherwise eligible to drive.

1170 Section 6. Paragraph (a) of subsection (1) of section

1171 985.039, Florida Statutes, is amended to read:

1172 985.039 Cost of supervision; cost of care.—

1173 (1) Except as provided in subsection (3) or subsection  
1174 (4):

1175 (a) When any child is placed into nonsecure ~~home~~  
1176 detention, probation, or other supervision status with the  
1177 department, or is committed to the minimum-risk nonresidential  
1178 restrictiveness level, the court shall order the parent of such  
1179 child to pay to the department a fee for the cost of the  
1180 supervision of such child in the amount of \$1 per day for each  
1181 day that the child is in such status.

1182 Section 7. Subsection (5) of section 985.045, Florida  
1183 Statutes, is amended to read:

1184 985.045 Court records.—

1185 (5) This chapter does not prohibit a circuit court from  
1186 providing a restitution order containing the information  
1187 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection  
1188 court or a private collection agency for the sole purpose of  
1189 collecting unpaid restitution ordered in a case in which the  
1190 circuit court has retained jurisdiction over the child and the  
1191 child's parent or legal guardian. The collection court or  
1192 private collection agency shall maintain the confidential status  
1193 of the information to the extent such confidentiality is  
1194 provided by law.

1195 Section 8. Paragraph (d) of subsection (1) and subsection  
1196 (3) of section 985.101, Florida Statutes, are amended to read:

1197 985.101 Taking a child into custody.—

1198 (1) A child may be taken into custody under the following  
 1199 circumstances:

1200 (d) By a law enforcement officer who has probable cause to  
 1201 believe that the child is in violation of the conditions of the  
 1202 child's probation, nonsecure ~~home~~ detention, postcommitment  
 1203 probation, or conditional release supervision; has absconded  
 1204 from nonresidential commitment; or has escaped from residential  
 1205 commitment.

1206  
 1207 Nothing in this subsection shall be construed to allow the  
 1208 detention of a child who does not meet the detention criteria in  
 1209 part V.

1210 (3) When a child is taken into custody as provided in this  
 1211 section, the person taking the child into custody shall attempt  
 1212 to notify the parent, guardian, or legal custodian of the child.  
 1213 The person taking the child into custody shall continue such  
 1214 attempt until the parent, guardian, or legal custodian of the  
 1215 child is notified or the child is delivered to the department ~~a~~  
 1216 ~~juvenile probation officer~~ under ss. 985.14 and 985.145,  
 1217 whichever occurs first. If the child is delivered to the  
 1218 department ~~a juvenile probation officer~~ before the parent,  
 1219 guardian, or legal custodian is notified, the department  
 1220 ~~juvenile probation officer~~ shall continue the attempt to notify  
 1221 until the parent, guardian, or legal custodian of the child is  
 1222 notified. Following notification, the parent or guardian must

1223 provide identifying information, including name, address, date  
 1224 of birth, social security number, and driver ~~driver's~~ license  
 1225 number or identification card number of the parent or guardian  
 1226 to the person taking the child into custody or the department  
 1227 ~~juvenile probation officer~~.

1228 Section 9. Section 985.105, Florida Statutes, is repealed.

1229 Section 10. Paragraph (b) of subsection (1) of section  
 1230 985.11, Florida Statutes, is amended to read:

1231 985.11 Fingerprinting and photographing.—

1232 (1)

1233 (b) Unless the child is issued a civil citation or is  
 1234 participating in a similar diversion program pursuant to s.  
 1235 985.12, a child who is charged with or found to have committed  
 1236 one of the following offenses shall be fingerprinted, and the  
 1237 fingerprints shall be submitted to the Department of Law  
 1238 Enforcement as provided in s. 943.051(3) (b):

1239 1. Assault, as defined in s. 784.011.

1240 2. Battery, as defined in s. 784.03.

1241 3. Carrying a concealed weapon, as defined in s.  
 1242 790.01(1).

1243 4. Unlawful use of destructive devices or bombs, as  
 1244 defined in s. 790.1615(1).

1245 5. Neglect of a child, as defined in s. 827.03(1) (e).

1246 6. Assault on a law enforcement officer, a firefighter, or  
 1247 other specified officers, as defined in s. 784.07(2) (a).

1248 7. Open carrying of a weapon, as defined in s. 790.053.



1249 8. Exposure of sexual organs, as defined in s. 800.03.

1250 9. Unlawful possession of a firearm, as defined in s.  
1251 790.22(5).

1252 10. Petit theft, as defined in s. 812.014.

1253 11. Cruelty to animals, as defined in s. 828.12(1).

1254 12. Arson, resulting in bodily harm to a firefighter, as  
1255 defined in s. 806.031(1).

1256 13. Unlawful possession or discharge of a weapon or  
1257 firearm at a school-sponsored event or on school property as  
1258 defined in s. 790.115.

1259

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

1275 and used by criminal justice agencies for criminal justice  
1276 purposes. These records may, in the discretion of the court, be  
1277 open to inspection by anyone upon a showing of cause. The  
1278 fingerprint and photograph records shall be produced in the  
1279 court whenever directed by the court. Any photograph taken  
1280 pursuant to this section may be shown by a law enforcement  
1281 officer to any victim or witness of a crime for the purpose of  
1282 identifying the person who committed such crime.

1283 Section 11. Subsection (2) of section 985.14, Florida  
1284 Statutes, is amended to read:

1285 985.14 Intake and case management system.—

1286 (2) The intake process shall be performed by the  
1287 department or juvenile assessment center personnel through a  
1288 case management system. The purpose of the intake process is to  
1289 assess the child's needs and risks and to determine the most  
1290 appropriate treatment plan and setting for the child's  
1291 programmatic needs and risks. The intake process shall consist  
1292 of a preliminary screening and may be followed by a  
1293 comprehensive assessment. The comprehensive assessment may  
1294 consist of a full mental health, cognitive impairment, substance  
1295 abuse, or psychosexual evaluation. The intake process shall  
1296 result in choosing the most appropriate services through a  
1297 balancing of the interests and needs of the child with those of  
1298 the family and the community ~~public~~. The department ~~juvenile~~  
1299 ~~probation officer~~ shall be responsible for making informed  
1300 decisions and recommendations to other agencies, the state

1301 attorney, and the courts so that the child and family may  
1302 receive the least intrusive service alternative throughout the  
1303 judicial process. The department shall establish uniform  
1304 procedures for the department ~~juvenile probation officer~~ to  
1305 provide a preliminary screening of the child and family for  
1306 substance abuse and mental health services prior to the filing  
1307 of a petition or as soon as possible thereafter and prior to a  
1308 disposition hearing.

1309 Section 12. Section 985.145, Florida Statutes, is amended  
1310 to read:

1311 985.145 Responsibilities of the department ~~juvenile~~  
1312 ~~probation officer~~ during intake; screenings and assessments.—

1313 (1) The department ~~juvenile probation officer~~ shall serve  
1314 as the primary case manager for the purpose of managing,  
1315 coordinating, and monitoring the services provided to the child.  
1316 Each program administrator within the Department of Children and  
1317 Families ~~Family Services~~ shall cooperate with the primary case  
1318 manager in carrying out the duties and responsibilities  
1319 described in this section. In addition to duties specified in  
1320 other sections and through departmental rules, the department  
1321 ~~assigned juvenile probation officer~~ shall be responsible for the  
1322 following:

1323 (a) Reviewing probable cause affidavit.—The department  
1324 ~~juvenile probation officer~~ shall make a preliminary  
1325 determination as to whether the report, affidavit, or complaint  
1326 is complete, consulting with the state attorney as may be

1327 necessary. A report, affidavit, or complaint alleging that a  
1328 child has committed a delinquent act or violation of law shall  
1329 be made to the intake office operating in the county in which  
1330 the child is found or in which the delinquent act or violation  
1331 of law occurred. Any person or agency having knowledge of the  
1332 facts may make such a written report, affidavit, or complaint  
1333 and shall furnish to the intake office facts sufficient to  
1334 establish the jurisdiction of the court and to support a finding  
1335 by the court that the child has committed a delinquent act or  
1336 violation of law.

1337 (b) Notification concerning apparent insufficiencies in  
1338 probable cause affidavit.—In any case where the department  
1339 ~~juvenile probation officer~~ or the state attorney finds that the  
1340 report, affidavit, or complaint is insufficient by the standards  
1341 for a probable cause affidavit, the department ~~juvenile~~  
1342 ~~probation officer~~ or state attorney shall return the report,  
1343 affidavit, or complaint, without delay, to the person or agency  
1344 originating the report, affidavit, or complaint or having  
1345 knowledge of the facts or to the appropriate law enforcement  
1346 agency having investigative jurisdiction of the offense, and  
1347 shall request, and the person or agency shall promptly furnish,  
1348 additional information in order to comply with the standards for  
1349 a probable cause affidavit.

1350 (c) Screening.—During the intake process, the department  
1351 ~~juvenile probation officer~~ shall screen each child or shall  
1352 cause each child to be screened in order to determine:

1353 1. Appropriateness for release; referral to a diversionary  
1354 program, including, but not limited to, a teen court program;  
1355 referral for community arbitration; or referral to some other  
1356 program or agency for the purpose of nonofficial or nonjudicial  
1357 handling.

1358 2. The presence of medical, psychiatric, psychological,  
1359 substance abuse, educational, or career and technical education  
1360 ~~vocational~~ problems, or other conditions that may have caused  
1361 the child to come to the attention of law enforcement or the  
1362 department. The child shall also be screened to determine  
1363 whether the child poses a danger to himself or herself or others  
1364 in the community. The results of this screening shall be made  
1365 available to the court and to court officers. In cases where  
1366 such conditions are identified and a nonjudicial handling of the  
1367 case is chosen, the department ~~juvenile probation officer~~ shall  
1368 attempt to refer the child to a program or agency, together with  
1369 all available and relevant assessment information concerning the  
1370 child's precipitating condition.

1371 (d) Completing risk assessment instrument.—The department  
1372 ~~juvenile probation officer~~ shall ensure that a risk assessment  
1373 instrument establishing the child's eligibility for detention  
1374 has been accurately completed and that the appropriate  
1375 recommendation was made to the court.

1376 (e) Rights.—The department ~~juvenile probation officer~~  
1377 shall inquire as to whether the child understands his or her  
1378 rights to counsel and against self-incrimination.

1379 (f) Multidisciplinary assessment.—The department ~~juvenile~~  
 1380 ~~probation officer~~ shall coordinate the multidisciplinary  
 1381 assessment when required, which includes the classification and  
 1382 placement process that determines the child's priority needs,  
 1383 risk classification, and treatment plan. When sufficient  
 1384 evidence exists to warrant a comprehensive assessment and the  
 1385 child fails to voluntarily participate in the assessment  
 1386 efforts, the department ~~juvenile probation officer~~ shall inform  
 1387 the court of the need for the assessment and the refusal of the  
 1388 child to participate in such assessment. This assessment,  
 1389 classification, and placement process shall develop into the  
 1390 predisposition report.

1391 (g) Comprehensive assessment.—The department ~~juvenile~~  
 1392 ~~probation officer~~, pursuant to uniform procedures established by  
 1393 the department and upon determining that the report, affidavit,  
 1394 or complaint is complete, shall:

1395 1. Perform the preliminary screening and make referrals  
 1396 for a comprehensive assessment regarding the child's need for  
 1397 substance abuse treatment services, mental health services,  
 1398 intellectual disability services, literacy services, or other  
 1399 educational or treatment services.

1400 2. If indicated by the preliminary screening, provide for  
 1401 a comprehensive assessment of the child and family for substance  
 1402 abuse problems, using community-based licensed programs with  
 1403 clinical expertise and experience in the assessment of substance  
 1404 abuse problems.

1405           3. If indicated by the preliminary screening, provide for  
1406 a comprehensive assessment of the child and family for mental  
1407 health problems, using community-based psychologists,  
1408 psychiatrists, or other licensed mental health professionals who  
1409 have clinical expertise and experience in the assessment of  
1410 mental health problems.

1411           (h) Referrals for services.—The department ~~juvenile~~  
1412 ~~probation officer~~ shall make recommendations for services and  
1413 facilitate the delivery of those services to the child,  
1414 including any mental health services, educational services,  
1415 family counseling services, family assistance services, and  
1416 substance abuse services.

1417           (i) Recommendation concerning a petition.—Upon determining  
1418 that the report, affidavit, or complaint complies with the  
1419 standards of a probable cause affidavit and that the interests  
1420 of the child and the public will be best served, the department  
1421 ~~juvenile probation officer~~ may recommend that a delinquency  
1422 petition not be filed. If such a recommendation is made, the  
1423 department ~~juvenile probation officer~~ shall advise in writing  
1424 the person or agency making the report, affidavit, or complaint,  
1425 the victim, if any, and the law enforcement agency having  
1426 investigative jurisdiction over the offense of the  
1427 recommendation; the reasons therefor; and that the person or  
1428 agency may submit, within 10 days after the receipt of such  
1429 notice, the report, affidavit, or complaint to the state  
1430 attorney for special review. The state attorney, upon receiving

1431 a request for special review, shall consider the facts presented  
1432 by the report, affidavit, or complaint, and by the department  
1433 ~~juvenile probation officer~~ who made the recommendation that no  
1434 petition be filed, before making a final decision as to whether  
1435 a petition or information should or should not be filed.

