

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, unless the court deems such placement
242 appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

308 (4) DETENTION.—

309 (b) The Legislature intends that a juvenile found to have
 310 committed a delinquent act understands the consequences and the
 311 serious nature of such behavior. Therefore, the Legislature
 312 finds that secure detention is appropriate to provide punishment

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

322 (5) SITING OF FACILITIES.—

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

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

332 (c) The Legislature further finds that such facilities
 333 must be located in areas of the state close to the home
 334 communities of the children they house in order to ensure the
 335 most effective rehabilitation efforts, and ~~the most intensive~~
 336 postrelease supervision, and case management. The placement of
 337 facilities close to the home communities of the children they
 338 house is also intended to facilitate family involvement in the

339 treatment process. Residential facilities shall have no more
340 than 90 ~~165~~ beds each, including campus-style programs, unless
341 those campus-style programs include more than one ~~level of~~
342 ~~restrictiveness, provide multilevel education and treatment~~
343 program programs using different treatment protocols, and have
344 facilities that coexist separately in distinct locations on the
345 same property.

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

350

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

357 (7) GENDER-SPECIFIC PROGRAMMING.—

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

365 different patterns of offending, and respond differently to
366 interventions, treatment, and services.

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

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

391 these services and programs can be more supportive and avoid
392 retraumatization. The department should use trauma-specific
393 interventions that are designed to address the consequences of
394 trauma in the child and to facilitate healing.

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

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

416 985.03 Definitions.—As used in this chapter, the term:

417 (1) "Abscond" means to hide, conceal, or absent oneself
 418 from the jurisdiction of the court or supervision of the
 419 department to avoid prosecution or supervision.

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

422 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the
 423 court to determine whether or not the facts support the
 424 allegations stated in the petition, as is provided for under s.
 425 985.35 in delinquency cases.

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

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

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

440 (7)~~(6)~~ "Child" or "juvenile" or "youth" means any
 441 ~~unmarried~~ person under the age of 18 ~~who has not been~~
 442 ~~emancipated by order of the court and who has been found or~~

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

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

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

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

469 ~~treatment offered by the Department of Juvenile Justice or the~~
470 ~~Department of Children and Family Services; or~~

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

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

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

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

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

495 and family environment as they relate to the child's need for
496 rehabilitative and treatment services, including substance abuse
497 treatment services, mental health services, developmental
498 services, literacy services, medical services, family services,
499 and other specialized services, as appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

621 ~~If a child who is subject to compulsory school attendance is~~
 622 ~~responsive to the interventions described in ss. 1003.26 and~~
 623 ~~1003.27 and has completed the necessary requirements to pass the~~
 624 ~~current grade as indicated in the district pupil progression~~

625 ~~plan, the child shall not be determined to be habitually truant~~
626 ~~and shall be passed.~~

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

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

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

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

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

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

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

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

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

677 warranted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

781 ~~services shall promote the child's need for a safe, continuous,~~
782 ~~stable living environment and shall promote family autonomy and~~
783 ~~shall strengthen family life as the first priority whenever~~
784 ~~possible.~~

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

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

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

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

807 placement of a youth when a shelter bed for a child in need of
808 services or a family in need of services is unavailable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

937 dysfunctional social behavior.

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

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

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

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

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

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

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

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

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

986 (53)~~(57)~~ "Violation of law" or "delinquent act" means a
987 violation of any law of this state, the United States, or any
988 other state which is a misdemeanor or a felony or a violation of

989 a county or municipal ordinance which would be punishable by
 990 incarceration if the violation were committed by an adult.

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

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

995 985.0301 Jurisdiction.—

996 (4) (a) Petitions alleging delinquency shall be filed in
 997 the county where the delinquent act or violation of law
 998 occurred. The ~~, but the~~ circuit court for that county may
 999 transfer the case to the circuit court of the circuit in which
 1000 the child resides or will reside at the time of detention or
 1001 placement for dispositional purposes. A child who has been
 1002 detained may ~~shall~~ be transferred to the ~~appropriate~~ detention
 1003 center or facility in the circuit in which the child resides or
 1004 will reside at the time of detention ~~or other placement directed~~
 1005 ~~by the receiving court.~~

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

1015 the detention center or facility or other placement as ordered
1016 by the court having subject matter jurisdiction of the case.