1436 (j) Completing intake report.—Subject to the interagency  
1437 agreement authorized under this paragraph, the department ~~the~~  
1438 ~~juvenile probation officer for each case in which a child is~~  
1439 ~~alleged to have committed a violation of law or delinquent act~~  
1440 ~~and is not detained~~ shall submit a written report to the state  
1441 attorney for each case in which a child is alleged to have  
1442 committed a violation of law or delinquent act and is not  
1443 detained. The report shall be submitted within 20 days after the  
1444 date the child is taken into custody and include ~~,including~~ the  
1445 original police report, complaint, or affidavit, or a copy  
1446 thereof, and including a copy of the child's prior juvenile  
1447 record, ~~within 20 days after the date the child is taken into~~  
1448 ~~eustody~~. In cases in which the child is in detention, the intake  
1449 office report must be submitted within 24 hours after the child  
1450 is placed into detention. The intake office report may include a  
1451 recommendation that a petition or information be filed or that  
1452 no petition or information be filed and may set forth reasons  
1453 for the recommendation. The state attorney and the department  
1454 may, on a district-by-district basis, enter into interagency  
1455 agreements denoting the cases that will require a recommendation  
1456 and those for which a recommendation is unnecessary.



1457 (2) Prior to requesting that a delinquency petition be  
1458 filed or prior to filing a dependency petition, the department  
1459 ~~juvenile probation officer~~ may request the parent or legal  
1460 guardian of the child to attend a course of instruction in  
1461 parenting skills, training in conflict resolution, and the  
1462 practice of nonviolence; to accept counseling; or to receive  
1463 other assistance from any agency in the community which notifies  
1464 the clerk of the court of the availability of its services.  
1465 Where appropriate, the department ~~juvenile probation officer~~  
1466 shall request both parents or guardians to receive such parental  
1467 assistance. The department ~~juvenile probation officer~~ may, in  
1468 determining whether to request that a delinquency petition be  
1469 filed, take into consideration the willingness of the parent or  
1470 legal guardian to comply with such request. The parent or  
1471 guardian must provide the department ~~juvenile probation officer~~  
1472 with identifying information, including the parent's or  
1473 guardian's name, address, date of birth, social security number,  
1474 and driver ~~driver's~~ license number or identification card number  
1475 in order to comply with s. 985.039.

1476 (3) When indicated by the comprehensive assessment, the  
1477 department is authorized to contract within appropriated funds  
1478 for services with a local nonprofit community mental health or  
1479 substance abuse agency licensed or authorized under chapter 394  
1480 or chapter 397 or other authorized nonprofit social service  
1481 agency providing related services. The determination of mental  
1482 health or substance abuse services shall be conducted in

1483 coordination with existing programs providing mental health or  
1484 substance abuse services in conjunction with the intake office.

1485 (4) Client information resulting from the screening and  
1486 evaluation shall be documented under rules of the department and  
1487 shall serve to assist the department ~~juvenile probation officer~~  
1488 in providing the most appropriate services and recommendations  
1489 in the least intrusive manner. Such client information shall be  
1490 used in the multidisciplinary assessment and classification of  
1491 the child, but such information, and any information obtained  
1492 directly or indirectly through the assessment process, is  
1493 inadmissible in court prior to the disposition hearing, unless  
1494 the child's written consent is obtained. At the disposition  
1495 hearing, documented client information shall serve to assist the  
1496 court in making the most appropriate custody, adjudicatory, and  
1497 dispositional decision.

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

1509 state, county, municipal, or community service organization  
 1510 supervised work program or to work for the victim, the child is  
 1511 considered an employee of the state for the purposes of  
 1512 liability. In determining the child's average weekly wage,  
 1513 unless otherwise determined by a specific funding program, all  
 1514 remuneration received from the employer is considered a  
 1515 gratuity, and the child is not entitled to any benefits  
 1516 otherwise payable under s. 440.15 regardless of whether the  
 1517 child may be receiving wages and remuneration from other  
 1518 employment with another employer and regardless of the child's  
 1519 future wage-earning capacity.

1520 (6) The victim, if any, and the law enforcement agency  
 1521 that investigated the offense shall be notified immediately by  
 1522 the state attorney of the action taken under subsection (5).

1523 Section 13. Section 985.17, Florida Statutes, is created  
 1524 to read:

1525 985.17 Prevention services.—

1526 (1) The Legislature finds that prevention services  
 1527 decrease recidivism by addressing the needs of at-risk youth and  
 1528 their families, preventing further involvement of such youth in  
 1529 the juvenile justice system, protecting the safety of the  
 1530 public, and facilitating successful reentry of at-risk youth  
 1531 into the community. To assist with decreasing recidivism, the  
 1532 department's prevention services shall strengthen protective  
 1533 factors and reduce risk factors using tested and effective  
 1534 approaches.

1535        (2) A goal of the department's prevention services shall  
 1536 be to develop the capacity for local communities to serve their  
 1537 youth.

1538        (a) The department shall engage faith and community-based  
 1539 organizations to provide a full range of voluntary programs and  
 1540 services to prevent and reduce juvenile delinquency, including,  
 1541 but not limited to, chaplaincy services, crisis intervention  
 1542 counseling, mentoring, and tutoring.

1543        (b) The department shall establish volunteer coordinators  
 1544 in each circuit and encourage the recruitment of volunteers to  
 1545 serve as mentors for youth in department services.

1546        (c) The department shall promote the sale of the Invest in  
 1547 Children license plate to help fund programs and services to  
 1548 prevent juvenile delinquency. The department shall allocate  
 1549 money for programs and services within each county based on that  
 1550 county's proportionate share of the license plate annual use  
 1551 fees collected by the county.

1552        (3) The department's prevention services for youth at risk  
 1553 of becoming delinquent should:

1554        (a) Focus on preventing initial or further involvement of  
 1555 such youth in the juvenile justice system by including services  
 1556 such as literacy services, gender-specific programming,  
 1557 recreational services, and after-school services, and should  
 1558 include targeted services to troubled, truant, ungovernable,  
 1559 abused, trafficked, or runaway youth. To decrease the likelihood  
 1560 that a youth will commit a delinquent act, the department should

1561 use mentoring and may provide specialized services addressing  
 1562 the strengthening of families, job training, and substance  
 1563 abuse.

1564 (b) Address the multiple needs of such youth in order to  
 1565 decrease the prevalence of disproportionate minority  
 1566 representation in the juvenile justice system.

1567 (5) The department shall expend funds related to the  
 1568 prevention services in a manner consistent with the policies  
 1569 expressed in ss. 984.02 and 985.01 and in a manner that  
 1570 maximizes accountability to the public and ensures the  
 1571 documentation of outcomes.

1572 (a) As a condition of receipt of state funds, all entities  
 1573 that receive or use state moneys to fund prevention services  
 1574 through contracts with the department or grants from any entity  
 1575 dispersed by the department shall:

1576 1. Design the programs providing such services to further  
 1577 one or more of the following strategies:

1578 a. Encouraging youth to attend and succeed in school,  
 1579 which may include special assistance and tutoring to address  
 1580 deficiencies in academic performance and collecting outcome data  
 1581 to reveal the number of days youth attended school while  
 1582 participating in the program.

1583 b. Engaging youth in productive and wholesome activities  
 1584 during nonschool hours that build positive character, instill  
 1585 positive values, and enhance educational experiences.

1586 c. Encouraging youth to avoid the use of violence.

1587 d. Assisting youth in acquiring the skills needed to find  
 1588 meaningful employment, which may include assisting the youth in  
 1589 finding a suitable employer.

1590 2. Provide the department with demographic information,  
 1591 dates of services, and types of interventions received by each  
 1592 youth.

1593 (b) The department shall monitor output and outcome  
 1594 measures for each program strategy in paragraph (a) and annually  
 1595 report the outputs and outcomes in the Comprehensive  
 1596 Accountability Report as provided in s. 985.632.

1597 (c) The department shall monitor all state-funded programs  
 1598 that receive or use state moneys to fund the prevention services  
 1599 through contracts or grants with the department for compliance  
 1600 with all provisions in the contracts and grants.

1601 Section 14. Section 985.24, Florida Statutes, is amended  
 1602 to read:

1603 985.24 Use of detention; prohibitions.—

1604 (1) All determinations and court orders regarding the use  
 1605 of ~~secure, nonsecure, or home~~ detention care shall be based  
 1606 primarily upon findings that the child:

1607 (a) Presents a substantial risk of not appearing at a  
 1608 subsequent hearing;

1609 (b) Presents a substantial risk of inflicting bodily harm  
 1610 on others as evidenced by recent behavior, including the illegal  
 1611 possession of a firearm;

1612 (c) Presents a history of committing a property offense

1613 prior to adjudication, disposition, or placement;

1614 (d) Has committed contempt of court by:

1615 1. Intentionally disrupting the administration of the

1616 court;

1617 2. Intentionally disobeying a court order; or

1618 3. Engaging in a punishable act or speech in the court's

1619 presence which shows disrespect for the authority and dignity of

1620 the court; or

1621 (e) Requests protection from imminent bodily harm.

1622 (2) A child alleged to have committed a delinquent act or

1623 violation of law may not be placed into secure or, nonsecure, ~~or~~

1624 ~~home~~ detention care for any of the following reasons:

1625 (a) To allow a parent to avoid his or her legal

1626 responsibility.

1627 (b) To permit more convenient administrative access to the

1628 child.

1629 (c) To facilitate further interrogation or investigation.

1630 (d) Due to a lack of more appropriate facilities.

1631 (3) A child alleged to be dependent under chapter 39 may

1632 not, under any circumstances, be placed into secure detention

1633 care.

1634 (4) The department may, within its existing resources,

1635 develop nonsecure, nonresidential evening reporting centers as

1636 an alternative to placing a child in secure detention. Evening

1637 reporting centers may be collocated with a juvenile assessment

1638 center. If established, evening reporting centers shall serve

1639 children and families who are awaiting a child's court hearing  
 1640 and, at a minimum, operate during the afternoon and evening  
 1641 hours to provide a highly structured program of supervision.  
 1642 Evening reporting centers may also provide academic tutoring,  
 1643 counseling, family engagement programs, and other activities.

1644 ~~(5)~~(4) The department shall continue to identify  
 1645 alternatives to secure detention care and shall develop such  
 1646 alternatives and annually submit them to the Legislature for  
 1647 authorization and appropriation.

1648 Section 15. Paragraph (b) of subsection (2) and subsection  
 1649 (4) of section 985.245, Florida Statutes, are amended to read:

1650 985.245 Risk assessment instrument.—

1651 (2)

1652 (b) The risk assessment instrument shall take into  
 1653 consideration, but need not be limited to, prior history of  
 1654 failure to appear, prior offenses, offenses committed pending  
 1655 adjudication, any unlawful possession of a firearm, theft of a  
 1656 motor vehicle or possession of a stolen motor vehicle, and  
 1657 probation status at the time the child is taken into custody.  
 1658 The risk assessment instrument shall also take into  
 1659 consideration appropriate aggravating and mitigating  
 1660 circumstances, and shall be designed to target a narrower  
 1661 population of children than s. 985.255. The risk assessment  
 1662 instrument shall also include any information concerning the  
 1663 child's history of abuse and neglect. The risk assessment shall  
 1664 indicate whether detention care is warranted, and, if detention



1665 care is warranted, whether the child should be placed into  
 1666 secure or, nonsecure, ~~or home~~ detention care.

1667 (4) For a child who is under the supervision of the  
 1668 department through probation, ~~home detention~~, nonsecure  
 1669 detention, conditional release, postcommitment probation, or  
 1670 commitment and who is charged with committing a new offense, the  
 1671 risk assessment instrument may be completed and scored based on  
 1672 the underlying charge for which the child was placed under the  
 1673 supervision of the department and the new offense.

1674 Section 16. Subsection (1) of section 985.25, Florida  
 1675 Statutes, is amended to read:

1676 985.25 Detention intake.—

1677 (1) The department ~~juvenile probation officer~~ shall  
 1678 receive custody of a child who has been taken into custody from  
 1679 the law enforcement agency or court and shall review the facts  
 1680 in the law enforcement report or probable cause affidavit and  
 1681 make such further inquiry as may be necessary to determine  
 1682 whether detention care is appropriate ~~required~~.

1683 (a) During the period of time from the taking of the child  
 1684 into custody to the date of the detention hearing, the initial  
 1685 decision as to the child's placement into secure ~~detention care~~,  
 1686 or nonsecure detention care, ~~or home detention care~~ shall be  
 1687 made by the department ~~juvenile probation officer~~ under ss.  
 1688 985.24 and 985.245(1).

1689 (b) The department ~~juvenile probation officer~~ shall base  
 1690 the decision whether ~~or not~~ to place the child into secure

1691 ~~detention care, home detention care,~~ or nonsecure detention care  
1692 on an assessment of risk in accordance with the risk assessment  
1693 instrument and procedures developed by the department under s.  
1694 985.245. However, a child charged with possessing or discharging  
1695 a firearm on school property in violation of s. 790.115 shall be  
1696 placed in secure detention care. A child who has been taken into  
1697 custody on three or more separate occasions within a 60-day  
1698 period shall be placed in secure detention care until the  
1699 child's detention hearing.

1700 (c) If the final score on the child's risk assessment  
1701 instrument indicates ~~juvenile probation officer determines that~~  
1702 ~~a child who is eligible for~~ detention care is appropriate, but  
1703 the department otherwise determines the child based upon the  
1704 results of the risk assessment instrument should be released,  
1705 the department ~~juvenile probation officer~~ shall contact the  
1706 state attorney, who may authorize release.

1707 (d) If the final score on the risk assessment instrument  
1708 indicates detention is not appropriate ~~authorized~~, the child may  
1709 be released by the department ~~juvenile probation officer~~ in  
1710 accordance with ss. 985.115 and 985.13.

1711  
1712 Under no circumstances shall the department ~~juvenile probation~~  
1713 ~~officer~~ or the state attorney or law enforcement officer  
1714 authorize the detention of any child in a jail or other facility  
1715 intended or used for the detention of adults, without an order  
1716 of the court.

1717 Section 17. Subsections (1) and (2) and paragraphs (a) and  
 1718 (c) of subsection (3) of section 985.255, Florida Statutes, are  
 1719 amended to read:

1720 985.255 Detention criteria; detention hearing.-

1721 (1) Subject to s. 985.25(1), a child taken into custody  
 1722 and placed into secure or nonsecure ~~or home~~ detention care shall  
 1723 be given a hearing within 24 hours after being taken into  
 1724 custody. At the hearing, the court may order continued detention  
 1725 ~~or detained in secure detention care prior to a detention~~  
 1726 ~~hearing may continue to be detained by the court~~ if:

1727 (a) The child is alleged to be an escapee from a  
 1728 residential commitment program; or an absconder from a  
 1729 nonresidential commitment program, a probation program, or  
 1730 conditional release supervision; or is alleged to have escaped  
 1731 while being lawfully transported to or from a residential  
 1732 commitment program.

1733 (b) The child is wanted in another jurisdiction for an  
 1734 offense which, if committed by an adult, would be a felony.

1735 (c) The child is charged with a delinquent act or  
 1736 violation of law and requests in writing through legal counsel  
 1737 to be detained for protection from an imminent physical threat  
 1738 to his or her personal safety.

1739 (d) The child is charged with committing an offense of  
 1740 domestic violence as defined in s. 741.28 and is detained as  
 1741 provided in subsection (2).

1742 (e) The child is charged with possession of or discharging

1743 a firearm on school property in violation of s. 790.115 or the  
1744 illegal possession of a firearm.

1745 (f) The child is charged with a capital felony, a life  
1746 felony, a felony of the first degree, a felony of the second  
1747 degree that does not involve a violation of chapter 893, or a  
1748 felony of the third degree that is also a crime of violence,  
1749 including any such offense involving the use or possession of a  
1750 firearm.

1751 (g) The child is charged with any second degree or third  
1752 degree felony involving a violation of chapter 893 or any third  
1753 degree felony that is not also a crime of violence, and the  
1754 child:

- 1755 1. Has a record of failure to appear at court hearings  
1756 after being properly notified in accordance with the Rules of  
1757 Juvenile Procedure;
- 1758 2. Has a record of law violations prior to court hearings;
- 1759 3. Has already been detained or has been released and is  
1760 awaiting final disposition of the case;
- 1761 4. Has a record of violent conduct resulting in physical  
1762 injury to others; or
- 1763 5. Is found to have been in possession of a firearm.

1764 (h) The child is alleged to have violated the conditions  
1765 of the child's probation or conditional release supervision.  
1766 However, a child detained under this paragraph may be held only  
1767 in a consequence unit as provided in s. 985.439. If a  
1768 consequence unit is not available, the child shall be placed on

1769 nonsecure ~~home~~ detention with electronic monitoring.

1770 (i) The child is detained on a judicial order for failure  
1771 to appear and has previously willfully failed to appear, after  
1772 proper notice:7

1773 1. For an adjudicatory hearing on the same case regardless  
1774 of the results of the risk assessment instrument; or

1775 2. At two or more court hearings of any nature on the same  
1776 case regardless of the results of the risk assessment  
1777 instrument.

1778

1779 A child may be held in secure detention for up to 72 hours in  
1780 advance of the next scheduled court hearing pursuant to this  
1781 paragraph. The child's failure to keep the clerk of court and  
1782 defense counsel informed of a current and valid mailing address  
1783 where the child will receive notice to appear at court  
1784 proceedings does not provide an adequate ground for excusal of  
1785 the child's nonappearance at the hearings.

1786 ~~(j) The child is detained on a judicial order for failure~~  
1787 ~~to appear and has previously willfully failed to appear, after~~  
1788 ~~proper notice, at two or more court hearings of any nature on~~  
1789 ~~the same case regardless of the results of the risk assessment~~  
1790 ~~instrument. A child may be held in secure detention for up to 72~~  
1791 ~~hours in advance of the next scheduled court hearing pursuant to~~  
1792 ~~this paragraph. The child's failure to keep the clerk of court~~  
1793 ~~and defense counsel informed of a current and valid mailing~~  
1794 ~~address where the child will receive notice to appear at court~~

1795 ~~proceedings does not provide an adequate ground for excusal of~~  
 1796 ~~the child's nonappearance at the hearings.~~

1797 (2) A child who is charged with committing an offense that  
 1798 is classified as an act of domestic violence as defined in s.  
 1799 741.28 and whose risk assessment instrument indicates secure  
 1800 detention is not appropriate ~~who does not meet detention~~  
 1801 ~~criteria~~ may be held in secure detention if the court makes  
 1802 specific written findings that:

1803 (a) Respite care for the child is not available; or-

1804 (b) It is necessary to place the child in secure detention  
 1805 in order to protect the victim from injury.

1806

1807 The child may not be held in secure detention under this  
 1808 subsection for more than 48 hours unless ordered by the court.  
 1809 After 48 hours, the court shall hold a hearing if the state  
 1810 attorney or victim requests that secure detention be continued.  
 1811 The child may continue to be held in detention care if the court  
 1812 makes a specific, written finding that respite care is  
 1813 unavailable or it ~~detention care~~ is necessary to protect the  
 1814 victim from injury. However, the child may not be held in  
 1815 detention care beyond the time limits set forth in this section  
 1816 or s. 985.26.

1817 (3) (a) ~~A child who meets any of the criteria in subsection~~  
 1818 ~~(1) and who is ordered to be detained under that subsection~~  
 1819 ~~shall be given a hearing within 24 hours after being taken into~~  
 1820 ~~eustody.~~ The purpose of the detention hearing required under

1821 subsection (1) is to determine the existence of probable cause  
1822 that the child has committed the delinquent act or violation of  
1823 law that he or she is charged with and the need for continued  
1824 detention. Unless a child is detained under paragraph (1)(d) or  
1825 paragraph (1)(e), the court shall use the results of the risk  
1826 assessment performed by the department juvenile probation  
1827 ~~officer~~ and, based on the criteria in subsection (1), shall  
1828 determine the need for continued detention. ~~A child placed into~~  
1829 ~~secure, nonsecure, or home detention care may continue to be so~~  
1830 ~~detained by the court.~~

1831 (c) Except as provided in s. 790.22(8) or in s. 985.27,  
1832 when a child is placed into secure or nonsecure detention care,  
1833 or into a respite home or other placement pursuant to a court  
1834 order following a hearing, the court order must include specific  
1835 instructions that direct the release of the child from such  
1836 placement no later than 5 p.m. on the last day of the detention  
1837 period specified in s. 985.26 or s. 985.27, whichever is  
1838 applicable, unless the requirements of such applicable provision  
1839 have been met or an order of continuance has been granted under  
1840 s. 985.26(4). If the court order does not include a release  
1841 date, the release date shall be requested from the court on the  
1842 same date that the child is placed in detention care. If a  
1843 subsequent hearing is needed to provide additional information  
1844 to the court for safety planning, the initial order placing the  
1845 child in detention care shall reflect the next detention review  
1846 hearing, which shall be held within 3 calendar days after the

1847 child's initial detention placement.

1848 Section 18. Subsections (1), (2), and (3) of section  
1849 985.26, Florida Statutes, are amended to read:

1850 985.26 Length of detention.—

1851 (1) A child may not be placed into or held in secure or  
1852 nonsecure, ~~or home~~ detention care for longer than 24 hours  
1853 unless the court orders such detention care, and the order  
1854 includes specific instructions that direct the release of the  
1855 child from such detention care, in accordance with s. 985.255.  
1856 The order shall be a final order, reviewable by appeal under s.  
1857 985.534 and the Florida Rules of Appellate Procedure. Appeals of  
1858 such orders shall take precedence over other appeals and other  
1859 pending matters.

1860 (2) A child may not be held in secure or, nonsecure, ~~or~~  
1861 ~~home~~ detention care under a special detention order for more  
1862 than 21 days unless an adjudicatory hearing for the case has  
1863 been commenced in good faith by the court. However, upon good  
1864 cause being shown that the nature of the charge requires  
1865 additional time for the prosecution or defense of the case, the  
1866 court may extend the length of detention for an additional 9  
1867 days if the child is charged with an offense that would be, if  
1868 committed by an adult, a capital felony, a life felony, a felony  
1869 of the first degree, or a felony of the second degree involving  
1870 violence against any individual.

1871 (3) Except as provided in subsection (2), a child may not  
1872 be held in secure or, nonsecure, ~~or home~~ detention care for more



1873 than 15 days following the entry of an order of adjudication.

1874 Section 19. Section 985.265, Florida Statutes, is amended  
 1875 to read:

1876 985.265 Detention transfer and release; education; adult  
 1877 jails.—

1878 (1) If a child is detained under this part, the department  
 1879 may transfer the child from nonsecure ~~or home~~ detention care to  
 1880 secure detention care only if significantly changed  
 1881 circumstances warrant such transfer.

1882 (2) If a child is on release status and not detained under  
 1883 this part, the child may be placed into secure or, nonsecure, ~~or~~  
 1884 ~~home~~ detention care only pursuant to a court hearing in which  
 1885 the original risk assessment instrument and the, ~~rescored based~~  
 1886 ~~on~~ newly discovered evidence or changed circumstances are  
 1887 introduced into evidence with a rescored risk assessment  
 1888 instrument with the results recommending detention, is  
 1889 ~~introduced into evidence.~~

1890 (3) (a) When a juvenile sexual offender is placed in  
 1891 detention, detention staff shall provide appropriate monitoring  
 1892 and supervision to ensure the safety of other children in the  
 1893 facility.

1894 (b) When a juvenile ~~sexual offender, under this~~  
 1895 ~~subsection,~~ is released from secure detention or transferred to  
 1896 ~~home detention or~~ nonsecure detention, detention staff shall  
 1897 immediately notify the appropriate law enforcement agency, and  
 1898 school personnel, and victim if the juvenile is charged with

1899 committing any of the following offenses or attempting to commit  
 1900 any of the following offenses:

- 1901 1. Murder, under s. 782.04;
- 1902 2. Sexual battery, under chapter 794;
- 1903 3. Stalking, under s. 784.048; or
- 1904 4. Domestic violence, as defined in s. 741.28.

1905 (4) (a) While a child who is currently enrolled in school  
 1906 is in nonsecure ~~or home~~ detention care, the child shall continue  
 1907 to attend school unless otherwise ordered by the court.

1908 (b) While a child is in secure detention care, the child  
 1909 shall receive education commensurate with his or her grade level  
 1910 and educational ability.

1911 (5) The court shall order the delivery of a child to a  
 1912 jail or other facility intended or used for the detention of  
 1913 adults:

1914 (a) When the child has been transferred or indicted for  
 1915 criminal prosecution as an adult under part X, except that the  
 1916 court may not order or allow a child alleged to have committed a  
 1917 misdemeanor who is being transferred for criminal prosecution  
 1918 pursuant to either s. 985.556 or s. 985.557 to be detained or  
 1919 held in a jail or other facility intended or used for the  
 1920 detention of adults; however, such child may be held temporarily  
 1921 in a detention facility; or

1922 (b) When a child taken into custody in this state is  
 1923 wanted by another jurisdiction for prosecution as an adult.

1924

1925 The child shall be housed separately from adult inmates to  
 1926 prohibit a child from having regular contact with incarcerated  
 1927 adults, including trustees. "Regular contact" means sight and  
 1928 sound contact. Separation of children from adults shall permit  
 1929 no more than haphazard or accidental contact. The receiving jail  
 1930 or other facility shall contain a separate section for children  
 1931 and shall have an adequate staff to supervise and monitor the  
 1932 child's activities at all times. Supervision and monitoring of  
 1933 children includes physical observation and documented checks by  
 1934 jail or receiving facility supervisory personnel at intervals  
 1935 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit  
 1936 placing two or more children in the same cell. Under no  
 1937 circumstances shall a child be placed in the same cell with an  
 1938 adult.

1939 Section 20. Section 985.27, Florida Statutes, is amended  
 1940 to read:

1941 985.27 Postdisposition ~~Postcommitment~~ detention while  
 1942 awaiting commitment placement.—

1943 (1) The court must place all children who are adjudicated  
 1944 and awaiting placement in a commitment program in detention  
 1945 care. Children who are in ~~home detention care or~~ nonsecure  
 1946 detention care may be placed on electronic monitoring.