1017 (5) (a) Notwithstanding s. ss. 743.07, ~~985.43, 985.433,~~
1018 ~~985.435, 985.439, and 985.441~~, and except as provided in
1019 paragraph (b) ss. 985.461 and 985.465 and ~~paragraph (f)~~, when
1020 the jurisdiction of any child who is alleged to have committed a
1021 delinquent act or violation of law is obtained, the court shall
1022 retain jurisdiction to dispose a case, unless relinquished by
1023 its order, until the child reaches 19 years of age, with the
1024 same power over the child which the court had before the child
1025 became an adult. ~~For the purposes of s. 985.461, the court may~~
1026 ~~retain jurisdiction for an additional 365 days following the~~
1027 ~~child's 19th birthday if the child is participating in~~
1028 ~~transition to adulthood services. The additional services do not~~
1029 ~~extend involuntary court sanctioned residential commitment and~~
1030 ~~therefore require voluntary participation by the affected youth.~~

1031 (b) The court shall retain jurisdiction, ~~Notwithstanding~~
1032 ~~ss. 743.07 and 985.455(3)~~, the term of any order placing a child
1033 in a probation program must be until the child's 19th birthday
1034 unless relinquished by its own order:

1035 1. Over a child on probation until the child reaches 19
1036 years of age he or she is released by the court on the motion of
1037 an interested party or on his or her own motion.

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

1041 conditional release supervision.

1042 (c) The court shall retain jurisdiction over a juvenile
1043 sexual offender, as defined in s. 985.475, who has been placed
1044 on community-based treatment alternative with supervision or who
1045 has been placed in a program or facility for juvenile sexual
1046 offenders, pursuant to s. 985.48, until the juvenile sexual
1047 offender reaches 21 years of age, specifically for the purpose
1048 of allowing the juvenile to complete the program.

1049 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
1050 ~~the commitment must be until the child is discharged by the~~
1051 ~~department or until he or she reaches the age of 21 years.~~
1052 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
1053 ~~985.455, and 985.513, and except as provided in this section, a~~
1054 ~~child may not be held under a commitment from a court under s.~~
1055 ~~985.439, s. 985.441(1) (a) or (b), or s. 985.455 after becoming~~
1056 ~~21 years of age.~~

1057 ~~(d) The court may retain jurisdiction over a child~~
1058 ~~committed to the department for placement in a juvenile prison~~
1059 ~~or in a high-risk or maximum-risk residential commitment program~~
1060 ~~to allow the child to participate in a juvenile conditional~~
1061 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
1062 ~~court may not be retained after the child's 22nd birthday.~~
1063 ~~However, if the child is not successful in the conditional~~
1064 ~~release program, the department may use the transfer procedure~~
1065 ~~under s. 985.441(4).~~

1066 ~~(e) The court may retain jurisdiction over a child~~

1067 ~~committed to the department for placement in an intensive~~
1068 ~~residential treatment program for 10-year-old to 13-year-old~~
1069 ~~offenders, in the residential commitment program in a juvenile~~
1070 ~~prison or in a residential sex offender program until the child~~
1071 ~~reaches the age of 21. If the court exercises this jurisdiction~~
1072 ~~retention, it shall do so solely for the purpose of the child~~
1073 ~~completing the intensive residential treatment program for 10-~~
1074 ~~year-old to 13-year-old offenders, in the residential commitment~~
1075 ~~program in a juvenile prison, or in a residential sex offender~~
1076 ~~program. Such jurisdiction retention does not apply for other~~
1077 ~~programs, other purposes, or new offenses.~~

1078 ~~(f) The court may retain jurisdiction over a child~~
1079 ~~committed to a juvenile correctional facility or a juvenile~~
1080 ~~prison until the child reaches the age of 21 years, specifically~~
1081 ~~for the purpose of allowing the child to complete such program.~~

1082 ~~(g) The court may retain jurisdiction over a juvenile~~
1083 ~~sexual offender who has been placed in a program or facility for~~
1084 ~~juvenile sexual offenders until the juvenile sexual offender~~
1085 ~~reaches the age of 21, specifically for the purpose of~~
1086 ~~completing the program.~~

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

1093 cease under this section. The contents of the restitution order
 1094 shall be limited to the child's name and address, the name and
 1095 address of the parent or legal guardian, the name and address of
 1096 the payee, the case number, the date and amount of restitution
 1097 ordered, any amount of restitution paid, the amount of
 1098 restitution due and owing, and a notation that costs, interest,
 1099 penalties, and attorney fees may also be due and owing. The
 1100 terms of the restitution order are subject to s. 775.089(5).

1101 (e)~~(i)~~ This subsection does not prevent the exercise of
 1102 jurisdiction by any court having jurisdiction of the child if
 1103 the child, after becoming an adult, commits a violation of law.

1104 Section 5. Subsections (2) and (4) of section 985.037,
 1105 Florida Statutes, are amended to read:

1106 985.037 Punishment for contempt of court; alternative
 1107 sanctions.—

1108 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
 1109 be placed in a secure detention facility for purposes of
 1110 punishment for contempt of court if alternative sanctions are
 1111 unavailable or inappropriate, or if the child has already been
 1112 ordered to serve an alternative sanction but failed to comply
 1113 with the sanction. A delinquent child who has been held in
 1114 direct or indirect contempt may be placed in a secure detention
 1115 facility not to exceed 5 days for a first offense and not to
 1116 exceed 15 days for a second or subsequent offense.