1947 ~~(a) A child who is awaiting placement in a low-risk~~  
 1948 ~~residential program must be removed from detention within 5~~  
 1949 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
 1950 ~~child held in secure detention during the 5 days must meet~~

1951 ~~detention admission criteria under this part. A child who is~~  
1952 ~~placed in home detention care, nonsecure detention care, or home~~  
1953 ~~or nonsecure detention care with electronic monitoring, while~~  
1954 ~~awaiting placement in a minimum-risk or low-risk program, may be~~  
1955 ~~held in secure detention care for 5 days, if the child violates~~  
1956 ~~the conditions of the home detention care, the nonsecure~~  
1957 ~~detention care, or the electronic monitoring agreement. For any~~  
1958 ~~subsequent violation, the court may impose an additional 5 days~~  
1959 ~~in secure detention care.~~

1960       (a) ~~(b)~~ A child who is awaiting placement in a nonsecure  
1961 ~~moderate-risk~~ residential program must be removed from detention  
1962 within 5 days, excluding Saturdays, Sundays, and legal holidays.  
1963 Any child held in secure detention during the 5 days must meet  
1964 detention admission criteria under this part. The department may  
1965 seek an order from the court authorizing continued detention for  
1966 a specific period of time necessary for the appropriate  
1967 residential placement of the child. However, such continued  
1968 detention in secure detention care may not exceed 15 days after  
1969 entry of the commitment order, excluding Saturdays, Sundays, and  
1970 legal holidays, and except as otherwise provided in this  
1971 section. A child who is placed in ~~home detention care,~~ nonsecure  
1972 ~~detention care,~~ or ~~home or~~ nonsecure detention care with  
1973 electronic monitoring, while awaiting placement in a nonsecure  
1974 residential ~~moderate-risk~~ program, may be held in secure  
1975 detention care for 5 days, if the child violates the conditions  
1976 of the ~~home detention care,~~ the nonsecure detention care, or the

1977 | electronic monitoring agreement. For any subsequent violation,  
 1978 | the court may impose an additional 5 days in secure detention  
 1979 | care.

1980 |        **(b)**~~(e)~~ If the child is committed to a high-risk  
 1981 | residential program, the child must be held in secure detention  
 1982 | care until placement or commitment is accomplished.

1983 |        **(c)**~~(d)~~ If the child is committed to a maximum-risk  
 1984 | residential program, the child must be held in secure detention  
 1985 | care until placement or commitment is accomplished.

1986 |        (2) Regardless of detention status, a child being  
 1987 | transported by the department to a residential commitment  
 1988 | facility of the department may be placed in secure detention  
 1989 | overnight, not to exceed a 24-hour period, for the specific  
 1990 | purpose of ensuring the safe delivery of the child to his or her  
 1991 | residential commitment program, court, appointment, transfer, or  
 1992 | release.

1993 |        Section 21. Subsection (1) of section 985.275, Florida  
 1994 | Statutes, is amended to read:

1995 |        985.275 Detention of escapee or absconder on authority of  
 1996 | the department.—

1997 |        (1) If an authorized agent of the department has  
 1998 | reasonable grounds to believe that any delinquent child  
 1999 | committed to the department has escaped from a residential  
 2000 | commitment facility or from being lawfully transported thereto  
 2001 | or therefrom, or has absconded from a nonresidential commitment  
 2002 | facility, the agent shall notify law enforcement and, if the

2003 offense would require notification under chapter 960, notify the  
 2004 victim. The agent shall make every reasonable effort as  
 2005 permitted within existing resources provided to the department  
 2006 to locate the delinquent child and the child may be returned to  
 2007 the facility ~~take the child into active custody and may deliver~~  
 2008 ~~the child to the facility~~ or, if it is closer, to a detention  
 2009 center for return to the facility. However, a child may not be  
 2010 held in detention longer than 24 hours, excluding Saturdays,  
 2011 Sundays, and legal holidays, unless a special order so directing  
 2012 is made by the judge after a detention hearing resulting in a  
 2013 finding that detention is required based on the criteria in s.  
 2014 985.255. The order shall state the reasons for such finding. The  
 2015 reasons shall be reviewable by appeal or in habeas corpus  
 2016 proceedings in the district court of appeal.

2017 Section 22. Paragraph (b) of subsection (4), paragraph (h)  
 2018 of subsection (6), and paragraph (a) of subsection (7) of  
 2019 section 985.433, Florida Statutes, are amended to read:

2020 985.433 Disposition hearings in delinquency cases.—When a  
 2021 child has been found to have committed a delinquent act, the  
 2022 following procedures shall be applicable to the disposition of  
 2023 the case:

2024 (4) Before the court determines and announces the  
 2025 disposition to be imposed, it shall:

2026 (b) Discuss with the child his or her compliance with any  
 2027 predisposition ~~home release~~ plan or other plan imposed since the  
 2028 date of the offense.

2029 (6) The first determination to be made by the court is a  
 2030 determination of the suitability or nonsuitability for  
 2031 adjudication and commitment of the child to the department. This  
 2032 determination shall include consideration of the recommendations  
 2033 of the department, which may include a predisposition report.  
 2034 The predisposition report shall include, whether as part of the  
 2035 child's multidisciplinary assessment, classification, and  
 2036 placement process components or separately, evaluation of the  
 2037 following criteria:

2038 (h) The child's educational status, including, but not  
 2039 limited to, the child's strengths, abilities, and unmet and  
 2040 special educational needs. The report shall identify appropriate  
 2041 educational and career ~~vocational~~ goals for the child. Examples  
 2042 of appropriate goals include:

- 2043 1. Attainment of a high school diploma or its equivalent.
- 2044 2. Successful completion of literacy courses ~~course(s)~~.
- 2045 3. Successful completion of career and technical education  
 2046 courses ~~vocational course(s)~~.
- 2047 4. Successful attendance and completion of the child's  
 2048 current grade or recovery of credits of classes the child  
 2049 previously failed, if enrolled in school.
- 2050 5. Enrollment in an apprenticeship or a similar program.

2051  
 2052 It is the intent of the Legislature that the criteria set forth  
 2053 in this subsection are general guidelines to be followed at the  
 2054 discretion of the court and not mandatory requirements of

2055 procedure. It is not the intent of the Legislature to provide  
2056 for the appeal of the disposition made under this section.

2057 (7) If the court determines that the child should be  
2058 adjudicated as having committed a delinquent act and should be  
2059 committed to the department, such determination shall be in  
2060 writing or on the record of the hearing. The determination shall  
2061 include a specific finding of the reasons for the decision to  
2062 adjudicate and to commit the child to the department, including  
2063 any determination that the child was a member of a criminal  
2064 gang.

2065 (a) The department ~~juvenile probation officer~~ shall  
2066 recommend to the court the most appropriate placement and  
2067 treatment plan, specifically identifying the restrictiveness  
2068 level most appropriate for the child if commitment is  
2069 recommended. If the court has determined that the child was a  
2070 member of a criminal gang, that determination shall be given  
2071 great weight in identifying the most appropriate restrictiveness  
2072 level for the child. The court shall consider the department's  
2073 recommendation in making its commitment decision.

2074 Section 23. Subsections (4) through (6) of section  
2075 985.435, Florida Statutes, are renumbered as subsections (5)  
2076 through (7), respectively, subsection (3) and present subsection  
2077 (4) of that section are amended, and a new subsection (4) is  
2078 added to that section, to read:

2079 985.435 Probation and postcommitment probation; community  
2080 service.—



2081 (3) A probation program must also include a rehabilitative  
 2082 program component such as a requirement of participation in  
 2083 substance abuse treatment or in a school or career and technical  
 2084 education ~~other educational~~ program. The nonconsent of the child  
 2085 to treatment in a substance abuse treatment program in no way  
 2086 precludes the court from ordering such treatment. Upon the  
 2087 recommendation of the department at the time of disposition, or  
 2088 subsequent to disposition pursuant to the filing of a petition  
 2089 alleging a violation of the child's conditions of postcommitment  
 2090 probation, the court may order the child to submit to random  
 2091 testing for the purpose of detecting and monitoring the use of  
 2092 alcohol or controlled substances.

2093 (4) A probation program may also include an alternative  
 2094 consequence component to address instances in which a child is  
 2095 noncompliant with technical conditions of his or her probation,  
 2096 but has not committed any new violations of law. The alternative  
 2097 consequence component is designed to provide swift and  
 2098 appropriate consequences to any noncompliance with technical  
 2099 conditions of probation. If the probation program includes this  
 2100 component, specific consequences that apply to noncompliance  
 2101 with specific technical conditions of probation must be detailed  
 2102 in the disposition order.

2103 (5) ~~(4)~~ An identification of the child's risk of  
 2104 reoffending ~~A classification scale for levels of supervision~~  
 2105 shall be provided by the department, taking into account the  
 2106 child's needs and risks relative to probation supervision

2107 requirements to reasonably ensure the public safety. Probation  
 2108 programs for children shall be supervised by the department or  
 2109 by any other person or agency specifically authorized by the  
 2110 court. These programs must include, but are not limited to,  
 2111 structured or restricted activities as described in this section  
 2112 and s. 985.439, and shall be designed to encourage the child  
 2113 toward acceptable and functional social behavior.

2114 Section 24. Subsections (1) and (4) of section 985.439,  
 2115 Florida Statutes, are amended to read:

2116 985.439 Violation of probation or postcommitment  
 2117 probation.—

2118 (1) (a) This section is applicable when the court has  
 2119 jurisdiction over a child on probation or postcommitment  
 2120 probation, regardless of adjudication ~~an adjudicated delinquent~~  
 2121 ~~child.~~

2122 (b) If the conditions of the probation program or the  
 2123 postcommitment probation program are violated, the department or  
 2124 the state attorney may bring the child before the court on a  
 2125 petition alleging a violation of the program. A ~~Any~~ child who  
 2126 violates the conditions of probation or postcommitment probation  
 2127 must be brought before the court if sanctions are sought.

2128 (4) Upon the child's admission, or if the court finds  
 2129 after a hearing that the child has violated the conditions of  
 2130 probation or postcommitment probation, the court shall enter an  
 2131 order revoking, modifying, or continuing probation or  
 2132 postcommitment probation. In each such case, the court shall

2133 enter a new disposition order and, in addition to the sanctions  
 2134 set forth in this section, may impose any sanction the court  
 2135 could have imposed at the original disposition hearing. If the  
 2136 child is found to have violated the conditions of probation or  
 2137 postcommitment probation, the court may:

2138 (a) Place the child in a consequence unit in that judicial  
 2139 circuit, if available, for up to 5 days for a first violation  
 2140 and up to 15 days for a second or subsequent violation.

2141 (b) Place the child in nonsecure ~~on home~~ detention with  
 2142 electronic monitoring. However, this sanction may be used only  
 2143 if a residential consequence unit is not available.

2144 (c) If the violation of probation is technical in nature  
 2145 and not a new violation of law, place the child in an  
 2146 alternative consequence program designed to provide swift and  
 2147 appropriate consequences to any further violations of probation.

2148 1. Alternative consequence programs shall be established,  
 2149 within existing resources, at the local level in coordination  
 2150 with law enforcement agencies, the chief judge of the circuit,  
 2151 the state attorney, and the public defender.

2152 2. Alternative consequence programs may be operated by an  
 2153 entity such as a law enforcement agency, the department, a  
 2154 juvenile assessment center, a county or municipality, or another  
 2155 entity selected by the department.

2156 3. Upon placing a child in an alternative consequence  
 2157 program, the court must approve specific consequences for  
 2158 specific violations of the conditions of probation.

2159        ~~(d)~~(e) Modify or continue the child's probation program or  
 2160 postcommitment probation program.

2161        ~~(e)~~(d) Revoke probation or postcommitment probation and  
 2162 commit the child to the department.

2163        Section 25. Subsection (2) of section 985.441, Florida  
 2164 Statutes, is amended to read:

2165        985.441 Commitment.—

2166        (2) Notwithstanding subsection (1), the court having  
 2167 jurisdiction over an adjudicated delinquent child whose  
 2168 ~~underlying~~ offense is was a misdemeanor, or a child who is  
 2169 currently on probation for a misdemeanor, may not commit the  
 2170 child for any misdemeanor offense or any probation violation  
 2171 that is technical in nature and not a new violation of law at a  
 2172 restrictiveness level other than minimum-risk nonresidential  
 2173 unless the probation violation is a new violation of law  
 2174 constituting a felony. However, the court may commit such child  
 2175 to a nonsecure ~~low-risk or moderate-risk~~ residential placement  
 2176 if:

2177        (a) The child has previously been adjudicated or had  
 2178 adjudication withheld for a felony offense;

2179        (b) The child has previously been adjudicated or had  
 2180 adjudication withheld for three or more misdemeanor offenses  
 2181 within the previous 18 months;

2182        (c) The child is before the court for disposition for a  
 2183 violation of s. 800.03, s. 806.031, or s. 828.12; or

2184        (d) The court finds by a preponderance of the evidence

2185 that the protection of the public requires such placement or  
 2186 that the particular needs of the child would be best served by  
 2187 such placement. Such finding must be in writing.

2188 Section 26. Paragraph (a) of subsection (1) and subsection  
 2189 (5) of section 985.46, Florida Statutes, are amended to read:

2190 985.46 Conditional release.—

2191 (1) The Legislature finds that:

2192 (a) Conditional release is the care, treatment, help, ~~and~~  
 2193 supervision, and provision of transition-to-adulthood services  
 2194 to provided juveniles released from residential commitment  
 2195 programs to promote rehabilitation and prevent recidivism.

2196 (5) Participation in the educational program by students  
 2197 of compulsory school attendance age pursuant to s. 1003.21(1)  
 2198 and (2)(a) is mandatory for juvenile justice youth on  
 2199 conditional release or postcommitment probation status. A  
 2200 student of noncompulsory school-attendance age who has not  
 2201 received a high school diploma or its equivalent must  
 2202 participate in an the educational program or career and  
 2203 technical education course. A youth who has received a high  
 2204 school diploma or its equivalent and is not employed must  
 2205 participate in workforce development or other career or  
 2206 technical education or attend a community college or a  
 2207 university while in the program, subject to available funding.

2208 Section 27. Subsections (1) through (5) of section  
 2209 985.461, Florida Statutes, are amended to read:

2210 985.461 Transition to adulthood.—

2211 (1) The Legislature finds that ~~older~~ youth are faced with  
 2212 the need to learn how to support themselves within legal means  
 2213 and overcome the stigma of being delinquent. In most cases,  
 2214 parents expedite this transition. It is the intent of the  
 2215 Legislature that the department provide ~~older~~ youth in its  
 2216 custody or under its supervision with opportunities for  
 2217 participating in transition-to-adulthood services while in the  
 2218 department's commitment programs or in probation or conditional  
 2219 release programs in the community. These services should be  
 2220 reasonable and appropriate for the youths' respective ages or  
 2221 special needs and provide activities that build life skills and  
 2222 increase the ability to live independently and become self-  
 2223 sufficient.

2224 (2) Youth served by the department who are in the custody  
 2225 of the Department of Children and Families ~~Family Services~~ and  
 2226 who entered juvenile justice placement from a foster care  
 2227 placement, if otherwise eligible, may receive independent living  
 2228 transition services pursuant to s. 409.1451. Court-ordered  
 2229 commitment or probation with the department is not a barrier to  
 2230 eligibility for the array of services available to a youth who  
 2231 is in the dependency foster care system only.

2232 (3) For a dependent child in the foster care system,  
 2233 adjudication for delinquency does not, by itself, disqualify  
 2234 such child for eligibility in the Department of Children and  
 2235 Families' ~~Family Services'~~ independent living program.

2236 (4) As part of the child's treatment plan, the department

2237 may provide transition-to-adulthood services to children  
 2238 released from residential commitment. To support participation  
 2239 in transition-to-adulthood services and subject to  
 2240 appropriation, the department may:

2241 (a) Assess the child's skills and abilities to live  
 2242 independently and become self-sufficient. The specific services  
 2243 to be provided shall be determined using an assessment of his or  
 2244 her readiness for adult life.

2245 (b) Use community reentry teams to assist in the  
 2246 development of ~~Develop~~ a list of age-appropriate activities and  
 2247 responsibilities to be incorporated in the child's written case  
 2248 plan for any youth ~~17 years of age or older~~ who is under the  
 2249 custody or supervision of the department. Community reentry  
 2250 teams may include representatives from school districts, law  
 2251 enforcement, workforce development services, community-based  
 2252 service providers, and the youth's family. Such community  
 2253 reentry teams must be created within existing resources provided  
 2254 to the department. Activities may include, but are not limited  
 2255 to, life skills training, including training to develop banking  
 2256 and budgeting skills, interviewing and career planning skills,  
 2257 parenting skills, personal health management, and time  
 2258 management or organizational skills; educational support;  
 2259 employment training; and counseling.

2260 (c) Provide information related to social security  
 2261 insurance benefits and public assistance.

2262 (d) Request parental or guardian permission for the youth

2263 to participate in transition-to-adulthood services. Upon such  
2264 consent, age-appropriate activities shall be incorporated into  
2265 the youth's written case plan. This plan may include specific  
2266 goals and objectives and shall be reviewed and updated at least  
2267 quarterly. If the parent or guardian is cooperative, the plan  
2268 may not interfere with the parent's or guardian's rights to  
2269 nurture and train his or her child in ways that are otherwise in  
2270 compliance with the law and court order.

2271 (e) Contract for transition-to-adulthood services that  
2272 include residential services and assistance and allow the child  
2273 to live independently of the daily care and supervision of an  
2274 adult in a setting that is not licensed under s. 409.175. A  
2275 child under the care or supervision of the department ~~who has~~  
2276 ~~reached 17 years of age but is not yet 19 years of age~~ is  
2277 eligible for such services if he or she does not pose a danger  
2278 to the public and is able to demonstrate minimally sufficient  
2279 skills and aptitude for living under decreased adult  
2280 supervision, as determined by the department, using established  
2281 procedures and assessments.

2282 (f) Assist the child in building a portfolio of  
2283 educational and vocational accomplishments, necessary  
2284 identification, résumés, and cover letters in an effort to  
2285 enhance the child's employability.

2286 (g) Collaborate with school district contacts to  
2287 facilitate appropriate educational services based on the child's  
2288 identified needs.



2289 (5) For a child ~~who is 17 years of age or older,~~ under the  
 2290 department's care or supervision, and without benefit of parents  
 2291 or legal guardians capable of assisting the child in the  
 2292 transition to adult life, the department may provide an  
 2293 assessment to determine the child's skills and abilities to live  
 2294 independently and become self-sufficient. Based on the  
 2295 assessment and within existing resources, services and training  
 2296 may be provided in order to develop the necessary skills and  
 2297 abilities ~~before the child's 18th birthday.~~

2298 Section 28. Paragraph (b) of subsection (3) of section  
 2299 985.481, Florida Statutes, is amended to read:

2300 985.481 Sexual offenders adjudicated delinquent;  
 2301 notification upon release.-

2302 (3)

2303 (b) ~~No later than November 1, 2007,~~ The department must  
 2304 make the information described in subparagraph (a)1. available  
 2305 electronically to the Department of Law Enforcement in its  
 2306 database and in a format that is compatible with the  
 2307 requirements of the Florida Crime Information Center.

2308 Section 29. Subsection (5) of section 985.4815, Florida  
 2309 Statutes, is amended to read:

2310 985.4815 Notification to Department of Law Enforcement of  
 2311 information on juvenile sexual offenders.-

2312 (5) In addition to notification and transmittal  
 2313 requirements imposed by any other provision of law, the  
 2314 department shall compile information on any sexual offender and

2315 provide the information to the Department of Law Enforcement. ~~No~~  
 2316 ~~later than November 1, 2007,~~ The department must make the  
 2317 information available electronically to the Department of Law  
 2318 Enforcement in its database in a format that is compatible with  
 2319 the requirements of the Florida Crime Information Center.

2320 Section 30. Subsection (1) of section 985.514, Florida  
 2321 Statutes, is amended to read:

2322 985.514 Responsibility for cost of care; fees.—

2323 (1) When any child is placed into secure or nonsecure ~~home~~  
 2324 detention care or into other placement for the purpose of being  
 2325 supervised by the department pursuant to a court order following  
 2326 a detention hearing, the court shall order the child's parents  
 2327 to pay fees to the department as provided in s. 985.039.

2328 Section 31. Paragraph (a) of subsection (3) and paragraph  
 2329 (a) of subsection (9) of section 985.601, Florida Statutes, are  
 2330 amended to read:

2331 985.601 Administering the juvenile justice continuum.—

2332 (3) (a) The department shall develop or contract for  
 2333 diversified and innovative programs to provide rehabilitative  
 2334 treatment, including early intervention and prevention,  
 2335 diversion, comprehensive intake, case management, diagnostic and  
 2336 classification assessments, trauma-informed care, individual and  
 2337 family counseling, family engagement resources and programs,  
 2338 gender-specific programming, shelter care, diversified detention  
 2339 care emphasizing alternatives to secure detention, diversified  
 2340 probation, halfway houses, foster homes, community-based

2341 substance abuse treatment services, community-based mental  
 2342 health treatment services, community-based residential and  
 2343 nonresidential programs, mother-infant programs, and  
 2344 environmental programs. The department may pay expenses in  
 2345 support of innovative programs and activities that address  
 2346 identified needs and the well-being of children in the  
 2347 department's care or under its supervision, subject to the  
 2348 requirements of chapters 215, 216, and 287. Each program shall  
 2349 place particular emphasis on reintegration and conditional  
 2350 release for all children in the program.

2351 (9) (a) The department shall operate a statewide,  
 2352 regionally administered system of detention services for  
 2353 children, in accordance with a comprehensive plan for the  
 2354 regional administration of all detention services in the state.  
 2355 The plan must provide for the maintenance of adequate  
 2356 availability of detention services for all counties. The plan  
 2357 must cover all the department's operating circuits, with each  
 2358 operating circuit having access to a secure facility and  
 2359 nonsecure ~~and home~~ detention programs, and the plan may be  
 2360 altered or modified by the Department of Juvenile Justice as  
 2361 necessary.

2362 Section 32. Sections 985.605, 985.606, and 985.61, Florida  
 2363 Statutes, are repealed.

2364 Section 33. Section 985.632, Florida Statutes, is amended  
 2365 to read:

2366 985.632 Quality improvement assurance and cost-

2367 effectiveness; Comprehensive Accountability Report.—

2368 (1) INTENT.—It is the intent of the Legislature that the  
 2369 department establish a performance accountability system for  
 2370 each provider who contracts with the department for the delivery  
 2371 of services to children. The contract shall include both output  
 2372 measures, such as the number of children served, and outcome  
 2373 measures, including program completion and postcompletion  
 2374 recidivism. Each contractor shall report performance results to  
 2375 the department annually. The department's Bureau of Research and  
 2376 Planning shall summarize performance results from all contracts  
 2377 and report the information to the Legislature annually in the  
 2378 Comprehensive Accountability Report. The report shall:

2379 (a) Ensure that information be provided to decisionmakers  
 2380 in a timely manner so that resources are allocated to programs  
 2381 that of the department which achieve desired performance levels.

2382 (b) Provide information about the cost of such programs  
 2383 and their differential effectiveness so that the quality of such  
 2384 programs can be compared and improvements made continually.

2385 (c) Provide information to aid in developing related  
 2386 policy issues and concerns.

2387 (d) Provide information to the public about the  
 2388 effectiveness of such programs in meeting established goals and  
 2389 objectives.

2390 (e) Provide a basis for a system of accountability so that  
 2391 each child ~~client~~ is afforded the best programs to meet his or  
 2392 her needs.

2393 (f) Improve service delivery to children through the use  
 2394 of technical assistance ~~clients~~.

2395 (g) Modify or eliminate activities or programs that are  
 2396 not effective.

2397 (h) Collect and analyze available statistical data for the  
 2398 purpose of ongoing evaluation of all programs.

2399 (2) DEFINITIONS.—As used in this section, the term:

2400 ~~(a) "Client" means any person who is being provided~~  
 2401 ~~treatment or services by the department or by a provider under~~  
 2402 ~~contract with the department.~~

2403 (a) "Program" means any facility or service for youth that  
 2404 is operated by the department or by a provider under contract  
 2405 with the department.

2406 (b) "Program component" means an aggregation of generally  
 2407 related objectives which, because of their special character,  
 2408 related workload, and interrelated output, can logically be  
 2409 considered an entity for purposes of organization, management,  
 2410 accounting, reporting, and budgeting.

2411 ~~(c) "Program effectiveness" means the ability of the~~  
 2412 ~~program to achieve desired client outcomes, goals, and~~  
 2413 ~~objectives.~~

2414 (c) "Program group" means a collection of programs with  
 2415 sufficient similarity of functions, services, and youth to  
 2416 permit appropriate comparison amongst programs within the group.

2417 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department,  
 2418 in consultation with contract service providers, shall develop

2419 and use a standard methodology for annually measuring,  
 2420 evaluating, and reporting program outputs and youth outcomes for  
 2421 each program and program group. The standard methodology must:  
 2422 (a) Include common terminology and operational definitions  
 2423 for measuring the performance of system and program  
 2424 administration, program outputs, and program outcomes.  
 2425 (b) Specify program outputs for each program and for each  
 2426 program group within the juvenile justice continuum.  
 2427 (c) Specify desired child outcomes and methods by which to  
 2428 measure child outcomes for each program and program group  
 2429 ~~annually collect and report cost data for every program operated~~  
 2430 ~~or contracted by the department. The cost data shall conform to~~  
 2431 ~~a format approved by the department and the Legislature. Uniform~~  
 2432 ~~cost data shall be reported and collected for state-operated and~~  
 2433 ~~contracted programs so that comparisons can be made among~~  
 2434 ~~programs. The department shall ensure that there is accurate~~  
 2435 ~~cost accounting for state-operated services including market-~~  
 2436 ~~equivalent rent and other shared cost. The cost of the~~  
 2437 ~~educational program provided to a residential facility shall be~~  
 2438 ~~reported and included in the cost of a program. The department~~  
 2439 ~~shall submit an annual cost report to the President of the~~  
 2440 ~~Senate, the Speaker of the House of Representatives, the~~  
 2441 ~~Minority Leader of each house of the Legislature, the~~  
 2442 ~~appropriate substantive and fiscal committees of each house of~~  
 2443 ~~the Legislature, and the Governor, no later than December 1 of~~  
 2444 ~~each year. Cost benefit analysis for educational programs will~~

2445 ~~be developed and implemented in collaboration with and in~~  
 2446 ~~cooperation with the Department of Education, local providers,~~  
 2447 ~~and local school districts. Cost data for the report shall~~  
 2448 ~~include data collected by the Department of Education for the~~  
 2449 ~~purposes of preparing the annual report required by s.~~  
 2450 ~~1003.52(19).~~

2451 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in  
 2452 consultation with the Office of Economic and Demographic  
 2453 Research and contract service providers, shall develop a cost-  
 2454 effectiveness model and apply the model to each commitment  
 2455 program. ~~Program recidivism rates shall be a component of the~~  
 2456 ~~model.~~

2457 (a) The cost-effectiveness model shall compare program  
 2458 costs to expected and actual child recidivism rates ~~client~~  
 2459 ~~outcomes and program outputs~~. It is the intent of the  
 2460 Legislature that continual development efforts take place to  
 2461 improve the validity and reliability of the cost-effectiveness  
 2462 model.