1117 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 1118 PROCESS.—

1119 (a) If a child is charged with direct contempt of court,
 1120 including traffic court, the court may impose an authorized
 1121 sanction immediately. The court must hold a hearing to determine
 1122 if the child committed direct contempt. Due process must be
 1123 afforded to the child during this hearing.

1124 (b) If a child is charged with indirect contempt of court,
 1125 the court must hold a hearing within 24 hours to determine
 1126 whether the child committed indirect contempt of a valid court
 1127 order. At the hearing, the following due process rights must be
 1128 provided to the child:

1129 1. Right to a copy of the order to show cause alleging
 1130 facts supporting the contempt charge.

1131 2. Right to an explanation of the nature and the
 1132 consequences of the proceedings.

1133 3. Right to legal counsel and the right to have legal
 1134 counsel appointed by the court if the juvenile is indigent,
 1135 under s. 985.033.

1136 4. Right to confront witnesses.

1137 5. Right to present witnesses.

1138 6. Right to have a transcript or record of the proceeding.

1139 7. Right to appeal to an appropriate court.

1140

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

1145 appropriate for the child to remain in the facility.

1146 (c) The court may not order that a child be placed in a
1147 secure detention facility for punishment for contempt unless the
1148 court determines that an alternative sanction is inappropriate
1149 or unavailable or that the child was initially ordered to an
1150 alternative sanction and did not comply with the alternative
1151 sanction. The court is encouraged to order a child to perform
1152 community service, up to the maximum number of hours, where
1153 appropriate before ordering that the child be placed in a secure
1154 detention facility as punishment for contempt of court.

1155 (d) In addition to any other sanction imposed under this
1156 section, the court may direct the Department of Highway Safety
1157 and Motor Vehicles to withhold issuance of, or suspend, a
1158 child's driver ~~driver's~~ license or driving privilege. The court
1159 may order that a child's driver ~~driver's~~ license or driving
1160 privilege be withheld or suspended for up to 1 year for a first
1161 offense of contempt and up to 2 years for a second or subsequent
1162 offense. If the child's driver ~~driver's~~ license or driving
1163 privilege is suspended or revoked for any reason at the time the
1164 sanction for contempt is imposed, the court shall extend the
1165 period of suspension or revocation by the additional period
1166 ordered under this paragraph. If the child's driver ~~driver's~~
1167 license is being withheld at the time the sanction for contempt
1168 is imposed, the period of suspension or revocation ordered under
1169 this paragraph shall begin on the date on which the child is
1170 otherwise eligible to drive.

1171 Section 6. Paragraph (a) of subsection (1) of section
 1172 985.039, Florida Statutes, is amended to read:

1173 985.039 Cost of supervision; cost of care.—

1174 (1) Except as provided in subsection (3) or subsection
 1175 (4):

1176 (a) When any child is placed into nonsecure ~~home~~
 1177 detention, probation, or other supervision status with the
 1178 department, or is committed to the minimum-risk nonresidential
 1179 restrictiveness level, the court shall order the parent of such
 1180 child to pay to the department a fee for the cost of the
 1181 supervision of such child in the amount of \$1 per day for each
 1182 day that the child is in such status.

1183 Section 7. Subsection (5) of section 985.045, Florida
 1184 Statutes, is amended to read:

1185 985.045 Court records.—

1186 (5) This chapter does not prohibit a circuit court from
 1187 providing a restitution order containing the information
 1188 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
 1189 court or a private collection agency for the sole purpose of
 1190 collecting unpaid restitution ordered in a case in which the
 1191 circuit court has retained jurisdiction over the child and the
 1192 child's parent or legal guardian. The collection court or
 1193 private collection agency shall maintain the confidential status
 1194 of the information to the extent such confidentiality is
 1195 provided by law.

1196 Section 8. Paragraph (d) of subsection (1) and subsection

1197 (3) of section 985.101, Florida Statutes, are amended to read:

1198 985.101 Taking a child into custody.—

1199 (1) A child may be taken into custody under the following
1200 circumstances:

1201 (d) By a law enforcement officer who has probable cause to
1202 believe that the child is in violation of the conditions of the
1203 child's probation, nonsecure ~~home~~ detention, postcommitment
1204 probation, or conditional release supervision; has absconded
1205 from nonresidential commitment; or has escaped from residential
1206 commitment.

1207
1208 Nothing in this subsection shall be construed to allow the
1209 detention of a child who does not meet the detention criteria in
1210 part V.

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

1223 notified. Following notification, the parent or guardian must
 1224 provide identifying information, including name, address, date
 1225 of birth, social security number, and driver ~~driver's~~ license
 1226 number or identification card number of the parent or guardian
 1227 to the person taking the child into custody or the department
 1228 ~~juvenile probation officer~~.

1229 Section 9. Section 985.105, Florida Statutes, is repealed.

1230 Section 10. Paragraph (b) of subsection (1) of section
 1231 985.11, Florida Statutes, is amended to read:

1232 985.11 Fingerprinting and photographing.—

1233 (1)

1234 (b) Unless the child is issued a civil citation or is
 1235 participating in a similar diversion program pursuant to s.
 1236 985.12, a child who is charged with or found to have committed
 1237 one of the following offenses shall be fingerprinted, and the
 1238 fingerprints shall be submitted to the Department of Law
 1239 Enforcement as provided in s. 943.051(3)(b):

1240 1. Assault, as defined in s. 784.011.

1241 2. Battery, as defined in s. 784.03.

1242 3. Carrying a concealed weapon, as defined in s.
 1243 790.01(1).

1244 4. Unlawful use of destructive devices or bombs, as
 1245 defined in s. 790.1615(1).

1246 5. Neglect of a child, as defined in s. 827.03(1)(e).

1247 6. Assault on a law enforcement officer, a firefighter, or
 1248 other specified officers, as defined in s. 784.07(2)(a).

1249 7. Open carrying of a weapon, as defined in s. 790.053.

1250 8. Exposure of sexual organs, as defined in s. 800.03.

1251 9. Unlawful possession of a firearm, as defined in s.
1252 790.22(5).

1253 10. Petit theft, as defined in s. 812.014.

1254 11. Cruelty to animals, as defined in s. 828.12(1).

1255 12. Arson, resulting in bodily harm to a firefighter, as
1256 defined in s. 806.031(1).

1257 13. Unlawful possession or discharge of a weapon or
1258 firearm at a school-sponsored event or on school property as
1259 defined in s. 790.115.

1260

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

1275 Enforcement for inclusion in the state criminal history records
 1276 and used by criminal justice agencies for criminal justice
 1277 purposes. These records may, in the discretion of the court, be
 1278 open to inspection by anyone upon a showing of cause. The
 1279 fingerprint and photograph records shall be produced in the
 1280 court whenever directed by the court. Any photograph taken
 1281 pursuant to this section may be shown by a law enforcement
 1282 officer to any victim or witness of a crime for the purpose of
 1283 identifying the person who committed such crime.

1284 Section 11. Subsection (2) of section 985.14, Florida
 1285 Statutes, is amended to read:

1286 985.14 Intake and case management system.—

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

1301 decisions and recommendations to other agencies, the state
 1302 attorney, and the courts so that the child and family may
 1303 receive the least intrusive service alternative throughout the
 1304 judicial process. The department shall establish uniform
 1305 procedures for the department ~~juvenile probation officer~~ to
 1306 provide a preliminary screening of the child and family for
 1307 substance abuse and mental health services prior to the filing
 1308 of a petition or as soon as possible thereafter and prior to a
 1309 disposition hearing.

1310 Section 12. Section 985.145, Florida Statutes, is amended
 1311 to read:

1312 985.145 Responsibilities of the department ~~juvenile~~
 1313 ~~probation officer~~ during intake; screenings and assessments.—

1314 (1) The department ~~juvenile probation officer~~ shall serve
 1315 as the primary case manager for the purpose of managing,
 1316 coordinating, and monitoring the services provided to the child.
 1317 Each program administrator within the Department of Children and
 1318 Families ~~Family Services~~ shall cooperate with the primary case
 1319 manager in carrying out the duties and responsibilities
 1320 described in this section. In addition to duties specified in
 1321 other sections and through departmental rules, the department
 1322 ~~assigned juvenile probation officer~~ shall be responsible for the
 1323 following:

1324 (a) Reviewing probable cause affidavit.—The department
 1325 ~~juvenile probation officer~~ shall make a preliminary
 1326 determination as to whether the report, affidavit, or complaint

1327 is complete, consulting with the state attorney as may be
1328 necessary. A report, affidavit, or complaint alleging that a
1329 child has committed a delinquent act or violation of law shall
1330 be made to the intake office operating in the county in which
1331 the child is found or in which the delinquent act or violation
1332 of law occurred. Any person or agency having knowledge of the
1333 facts may make such a written report, affidavit, or complaint
1334 and shall furnish to the intake office facts sufficient to
1335 establish the jurisdiction of the court and to support a finding
1336 by the court that the child has committed a delinquent act or
1337 violation of law.