2463 (b) The department shall rank commitment programs based on  
 2464 the cost-effectiveness model, performance measures, and  
 2465 adherence to quality improvement standards and shall ~~submit a~~  
 2466 ~~report~~ this data in the annual Comprehensive Accountability  
 2467 Report ~~to the appropriate substantive and fiscal committees of~~  
 2468 ~~each house of the Legislature by December 31 of each year.~~

2469 (c) Based on reports of the department on child client  
 2470 ~~outcomes and program outputs~~ and on the department's most recent

2471 cost-effectiveness rankings, the department may terminate a  
 2472 program operated by the department or a provider if the program  
 2473 has failed to achieve a minimum standard ~~threshold~~ of program  
 2474 effectiveness. This paragraph does not preclude the department  
 2475 from terminating a contract as provided under this section or as  
 2476 otherwise provided by law or contract, and does not limit the  
 2477 department's authority to enter into or terminate a contract.

2478 (d) In collaboration with the Office of Economic and  
 2479 Demographic Research, and contract service providers, the  
 2480 department shall develop a work plan to refine the cost-  
 2481 effectiveness model so that the model is consistent with the  
 2482 performance-based program budgeting measures approved by the  
 2483 Legislature to the extent the department deems appropriate. The  
 2484 department shall notify the Office of Program Policy Analysis  
 2485 and Government Accountability of any meetings to refine the  
 2486 model.

2487 (e) Contingent upon specific appropriation, the  
 2488 department, in consultation with the Office of Economic and  
 2489 Demographic Research, and contract service providers, shall:

2490 1. Construct a profile of each commitment program that  
 2491 uses the results of the quality improvement data portion of the  
 2492 Comprehensive Accountability ~~assurance~~ Report required by this  
 2493 section, the cost-effectiveness data portion of the  
 2494 Comprehensive Accountability Report required in this subsection,  
 2495 and other reports available to the department.

2496 2. Target, for a more comprehensive evaluation, any



2497 commitment program that has achieved consistently high, low, or  
2498 disparate ratings in the reports required under subparagraph 1.  
2499 and target, for technical assistance, any commitment program  
2500 that has achieved low or disparate ratings in the reports  
2501 required under subparagraph 1.

2502 3. Identify the essential factors that contribute to the  
2503 high, low, or disparate program ratings.

2504 4. Use the results of these evaluations in developing or  
2505 refining juvenile justice programs or program models, child  
2506 ~~client~~ outcomes and program outputs, provider contracts, quality  
2507 improvement ~~assurance~~ standards, and the cost-effectiveness  
2508 model.

2509 (5) QUALITY IMPROVEMENT.—The department shall:

2510 (a) Establish a comprehensive quality improvement  
2511 ~~assurance~~ system for each program operated by the department or  
2512 operated by a provider under contract with the department. Each  
2513 contract entered into by the department must provide for quality  
2514 improvement ~~assurance~~.

2515 (b) Provide operational definitions of and criteria for  
2516 quality improvement ~~assurance~~ for each specific program  
2517 component.

2518 (c) Establish quality improvement ~~assurance~~ goals and  
2519 objectives for each specific program component.

2520 (d) Establish the information and specific data elements  
2521 required for the quality improvement ~~assurance~~ program.

2522 (e) Develop a quality improvement ~~assurance~~ manual of

2523 specific, standardized terminology and procedures to be followed  
2524 by each program.

2525 (f) Evaluate each program operated by the department or a  
2526 provider under a contract with the department annually and  
2527 establish minimum standards ~~thresholds~~ for each program  
2528 component. If a provider fails to meet the established minimum  
2529 standards ~~thresholds~~, such failure shall cause the department to  
2530 cancel the provider's contract unless the provider achieves  
2531 compliance with minimum standards ~~thresholds~~ within 6 months or  
2532 unless there are documented extenuating circumstances. In  
2533 addition, the department may not contract with the same provider  
2534 for the canceled service for a period of 12 months. If a  
2535 department-operated program fails to meet the established  
2536 minimum standards ~~thresholds~~, the department must take necessary  
2537 and sufficient steps to ensure and document program changes to  
2538 achieve compliance with the established minimum standards  
2539 ~~thresholds~~. If the department-operated program fails to achieve  
2540 compliance with the established minimum standards ~~thresholds~~  
2541 within 6 months and if there are no documented extenuating  
2542 circumstances, the department must notify the Executive Office  
2543 of the Governor and the Legislature of the corrective action  
2544 taken. Appropriate corrective action may include, but is not  
2545 limited to:

- 2546 1. Contracting out for the services provided in the  
2547 program;
- 2548 2. Initiating appropriate disciplinary action against all

2549 employees whose conduct or performance is deemed to have  
 2550 materially contributed to the program's failure to meet  
 2551 established minimum standards ~~thresholds~~;

2552 3. Redesigning the program; or  
 2553 4. Realigning the program.

2554 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The  
 2555 department shall submit the Comprehensive Accountability Report  
 2556 ~~an annual report~~ to the President of the Senate, the Speaker of  
 2557 the House of Representatives, the Minority Leader of each house  
 2558 of the Legislature, the appropriate substantive and fiscal  
 2559 committees of each house of the Legislature, and the Governor,  
 2560 no later than February 1 of each year. The Comprehensive  
 2561 Accountability Report ~~annual report~~ must contain, at a minimum,  
 2562 for each specific program component: a comprehensive description  
 2563 of the population served by the program; a specific description  
 2564 of the services provided by the program; cost; a comparison of  
 2565 expenditures to federal and state funding; immediate and long-  
 2566 range concerns; and recommendations to maintain, expand,  
 2567 improve, modify, or eliminate each program component so that  
 2568 changes in services lead to enhancement in program quality. The  
 2569 department shall ensure the reliability and validity of the  
 2570 information contained in the report.

2571 (7) ~~(6)~~ ONGOING EVALUATIONS; REPORTS.—The department shall  
 2572 collect and analyze available statistical data for the purpose  
 2573 of ongoing evaluation of all programs. The department shall  
 2574 provide the Legislature with necessary information and reports

2575 to enable the Legislature to make informed decisions regarding  
 2576 the effectiveness of, and any needed changes in, services,  
 2577 programs, policies, and laws.

2578 Section 34. Paragraph (a) of subsection (1) and paragraph  
 2579 (b) of subsection (3) of section 985.644, Florida Statutes, are  
 2580 amended to read:

2581 985.644 Departmental contracting powers; personnel  
 2582 standards and investigation ~~screening~~.-

2583 (1) The department may contract with the Federal  
 2584 Government, other state departments and agencies, county and  
 2585 municipal governments and agencies, public and private agencies,  
 2586 and private individuals and corporations in carrying out the  
 2587 purposes of, and the responsibilities established in, this  
 2588 chapter.

2589 (a) Each contract entered into by the department for  
 2590 services delivered on an appointment or intermittent basis by a  
 2591 provider that does not have regular custodial responsibility for  
 2592 children and each contract with a school for ~~before or after~~care  
 2593 services must ensure that all owners, operators, and personnel  
 2594 who have direct contact with children are subject to level 2  
 2595 background screening pursuant to chapter 435.

2596 (3)

2597 (b) ~~Except for~~ Law enforcement, correctional, and  
 2598 correctional probation officers, certified pursuant to s.  
 2599 943.13, are not required to submit to level 2 screenings as long  
 2600 as they are currently employed by a law enforcement agency or

2601 correctional facility. ~~to whom s. 943.13(5) applies,~~ The  
 2602 department shall electronically submit to the Department of Law  
 2603 Enforcement:

2604 1. Fingerprint information obtained during the employment  
 2605 screening required by subparagraph (a)1.

2606 2. Fingerprint information for all persons employed by the  
 2607 department, or by a provider under contract with the department,  
 2608 in delinquency facilities, services, or programs if such  
 2609 fingerprint information has not previously been ~~electronically~~  
 2610 submitted pursuant to this section ~~to the Department of Law~~  
 2611 ~~Enforcement under this paragraph.~~

2612 Section 35. Section 985.6441, Florida Statutes, is created  
 2613 to read:

2614 985.6441 Health care services.-

2615 (1) As used in this section, the term:

2616 (a) "Health care provider" has the same meaning as  
 2617 provided in s. 766.105.

2618 (b) "Hospital" means a hospital licensed under chapter  
 2619 395.

2620 (2) When compensating health care providers, the  
 2621 department must comply with the following reimbursement  
 2622 limitations:

2623 (a) Payments to a hospital or a health care provider may  
 2624 not exceed 110 percent of the Medicare allowable rate for any  
 2625 health care services provided if there is no contract between  
 2626 the department and the hospital or the health care provider

2627 providing services at a hospital.

2628 (b)1. The department may continue to make payments for  
2629 health care services at the contracted rates for contracts  
2630 executed before July 1, 2014, through the current term of the  
2631 contract if a contract has been executed between the department  
2632 and a hospital or a health care provider providing services at a  
2633 hospital.

2634 2. Payments may not exceed 110 percent of the Medicare  
2635 allowable rate after the current term of the contract expires or  
2636 after the contract is renewed during the 2013-2014 fiscal year.

2637 (c) Payments may not exceed 110 percent of the Medicare  
2638 allowable rate under a contract executed on or after July 1,  
2639 2014, between the department and a hospital or a health care  
2640 provider providing services at a hospital.

2641 (d) Notwithstanding paragraphs (a)-(c), the department may  
2642 pay up to 125 percent of the Medicare allowable rate for health  
2643 care services at a hospital that reports, or has reported, a  
2644 negative operating margin for the previous fiscal year to the  
2645 Agency for Health Care Administration through hospital-audited  
2646 financial data.

2647 Section 36. Subsections (1), (2), and (3) of section  
2648 985.66, Florida Statutes, are amended to read:

2649 985.66 Juvenile justice training ~~academies~~; staff  
2650 development and training; Juvenile Justice Training Trust Fund.—

2651 (1) LEGISLATIVE PURPOSE.—In order to enable the state to  
2652 provide a systematic approach to staff development and training

2653 for judges, state attorneys, public defenders, law enforcement  
 2654 officers, school district personnel, and juvenile justice  
 2655 program staff that will meet the needs of such persons in their  
 2656 discharge of duties while at the same time meeting the  
 2657 requirements for the American Correction Association  
 2658 accreditation by the Commission on Accreditation for  
 2659 Corrections, it is the purpose of the Legislature to require the  
 2660 department to establish, maintain, and oversee the operation of  
 2661 juvenile justice training, programs, and courses ~~academies~~ in  
 2662 the state. The purpose of the Legislature in establishing staff  
 2663 development and training programs is to provide employees of the  
 2664 department, any private or public entity, or contract providers  
 2665 who provide services or care for children under the  
 2666 responsibility of the department with the knowledge and skills  
 2667 needed to appropriately interact with children and provide such  
 2668 care and services ~~foster better staff morale and reduce~~  
 2669 ~~mistreatment and aggressive and abusive behavior in delinquency~~  
 2670 ~~programs~~; to positively impact the recidivism of children in the  
 2671 juvenile justice system; and to afford greater protection of the  
 2672 public through an improved level of services delivered by a  
 2673 professionally trained juvenile justice ~~program~~ staff to  
 2674 children who are alleged to be or who have been found to be  
 2675 delinquent.

2676 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2677 (a) Designate the number and location of the training  
 2678 programs and courses; assess, design, ~~academies~~; develop,

2679 implement, evaluate, maintain, and update the curriculum to be  
 2680 used in the training of juvenile justice ~~program~~ staff;  
 2681 establish timeframes for participation in and completion of  
 2682 training by juvenile justice ~~program~~ staff; develop, implement,  
 2683 score, analyze, maintain, and update job-related examinations;  
 2684 develop, implement, analyze, and update the types and  
 2685 frequencies for ~~of~~ evaluations of the training programs,  
 2686 courses, and instructors ~~academies; and manage~~ ~~approve, modify,~~  
 2687 ~~or disapprove~~ the budget and contracts for all the training  
 2688 deliverables ~~academies, and the contractor to be selected to~~  
 2689 ~~organize and operate the training academies and to provide the~~  
 2690 ~~training curriculum.~~

2691 (b) Establish uniform minimum job-related preservice and  
 2692 inservice training courses and examinations for juvenile justice  
 2693 program staff.