1338 (b) Notification concerning apparent insufficiencies in
1339 probable cause affidavit.—In any case where the department
1340 ~~juvenile probation officer~~ or the state attorney finds that the
1341 report, affidavit, or complaint is insufficient by the standards
1342 for a probable cause affidavit, the department ~~juvenile~~
1343 ~~probation officer~~ or state attorney shall return the report,
1344 affidavit, or complaint, without delay, to the person or agency
1345 originating the report, affidavit, or complaint or having
1346 knowledge of the facts or to the appropriate law enforcement
1347 agency having investigative jurisdiction of the offense, and
1348 shall request, and the person or agency shall promptly furnish,
1349 additional information in order to comply with the standards for
1350 a probable cause affidavit.

1351 (c) Screening.—During the intake process, the department
1352 ~~juvenile probation officer~~ shall screen each child or shall

1353 cause each child to be screened in order to determine:

1354 1. Appropriateness for release; referral to a diversionary
1355 program, including, but not limited to, a teen court program;
1356 referral for community arbitration; or referral to some other
1357 program or agency for the purpose of nonofficial or nonjudicial
1358 handling.

1359 2. The presence of medical, psychiatric, psychological,
1360 substance abuse, educational, or career and technical education
1361 ~~vocational~~ problems, or other conditions that may have caused
1362 the child to come to the attention of law enforcement or the
1363 department. The child shall also be screened to determine
1364 whether the child poses a danger to himself or herself or others
1365 in the community. The results of this screening shall be made
1366 available to the court and to court officers. In cases where
1367 such conditions are identified and a nonjudicial handling of the
1368 case is chosen, the department ~~juvenile probation officer~~ shall
1369 attempt to refer the child to a program or agency, together with
1370 all available and relevant assessment information concerning the
1371 child's precipitating condition.

1372 (d) Completing risk assessment instrument.—The department
1373 ~~juvenile probation officer~~ shall ensure that a risk assessment
1374 instrument establishing the child's eligibility for detention
1375 has been accurately completed and that the appropriate
1376 recommendation was made to the court.

1377 (e) Rights.—The department ~~juvenile probation officer~~
1378 shall inquire as to whether the child understands his or her

1379 rights to counsel and against self-incrimination.

1380 (f) Multidisciplinary assessment.—The department ~~juvenile~~
 1381 ~~probation officer~~ shall coordinate the multidisciplinary
 1382 assessment when required, which includes the classification and
 1383 placement process that determines the child's priority needs,
 1384 risk classification, and treatment plan. When sufficient
 1385 evidence exists to warrant a comprehensive assessment and the
 1386 child fails to voluntarily participate in the assessment
 1387 efforts, the department ~~juvenile probation officer~~ shall inform
 1388 the court of the need for the assessment and the refusal of the
 1389 child to participate in such assessment. This assessment,
 1390 classification, and placement process shall develop into the
 1391 predisposition report.

1392 (g) Comprehensive assessment.—The department ~~juvenile~~
 1393 ~~probation officer~~, pursuant to uniform procedures established by
 1394 the department and upon determining that the report, affidavit,
 1395 or complaint is complete, shall:

1396 1. Perform the preliminary screening and make referrals
 1397 for a comprehensive assessment regarding the child's need for
 1398 substance abuse treatment services, mental health services,
 1399 intellectual disability services, literacy services, or other
 1400 educational or treatment services.

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

1405 abuse problems.

1406 3. If indicated by the preliminary screening, provide for
1407 a comprehensive assessment of the child and family for mental
1408 health problems, using community-based psychologists,
1409 psychiatrists, or other licensed mental health professionals who
1410 have clinical expertise and experience in the assessment of
1411 mental health problems.

1412 (h) Referrals for services.—The department ~~juvenile~~
1413 ~~probation officer~~ shall make recommendations for services and
1414 facilitate the delivery of those services to the child,
1415 including any mental health services, educational services,
1416 family counseling services, family assistance services, and
1417 substance abuse services.

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

1431 attorney for special review. The state attorney, upon receiving
1432 a request for special review, shall consider the facts presented
1433 by the report, affidavit, or complaint, and by the department
1434 ~~juvenile probation officer~~ who made the recommendation that no
1435 petition be filed, before making a final decision as to whether
1436 a petition or information should or should not be filed.

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

1457 and those for which a recommendation is unnecessary.

1458 (2) Prior to requesting that a delinquency petition be
1459 filed or prior to filing a dependency petition, the department
1460 ~~juvenile probation officer~~ may request the parent or legal
1461 guardian of the child to attend a course of instruction in
1462 parenting skills, training in conflict resolution, and the
1463 practice of nonviolence; to accept counseling; or to receive
1464 other assistance from any agency in the community which notifies
1465 the clerk of the court of the availability of its services.
1466 Where appropriate, the department ~~juvenile probation officer~~
1467 shall request both parents or guardians to receive such parental
1468 assistance. The department ~~juvenile probation officer~~ may, in
1469 determining whether to request that a delinquency petition be
1470 filed, take into consideration the willingness of the parent or
1471 legal guardian to comply with such request. The parent or
1472 guardian must provide the department ~~juvenile probation officer~~
1473 with identifying information, including the parent's or
1474 guardian's name, address, date of birth, social security number,
1475 and driver ~~driver's~~ license number or identification card number
1476 in order to comply with s. 985.039.

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

1483 health or substance abuse services shall be conducted in
1484 coordination with existing programs providing mental health or
1485 substance abuse services in conjunction with the intake office.

1486 (4) Client information resulting from the screening and
1487 evaluation shall be documented under rules of the department and
1488 shall serve to assist the department ~~juvenile probation officer~~
1489 in providing the most appropriate services and recommendations
1490 in the least intrusive manner. Such client information shall be
1491 used in the multidisciplinary assessment and classification of
1492 the child, but such information, and any information obtained
1493 directly or indirectly through the assessment process, is
1494 inadmissible in court prior to the disposition hearing, unless
1495 the child's written consent is obtained. At the disposition
1496 hearing, documented client information shall serve to assist the
1497 court in making the most appropriate custody, adjudicatory, and
1498 dispositional decision.

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

1509 program under this chapter or volunteers to work in a specified
 1510 state, county, municipal, or community service organization
 1511 supervised work program or to work for the victim, the child is
 1512 considered an employee of the state for the purposes of
 1513 liability. In determining the child's average weekly wage,
 1514 unless otherwise determined by a specific funding program, all
 1515 remuneration received from the employer is considered a
 1516 gratuity, and the child is not entitled to any benefits
 1517 otherwise payable under s. 440.15 regardless of whether the
 1518 child may be receiving wages and remuneration from other
 1519 employment with another employer and regardless of the child's
 1520 future wage-earning capacity.

1521 (6) The victim, if any, and the law enforcement agency
 1522 that investigated the offense shall be notified immediately by
 1523 the state attorney of the action taken under subsection (5).

1524 Section 13. Section 985.17, Florida Statutes, is created
 1525 to read:

1526 985.17 Prevention services.-

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

1535 approaches.

1536 (2) A goal of the department's prevention services shall
1537 be to develop the capacity for local communities to serve their
1538 youth.

1539 (a) The department shall engage faith and community-based
1540 organizations to provide a full range of voluntary programs and
1541 services to prevent and reduce juvenile delinquency, including,
1542 but not limited to, chaplaincy services, crisis intervention
1543 counseling, mentoring, and tutoring.

1544 (b) The department shall establish volunteer coordinators
1545 in each circuit and encourage the recruitment of volunteers to
1546 serve as mentors for youth in department services.

1547 (c) The department shall promote the sale of the Invest in
1548 Children license plate to help fund programs and services to
1549 prevent juvenile delinquency. The department shall allocate
1550 money for programs and services within each county based on that
1551 county's proportionate share of the license plate annual use
1552 fees collected by the county.

1553 (3) The department's prevention services for youth at risk
1554 of becoming delinquent should:

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

1561 that a youth will commit a delinquent act, the department should
1562 use mentoring and may provide specialized services addressing
1563 the strengthening of families, job training, and substance
1564 abuse.

1565 (b) Address the multiple needs of such youth in order to
1566 decrease the prevalence of disproportionate minority
1567 representation in the juvenile justice system.

1568 (5) The department shall expend funds related to the
1569 prevention services in a manner consistent with the policies
1570 expressed in ss. 984.02 and 985.01 and in a manner that
1571 maximizes accountability to the public and ensures the
1572 documentation of outcomes.

1573 (a) As a condition of receipt of state funds, all entities
1574 that receive or use state moneys to fund prevention services
1575 through contracts with the department or grants from any entity
1576 dispersed by the department shall:

1577 1. Design the programs providing such services to further
1578 one or more of the following strategies:

1579 a. Encouraging youth to attend and succeed in school,
1580 which may include special assistance and tutoring to address
1581 deficiencies in academic performance and collecting outcome data
1582 to reveal the number of days youth attended school while
1583 participating in the program.

1584 b. Engaging youth in productive and wholesome activities
1585 during nonschool hours that build positive character, instill
1586 positive values, and enhance educational experiences.

1587 c. Encouraging youth to avoid the use of violence.

1588 d. Assisting youth in acquiring the skills needed to find
 1589 meaningful employment, which may include assisting the youth in
 1590 finding a suitable employer.

1591 2. Provide the department with demographic information,
 1592 dates of services, and types of interventions received by each
 1593 youth.

1594 (b) The department shall monitor output and outcome
 1595 measures for each program strategy in paragraph (a) and annually
 1596 report the outputs and outcomes in the Comprehensive
 1597 Accountability Report as provided in s. 985.632.