2694 (c) Consult and cooperate with the state or any political  
 2695 subdivision; any private entity or contractor; and with private  
 2696 and public universities, colleges, community colleges, and other  
 2697 educational institutions concerning the development of juvenile  
 2698 justice training and programs or courses of instruction,  
 2699 including, but not limited to, education and training in the  
 2700 areas of juvenile justice.

2701 (d) Enter into contracts and agreements with other  
 2702 agencies, organizations, associations, corporations,  
 2703 individuals, or federal agencies as necessary in the execution  
 2704 of the powers of the department or the performance of its



2705 duties.

2706 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department  
2707 shall establish a certifiable program for juvenile justice  
2708 training pursuant to this section, and all department program  
2709 staff and providers who deliver direct care services pursuant to  
2710 contract with the department shall be required to participate in  
2711 and successfully complete the department-approved program of  
2712 training pertinent to their areas of responsibility. Judges,  
2713 state attorneys, and public defenders, law enforcement officers,  
2714 ~~and school district personnel,~~ and employees of contract  
2715 providers who provide services or care for children under the  
2716 responsibility of the department may participate in such  
2717 training program. For the juvenile justice program staff, the  
2718 department shall, based on a job-task analysis:

2719 (a) Design, implement, maintain, evaluate, and revise a  
2720 basic training program, including a competency-based  
2721 examination, for the purpose of providing minimum employment  
2722 training qualifications for all juvenile justice personnel. All  
2723 program staff of the department and providers who deliver  
2724 direct-care services who are hired after October 1, 1999, must  
2725 meet the following minimum requirements:

- 2726 1. Be at least 19 years of age.
- 2727 2. Be a high school graduate or its equivalent as  
2728 determined by the department.
- 2729 3. Not have been convicted of any felony or a misdemeanor  
2730 involving perjury or a false statement, or have received a

2731 dishonorable discharge from any of the Armed Forces of the  
2732 United States. Any person who, after September 30, 1999, pleads  
2733 guilty or nolo contendere to or is found guilty of any felony or  
2734 a misdemeanor involving perjury or false statement is not  
2735 eligible for employment, notwithstanding suspension of sentence  
2736 or withholding of adjudication. Notwithstanding this  
2737 subparagraph, any person who pled nolo contendere to a  
2738 misdemeanor involving a false statement before October 1, 1999,  
2739 and who has had such record of that plea sealed or expunged is  
2740 not ineligible for employment for that reason.

2741 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding  
2742 fingerprinting and background investigations and other screening  
2743 requirements for personnel.

2744 5. Execute and submit to the department an affidavit-of-  
2745 application form, adopted by the department, attesting to his or  
2746 her compliance with subparagraphs 1.-4. The affidavit must be  
2747 executed under oath and constitutes an official statement under  
2748 s. 837.06. The affidavit must include conspicuous language that  
2749 the intentional false execution of the affidavit constitutes a  
2750 misdemeanor of the second degree. The employing agency shall  
2751 retain the affidavit.

2752 (b) Design, implement, maintain, evaluate, and revise an  
2753 advanced training program, including a competency-based  
2754 examination for each training course, which is intended to  
2755 enhance knowledge, skills, and abilities related to job  
2756 performance.

2757 (c) Design, implement, maintain, evaluate, and revise a  
2758 career development training program, including a competency-  
2759 based examination for each training course. Career development  
2760 courses are intended to prepare personnel for promotion.

2761 (d) The department is encouraged to design, implement,  
2762 maintain, evaluate, and revise juvenile justice training  
2763 courses, or to enter into contracts for such training courses,  
2764 that are intended to provide for the safety and well-being of  
2765 both citizens and juvenile offenders.

2766 Section 37. Subsection (5) of section 985.664, Florida  
2767 Statutes, is amended to read:

2768 985.664 Juvenile justice circuit advisory boards.—

2769 ~~(5) (a) To form the initial juvenile justice circuit~~  
2770 ~~advisory board, the Secretary of Juvenile Justice, in~~  
2771 ~~consultation with the juvenile justice county councils in~~  
2772 ~~existence on October 1, 2013, shall appoint the chair of the~~  
2773 ~~board, who must meet the board membership requirements in~~  
2774 ~~subsection (4). Within 45 days after being appointed, the chair~~  
2775 ~~shall appoint the remaining members to the juvenile justice~~  
2776 ~~circuit advisory board and submit the appointments to the~~  
2777 ~~department for approval.~~

2778 ~~(b) Thereafter,~~ When a vacancy in the office of the chair  
2779 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~  
2780 the juvenile justice circuit advisory board, shall appoint a new  
2781 chair, who must meet the board membership requirements in  
2782 subsection (4). The chair shall appoint members to vacant seats

2783 within 45 days after the vacancy and submit the appointments to  
 2784 the department for approval. The chair shall serve at the  
 2785 pleasure of the Secretary of Juvenile Justice.

2786 Section 38. Subsections (1) and (4) of section 985.672,  
 2787 Florida Statutes, are amended to read:

2788 985.672 Direct-support organization; definition; use of  
 2789 property; board of directors; audit.—

2790 (1) DEFINITION.—As used in this section, the term "direct-  
 2791 support organization" means an organization whose sole purpose  
 2792 is to support the juvenile justice system and which is:

2793 (a) A corporation not-for-profit incorporated under  
 2794 chapter 617 and which is approved by the Department of State;

2795 (b) Organized and operated to conduct programs and  
 2796 activities; to raise funds; to request and receive grants,  
 2797 gifts, and bequests of moneys; to acquire, receive, hold,  
 2798 invest, and administer, in its own name, securities, funds,  
 2799 objects of value, or other property, real or personal; and to  
 2800 make expenditures to or for the direct or indirect benefit of  
 2801 the Department of Juvenile Justice or the juvenile justice  
 2802 system operated by a county commission or a circuit board;

2803 (c) Determined by the Department of Juvenile Justice to be  
 2804 consistent with the goals of the juvenile justice system, in the  
 2805 best interest of the state, and in accordance with the adopted  
 2806 goals and mission of the Department of Juvenile Justice.

2807  
 2808 Expenditures of the organization shall be ~~expressly~~ used for the

2809 prevention ~~to prevent~~ and amelioration of ~~ameliorate~~ juvenile  
2810 delinquency. The expenditures of the direct-support organization  
2811 may not be used for the purpose of lobbying as defined in s.  
2812 11.045.

2813 (4) USE OF PROPERTY.—The department may permit, without  
2814 charge, appropriate use of fixed property, and facilities, and  
2815 personnel services of the juvenile justice system by the direct-  
2816 support organization, subject to ~~the provisions of~~ this section.  
2817 For the purposes of this subsection, the term "personnel  
2818 services" includes full-time or part-time personnel, as well as  
2819 payroll processing services.

2820 (a) The department may prescribe any condition with which  
2821 the direct-support organization must comply in order to use  
2822 fixed property or facilities of the juvenile justice system.

2823 (b) The department may not permit the use of any fixed  
2824 property or facilities of the juvenile justice system by the  
2825 direct-support organization if it does not provide equal  
2826 membership and employment opportunities to all persons  
2827 regardless of race, color, religion, sex, age, or national  
2828 origin.

2829 (c) The department shall adopt rules prescribing the  
2830 procedures by which the direct-support organization is governed  
2831 and any conditions with which a direct-support organization must  
2832 comply to use property or facilities of the department.

2833 Section 39. Subsections (1) through (4) and subsection (9)  
2834 of section 985.682, Florida Statutes, are amended to read:

2835 985.682 Siting of facilities; study; criteria.-  
2836 ~~(1) The department is directed to conduct or contract for~~  
2837 ~~a statewide comprehensive study to determine current and future~~  
2838 ~~needs for all types of facilities for children committed to the~~  
2839 ~~eustody, care, or supervision of the department under this~~  
2840 ~~chapter.~~  
2841 ~~(2) The study shall assess, rank, and designate~~  
2842 ~~appropriate sites, and shall be reflective of the different~~  
2843 ~~purposes and uses for all facilities, based upon the following~~  
2844 ~~criteria:~~  
2845 ~~(a) Current and future estimates of children originating~~  
2846 ~~from each county;~~  
2847 ~~(b) Current and future estimates of types of delinquent~~  
2848 ~~acts committed in each county;~~  
2849 ~~(c) Geographic location of existing facilities;~~  
2850 ~~(d) Availability of personnel within the local labor~~  
2851 ~~market;~~  
2852 ~~(e) Current capacity of facilities in the area;~~  
2853 ~~(f) Total usable and developable acreage of various sites~~  
2854 ~~based upon the use and purpose of the facility;~~  
2855 ~~(g) Accessibility of each site to existing utility,~~  
2856 ~~transportation, law enforcement, health care, fire protection,~~  
2857 ~~refuse collection, water, and sewage disposal services;~~  
2858 ~~(h) Susceptibility of each site to flooding hazards or~~  
2859 ~~other adverse natural environmental consequences;~~  
2860 ~~(i) Site location in relation to desirable and undesirable~~

2861 ~~proximity to other public facilities, including schools;~~  
 2862 ~~(j) Patterns of residential growth and projected~~  
 2863 ~~population growth; and~~  
 2864 ~~(k) Such other criteria as the department, in conjunction~~  
 2865 ~~with local governments, deems appropriate.~~  
 2866 ~~(3) The department shall recommend certification of the~~  
 2867 ~~study by the Governor and Cabinet within 2 months after its~~  
 2868 ~~receipt.~~  
 2869 ~~(4) Upon certification of the study by the Governor and~~  
 2870 ~~Cabinet, the department shall notify those counties designated~~  
 2871 ~~as being in need of a facility.~~  
 2872 (5)~~(9)~~ The Governor and Cabinet shall consider the  
 2873 following when determining whether to grant the appeal from the  
 2874 decision of the local government on the requested modification:  
 2875 (a) The record of the proceedings before the local  
 2876 government.  
 2877 (b) Reports and studies by any other agency relating to  
 2878 matters within the jurisdiction of such agency which may be  
 2879 potentially affected by the proposed site.  
 2880 (c) Existing ~~The statewide study, as established in~~  
 2881 ~~subsection (1); other existing studies,~~ reports and information  
 2882 maintained by the department as the Governor and Cabinet may  
 2883 request addressing the feasibility and availability of  
 2884 alternative sites in the general area, and the need for a  
 2885 facility in the area based on the average number of petitions,  
 2886 commitments, and transfers into the criminal court from the

2887 county to state facilities for the most recent 3 calendar years.

2888 Section 40. Section 985.69, Florida Statutes, is amended  
 2889 to read:

2890 985.69 Repair and maintenance ~~One-time startup~~ funding for  
 2891 juvenile justice purposes.—Funds from juvenile justice  
 2892 appropriations may be used ~~utilized~~ as ~~one-time startup~~ funding  
 2893 for juvenile justice purposes that include, but are not limited  
 2894 to, remodeling or renovation of existing facilities,  
 2895 ~~construction costs, leasing costs,~~ purchase of equipment and  
 2896 furniture, site development, and other necessary and reasonable  
 2897 costs associated with the repair and maintenance ~~startup~~ of  
 2898 facilities or programs.

2899 Section 41. Section 985.694, Florida Statutes, is  
 2900 repealed.

2901 Section 42. Paragraph (a) of subsection (1) of section  
 2902 985.701, Florida Statutes, is amended to read:

2903 985.701 Sexual misconduct prohibited; reporting required;  
 2904 penalties.—

2905 (1)(a)1. As used in this section ~~subsection~~, the term:

2906 a. "Sexual misconduct" means fondling the genital area,  
 2907 groin, inner thighs, buttocks, or breasts of a person; the oral,  
 2908 anal, or vaginal penetration by or union with the sexual organ  
 2909 of another; or the anal or vaginal penetration of another by any  
 2910 other object. The term does not include an act done for a bona  
 2911 fide medical purpose or an internal search conducted in the  
 2912 lawful performance of duty by an employee of the department or



2913 an employee of a provider under contract with the department.

2914       b. "Employee" includes paid staff members, volunteers, and  
 2915 interns who work in a department program or a program operated  
 2916 by a provider under a contract.

2917       c. "Juvenile offender" means any person of any age who is  
 2918 detained or supervised by, or committed to the custody of, the  
 2919 department.

2920       2. An employee who engages in sexual misconduct with a  
 2921 juvenile offender ~~detained or supervised by, or committed to the~~  
 2922 ~~eustody of, the department~~ commits a felony of the second  
 2923 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2924 775.084. An employee may be found guilty of violating this  
 2925 subsection without having committed the crime of sexual battery.

2926       3. The consent of the juvenile offender to any act of  
 2927 sexual misconduct is not a defense to prosecution under this  
 2928 subsection.

2929       4. This subsection does not apply to an employee of the  
 2930 department, or an employee of a provider under contract with the  
 2931 department, who:

2932       a. Is legally married to a juvenile offender who is  
 2933 detained or supervised by, or committed to the custody of, the  
 2934 department.

2935       b. Has no reason to believe that the person with whom the  
 2936 employee engaged in sexual misconduct is a juvenile offender  
 2937 ~~detained or supervised by, or committed to the custody of, the~~  
 2938 ~~department.~~

2939 Section 43. Effective October 1, 2014, section 985.702,  
 2940 Florida Statutes, is created to read:

2941 985.702 Willful and malicious neglect of a juvenile  
 2942 offender prohibited; reporting required; penalties.-

2943 (1) As used in this section, the term:

2944 (a) "Employee" means a paid staff member, volunteer, or  
 2945 intern who works in a department program or a program operated  
 2946 by a provider under a contract with the department.