1598 (c) The department shall monitor all state-funded programs
 1599 that receive or use state moneys to fund the prevention services
 1600 through contracts or grants with the department for compliance
 1601 with all provisions in the contracts and grants.

1602 Section 14. Section 985.24, Florida Statutes, is amended
 1603 to read:

1604 985.24 Use of detention; prohibitions.—

1605 (1) All determinations and court orders regarding the use
 1606 of ~~secure, nonsecure, or home~~ detention care shall be based
 1607 primarily upon findings that the child:

1608 (a) Presents a substantial risk of not appearing at a
 1609 subsequent hearing;

1610 (b) Presents a substantial risk of inflicting bodily harm
 1611 on others as evidenced by recent behavior, including the illegal
 1612 possession of a firearm;

1613 (c) Presents a history of committing a property offense
 1614 prior to adjudication, disposition, or placement;
 1615 (d) Has committed contempt of court by:
 1616 1. Intentionally disrupting the administration of the
 1617 court;
 1618 2. Intentionally disobeying a court order; or
 1619 3. Engaging in a punishable act or speech in the court's
 1620 presence which shows disrespect for the authority and dignity of
 1621 the court; or
 1622 (e) Requests protection from imminent bodily harm.
 1623 (2) A child alleged to have committed a delinquent act or
 1624 violation of law may not be placed into secure or, nonsecure, ~~or~~
 1625 ~~home~~ detention care for any of the following reasons:
 1626 (a) To allow a parent to avoid his or her legal
 1627 responsibility.
 1628 (b) To permit more convenient administrative access to the
 1629 child.
 1630 (c) To facilitate further interrogation or investigation.
 1631 (d) Due to a lack of more appropriate facilities.
 1632 (3) A child alleged to be dependent under chapter 39 may
 1633 not, under any circumstances, be placed into secure detention
 1634 care.
 1635 (4) The department may, within its existing resources,
 1636 develop nonsecure, nonresidential evening reporting centers as
 1637 an alternative to placing a child in secure detention. Evening
 1638 reporting centers may be collocated with a juvenile assessment

1639 center. If established, evening reporting centers shall serve
 1640 children and families who are awaiting a child's court hearing
 1641 and, at a minimum, operate during the afternoon and evening
 1642 hours to provide a highly structured program of supervision.
 1643 Evening reporting centers may also provide academic tutoring,
 1644 counseling, family engagement programs, and other activities.

1645 (5)~~(4)~~ The department shall continue to identify
 1646 alternatives to secure detention care and shall develop such
 1647 alternatives and annually submit them to the Legislature for
 1648 authorization and appropriation.

1649 Section 15. Paragraph (b) of subsection (2) and subsection
 1650 (4) of section 985.245, Florida Statutes, are amended to read:

1651 985.245 Risk assessment instrument.—

1652 (2)

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

1665 indicate whether detention care is warranted, and, if detention
 1666 care is warranted, whether the child should be placed into
 1667 secure or, nonsecure, ~~or home~~ detention care.

1668 (4) For a child who is under the supervision of the
 1669 department through probation, ~~home detention~~, nonsecure
 1670 detention, conditional release, postcommitment probation, or
 1671 commitment and who is charged with committing a new offense, the
 1672 risk assessment instrument may be completed and scored based on
 1673 the underlying charge for which the child was placed under the
 1674 supervision of the department and the new offense.

1675 Section 16. Subsection (1) of section 985.25, Florida
 1676 Statutes, is amended to read:

1677 985.25 Detention intake.—

1678 (1) The department ~~juvenile probation officer~~ shall
 1679 receive custody of a child who has been taken into custody from
 1680 the law enforcement agency or court and shall review the facts
 1681 in the law enforcement report or probable cause affidavit and
 1682 make such further inquiry as may be necessary to determine
 1683 whether detention care is appropriate ~~required~~.

1684 (a) During the period of time from the taking of the child
 1685 into custody to the date of the detention hearing, the initial
 1686 decision as to the child's placement into secure ~~detention care~~,
 1687 or nonsecure detention care, ~~or home detention care~~ shall be
 1688 made by the department ~~juvenile probation officer~~ under ss.
 1689 985.24 and 985.245(1).

1690 (b) The department ~~juvenile probation officer~~ shall base

1691 the decision whether ~~or not~~ to place the child into secure
1692 ~~detention care, home detention care,~~ or nonsecure detention care
1693 on an assessment of risk in accordance with the risk assessment
1694 instrument and procedures developed by the department under s.
1695 985.245. However, a child charged with possessing or discharging
1696 a firearm on school property in violation of s. 790.115 shall be
1697 placed in secure detention care. A child who has been taken into
1698 custody on three or more separate occasions within a 60-day
1699 period shall be placed in secure detention care until the
1700 child's detention hearing.

1701 (c) If the final score on the child's risk assessment
1702 instrument indicates juvenile probation officer determines that
1703 a child who is eligible for detention care is appropriate, but
1704 the department otherwise determines the child based upon the
1705 results of the risk assessment instrument should be released,
1706 the department juvenile probation officer shall contact the
1707 state attorney, who may authorize release.

1708 (d) If the final score on the risk assessment instrument
1709 indicates detention is not appropriate ~~authorized~~, the child may
1710 be released by the department juvenile probation officer in
1711 accordance with ss. 985.115 and 985.13.

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

1717 of the court.

1718 Section 17. Subsections (1) and (2) and paragraphs (a) and
1719 (c) of subsection (3) of section 985.255, Florida Statutes, are
1720 amended to read:

1721 985.255 Detention criteria; detention hearing.—

1722 (1) Subject to s. 985.25(1), a child taken into custody
1723 and placed into secure or nonsecure ~~or home~~ detention care shall
1724 be given a hearing within 24 hours after being taken into
1725 custody. At the hearing, the court may order continued detention
1726 ~~or detained in secure detention care prior to a detention~~
1727 ~~hearing may continue to be detained by the court if:~~

1728 (a) The child is alleged to be an escapee from a
1729 residential commitment program; or an absconder from a
1730 nonresidential commitment program, a probation program, or
1731 conditional release supervision; or is alleged to have escaped
1732 while being lawfully transported to or from a residential
1733 commitment program.

1734 (b) The child is wanted in another jurisdiction for an
1735 offense which, if committed by an adult, would be a felony.

1736 (c) The child is charged with a delinquent act or
1737 violation of law and requests in writing through legal counsel
1738 to be detained for protection from an imminent physical threat
1739 to his or her personal safety.

1740 (d) The child is charged with committing an offense of
1741 domestic violence as defined in s. 741.28 and is detained as
1742 provided in subsection (2).

1743 (e) The child is charged with possession of or discharging
 1744 a firearm on school property in violation of s. 790.115 or the
 1745 illegal possession of a firearm.

1746 (f) The child is charged with a capital felony, a life
 1747 felony, a felony of the first degree, a felony of the second
 1748 degree that does not involve a violation of chapter 893, or a
 1749 felony of the third degree that is also a crime of violence,
 1750 including any such offense involving the use or possession of a
 1751 firearm.

1752 (g) The child is charged with any second degree or third
 1753 degree felony involving a violation of chapter 893 or any third
 1754 degree felony that is not also a crime of violence, and the
 1755 child:

- 1756 1. Has a record of failure to appear at court hearings
 1757 after being properly notified in accordance with the Rules of
 1758 Juvenile Procedure;
- 1759 2. Has a record of law violations prior to court hearings;
- 1760 3. Has already been detained or has been released and is
 1761 awaiting final disposition of the case;
- 1762 4. Has a record of violent conduct resulting in physical
 1763 injury to others; or
- 1764 5. Is found to have been in possession of a firearm.

1765 (h) The child is alleged to have violated the conditions
 1766 of the child's probation or conditional release supervision.
 1767 However, a child detained under this paragraph may be held only
 1768 in a consequence unit as provided in s. 985.439. If a

1769 consequence unit is not available, the child shall be placed on
 1770 nonsecure ~~home~~ detention with electronic monitoring.

1771 (i) The child is detained on a judicial order for failure
 1772 to appear and has previously willfully failed to appear, after
 1773 proper notice:⁷

1774 1. For an adjudicatory hearing on the same case regardless
 1775 of the results of the risk assessment instrument; or

1776 2. At two or more court hearings of any nature on the same
 1777 case regardless of the results of the risk assessment
 1778 instrument.

1779
 1780 A child may be held in secure detention for up to 72 hours in
 1781 advance of the next scheduled court hearing pursuant to this
 1782 paragraph. The child's failure to keep the clerk of court and
 1783 defense counsel informed of a current and valid mailing address
 1784 where the child will receive notice to appear at court
 1785 proceedings does not provide an adequate ground for excusal of
 1786 the child's nonappearance at the hearings.

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

1795 ~~address where the child will receive notice to appear at court~~
 1796 ~~proceedings does not provide an adequate ground for excusal of~~
 1797 ~~the child's nonappearance at the hearings.~~

1798 (2) A child who is charged with committing an offense that
 1799 is classified as an act of domestic violence as defined in s.
 1800 741.28 and whose risk assessment instrument indicates secure
 1801 detention is not appropriate ~~who does not meet detention~~
 1802 ~~criteria~~ may be held in secure detention if the court makes
 1803 specific written findings that:

1804 (a) Respite care for the child is not available.

1805 (b) It is necessary to place the child in secure detention
 1806 in order to protect the victim from injury.

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

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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.