2947 (b) "Juvenile offender" means any person of any age who is  
 2948 detained by, or committed to the custody of, the department.

2949 (c) "Neglect" means:

2950 1. An employee's failure or omission to provide a juvenile  
 2951 offender with the proper level of care, supervision, and  
 2952 services necessary to maintain the juvenile offender's physical  
 2953 and mental health, including, but not limited to, adequate food,  
 2954 nutrition, clothing, shelter, supervision, medicine, and medical  
 2955 services; or

2956 2. An employee's failure to make a reasonable effort to  
 2957 protect a juvenile offender from abuse, neglect, or exploitation  
 2958 by another person.

2959 (2) (a) An employee who willfully and maliciously neglects  
 2960 a juvenile offender without causing great bodily harm, permanent  
 2961 disability, or permanent disfigurement commits a felony of the  
 2962 third degree, punishable as provided in s. 775.082, s. 775.083,  
 2963 or s. 775.084.

2964 (b) An employee who willfully and maliciously neglects a

2965 juvenile offender and in so doing causes great bodily harm,  
2966 permanent disability, or permanent disfigurement commits a  
2967 felony of the second degree, punishable as provided in s.  
2968 775.082, s. 775.083, or s. 775.084.

2969 (c) Notwithstanding prosecution, any violation of  
2970 paragraph (a) or paragraph (b), as determined by the Public  
2971 Employees Relations Commission, constitutes sufficient cause  
2972 under s. 110.227 for dismissal from employment with the  
2973 department, and such person may not again be employed in any  
2974 capacity in the juvenile justice system.

2975 (3) An employee who witnesses the infliction of neglect  
2976 upon a juvenile offender shall immediately report the incident  
2977 to the department's incident hotline and prepare, date, and sign  
2978 an independent report that specifically describes the nature of  
2979 the incident, the location and time of the incident, and the  
2980 persons involved in the incident. The employee shall deliver the  
2981 report to the employee's supervisor or program director, who  
2982 must provide copies to the department's inspector general and  
2983 the circuit juvenile justice manager. The inspector general  
2984 shall immediately conduct an appropriate administrative  
2985 investigation, and, if there is probable cause to believe that a  
2986 violation of subsection (2) has occurred, the inspector general  
2987 shall notify the state attorney in the circuit in which the  
2988 incident occurred.

2989 (4) (a) A person who is required to prepare a report under  
2990 this section who knowingly or willfully fails to do so, or who

2991 knowingly or willfully prevents another person from doing so,  
 2992 commits a misdemeanor of the first degree, punishable as  
 2993 provided in s. 775.082 or s. 775.083.

2994 (b) A person who knowingly or willfully submits  
 2995 inaccurate, incomplete, or untruthful information with respect  
 2996 to a report required under this section commits a misdemeanor of  
 2997 the first degree, punishable as provided in s. 775.082 or s.  
 2998 775.083.

2999 (c) A person who knowingly or willfully coerces or  
 3000 threatens any other person with the intent to alter testimony or  
 3001 a written report regarding an incident of neglect upon a  
 3002 juvenile offender commits a felony of the third degree,  
 3003 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3004 Section 44. Subsection (2) of section 985.721, Florida  
 3005 Statutes, is amended to read:

3006 985.721 Escapes from secure detention or residential  
 3007 commitment facility.—An escape from:

3008 (2) Any residential commitment facility described in s.  
 3009 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,  
 3010 punishment, or rehabilitation of children found to have  
 3011 committed delinquent acts or violations of law; or

3012  
 3013 constitutes escape within the intent and meaning of s. 944.40  
 3014 and is a felony of the third degree, punishable as provided in  
 3015 s. 775.082, s. 775.083, or s. 775.084.

3016 Section 45. Paragraphs (c) and (f) of subsection (3) of

3017 section 943.0582, Florida Statutes, are amended to read:

3018 943.0582 Prearrest, postarrest, or teen court diversion  
 3019 program expunction.—

3020 (3) The department shall expunge the nonjudicial arrest  
 3021 record of a minor who has successfully completed a prearrest or  
 3022 postarrest diversion program if that minor:

3023 (c) Submits to the department, with the application, an  
 3024 official written statement from the state attorney for the  
 3025 county in which the arrest occurred certifying that he or she  
 3026 has successfully completed that county's prearrest or postarrest  
 3027 diversion program, that his or her participation in the program  
 3028 was based on an arrest for a nonviolent misdemeanor, and that he  
 3029 or she has not otherwise been charged by the state attorney with  
 3030 or found to have committed any criminal offense or comparable  
 3031 ordinance violation.

3032 (f) Has never, prior to filing the application for  
 3033 expunction, been charged by the state attorney with or been  
 3034 found to have committed any criminal offense or comparable  
 3035 ordinance violation.

3036 Section 46. Section 945.75, Florida Statutes, is repealed.

3037 Section 47. Paragraphs (h) through (k) of subsection (3)  
 3038 of section 121.0515, Florida Statutes, are redesignated as  
 3039 paragraphs (g) through (j), respectively, and paragraphs (e)  
 3040 through (i) of subsection (2), present paragraphs (g) and (k) of  
 3041 subsection (3), paragraph (b) of subsection (5), paragraph (d)  
 3042 of subsection (8), and paragraph (c) of subsection (10) of that

3043 section are amended to read:

3044 121.0515 Special Risk Class.—

3045 (2) MEMBERSHIP.—

3046 ~~(c) Effective July 1, 2001, "special risk member" includes~~  
 3047 ~~any member who is employed as a youth custody officer by the~~  
 3048 ~~Department of Juvenile Justice and meets the special criteria~~  
 3049 ~~set forth in paragraph (3) (g).~~

3050 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,  
 3051 the member must be employed by a law enforcement agency or  
 3052 medical examiner's office in a forensic discipline and meet the  
 3053 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3054 (f)~~(g)~~ Effective July 1, 2008, the member must be employed  
 3055 by the Department of Law Enforcement in the crime laboratory or  
 3056 by the Division of State Fire Marshal in the forensic laboratory  
 3057 and meet the special criteria set forth in paragraph (3) (h)  
 3058 ~~(3) (i)~~.

3059 (g)~~(h)~~ Effective July 1, 2008, the member must be employed  
 3060 by a local government law enforcement agency or medical  
 3061 examiner's office and meet the special criteria set forth in  
 3062 paragraph (3) (i) ~~(3) (j)~~.

3063 (h)~~(i)~~ Effective August 1, 2008, "special risk member"  
 3064 includes any member who meets the special criteria for continued  
 3065 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3066 (3) CRITERIA.—A member, to be designated as a special risk  
 3067 member, must meet the following criteria:

3068 ~~(g) Effective July 1, 2001, the member must be employed as~~

3069 ~~a youth custody officer and be certified, or required to be~~  
 3070 ~~certified, in compliance with s. 943.1395. In addition, the~~  
 3071 ~~member's primary duties and responsibilities must be the~~  
 3072 ~~supervised custody, surveillance, control, investigation,~~  
 3073 ~~apprehension, arrest, and counseling of assigned juveniles~~  
 3074 ~~within the community;~~

3075 (j)~~(k)~~ The member must have already qualified for and be  
 3076 actively participating in special risk membership under  
 3077 paragraph (a), paragraph (b), or paragraph (c), must have  
 3078 suffered a qualifying injury as defined in this paragraph, must  
 3079 not be receiving disability retirement benefits as provided in  
 3080 s. 121.091(4), and must satisfy the requirements of this  
 3081 paragraph.

3082 1. The ability to qualify for the class of membership  
 3083 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed  
 3084 medical physicians, one of whom is a primary treating physician  
 3085 of the member, certify the existence of the physical injury and  
 3086 medical condition that constitute a qualifying injury as defined  
 3087 in this paragraph and that the member has reached maximum  
 3088 medical improvement after August 1, 2008. The certifications  
 3089 from the licensed medical physicians must include, at a minimum,  
 3090 that the injury to the special risk member has resulted in a  
 3091 physical loss, or loss of use, of at least two of the following:  
 3092 left arm, right arm, left leg, or right leg; and:

3093 a. That this physical loss or loss of use is total and  
 3094 permanent, except if the loss of use is due to a physical injury

3095 to the member's brain, in which event the loss of use is  
3096 permanent with at least 75 percent loss of motor function with  
3097 respect to each arm or leg affected.

3098 b. That this physical loss or loss of use renders the  
3099 member physically unable to perform the essential job functions  
3100 of his or her special risk position.

3101 c. That, notwithstanding this physical loss or loss of  
3102 use, the individual can perform the essential job functions  
3103 required by the member's new position, as provided in  
3104 subparagraph 3.

3105 d. That use of artificial limbs is not possible or does  
3106 not alter the member's ability to perform the essential job  
3107 functions of the member's position.

3108 e. That the physical loss or loss of use is a direct  
3109 result of a physical injury and not a result of any mental,  
3110 psychological, or emotional injury.

3111 2. For the purposes of this paragraph, "qualifying injury"  
3112 means an injury sustained in the line of duty, as certified by  
3113 the member's employing agency, by a special risk member that  
3114 does not result in total and permanent disability as defined in  
3115 s. 121.091(4)(b). An injury is a qualifying injury if the injury  
3116 is a physical injury to the member's physical body resulting in  
3117 a physical loss, or loss of use, of at least two of the  
3118 following: left arm, right arm, left leg, or right leg.  
3119 Notwithstanding any other provision of this section, an injury  
3120 that would otherwise qualify as a qualifying injury is not



3121 considered a qualifying injury if and when the member ceases  
 3122 employment with the employer for whom he or she was providing  
 3123 special risk services on the date the injury occurred.

3124 3. The new position, as described in sub-subparagraph  
 3125 1.c., that is required for qualification as a special risk  
 3126 member under this paragraph is not required to be a position  
 3127 with essential job functions that entitle an individual to  
 3128 special risk membership. Whether a new position as described in  
 3129 sub-subparagraph 1.c. exists and is available to the special  
 3130 risk member is a decision to be made solely by the employer in  
 3131 accordance with its hiring practices and applicable law.

3132 4. This paragraph does not grant or create additional  
 3133 rights for any individual to continued employment or to be hired  
 3134 or rehired by his or her employer that are not already provided  
 3135 within the Florida Statutes, the State Constitution, the  
 3136 Americans with Disabilities Act, if applicable, or any other  
 3137 applicable state or federal law.

3138 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

3139 (b) Any member who is a special risk member on July 1,  
 3140 2008, and who became eligible to participate under paragraph  
 3141 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk  
 3142 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or  
 3143 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk  
 3144 designation removed and thereafter shall be a Regular Class  
 3145 member and earn only Regular Class membership credit. The  
 3146 department may review the special risk designation of members to

3147 determine whether or not those members continue to meet the  
 3148 criteria for Special Risk Class membership.

3149 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3150 (d) Notwithstanding any other provision of this  
 3151 subsection, this subsection does not apply to any special risk  
 3152 member who qualifies for continued membership pursuant to  
 3153 paragraph (3) (j) ~~(3) (k)~~.

3154 (10) CREDIT FOR UPGRADED SERVICE.—

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

3173 were used to value the Florida Retirement System Pension Plan  
 3174 liabilities in the most recent actuarial valuation. The division  
 3175 shall ensure that the transfer sum is prepared using a formula  
 3176 and methodology certified by an enrolled actuary. The cost must  
 3177 be paid immediately upon notification by the division. The local  
 3178 government employer may purchase the upgraded service credit on  
 3179 behalf of the member if the member has been employed by that  
 3180 employer for at least 3 years.

3181 Section 48. Paragraph (a) of subsection (4) of section  
 3182 316.635, Florida Statutes, is amended to read:

3183 316.635 Courts having jurisdiction over traffic  
 3184 violations; powers relating to custody and detention of minors.—

3185 (4) A minor who willfully fails to appear before any court  
 3186 or judicial officer as required by written notice to appear is  
 3187 guilty of contempt of court. Upon a finding by a court, after  
 3188 notice and a hearing, that a minor is in contempt of court for  
 3189 willful failure to appear pursuant to a valid notice to appear,  
 3190 the court may:

3191 (a) For a first offense, order the minor to serve up to 5  
 3192 days in a staff-secure shelter as defined in chapter 984 ~~or~~  
 3193 ~~chapter 985~~ or, if space in a staff-secure shelter is  
 3194 unavailable, in a secure juvenile detention center.

3195 Section 49. Paragraph (a) of subsection (2) of section  
 3196 318.143, Florida Statutes, is amended to read:

3197 318.143 Sanctions for infractions by minors.—

3198 (2) Failure to comply with one or more of the sanctions

3199 imposed by the court constitutes contempt of court. Upon a  
3200 finding by the court, after notice and a hearing, that a minor  
3201 is in contempt of court for failure to comply with court-ordered  
3202 sanctions, the court may:

3203 (a) For a first offense, order the minor to serve up to 5  
3204 days in a staff-secure shelter as defined in chapter 984 ~~or~~  
3205 ~~chapter 985~~ or, if space in a staff-secure shelter is  
3206 unavailable, in a secure juvenile detention center.

3207 Section 50. Except as otherwise expressly provided in this  
3208 act, this act shall take effect July 1, 2014.