CHAPTER 98-207

Committee Substitute for
Committee Substitute for Senate Bill No. 2288

An act relating to juvenile justice; amending s. 938.17, F.S., relating to court costs and assessments for county delinquency prevention; providing for reference to "juvenile assessment centers" instead of "juvenile justice assessment centers" to conform to changes made by the act; conforming a cross reference; amending s. 938.19, F.S., authorizing the assessment of certain fees for operating and administering a teen court, notwithstanding certain contrary provisions; amending s. 943.053, F.S.; permitting the Department of Juvenile Justice or any other state or local criminal justice agency to provide copies of criminal history records for certain juvenile offenders, employees, and other individuals with access to a contracted juvenile assessment center or detention facility or contracted treatment program to the entity under direct contract with the department to operate the facilities or programs; providing for assessment of a charge by the criminal justice agency; providing guidelines for use and dissemination of the information; amending and renumbering s. 944.401, F.S., relating to escapes from secure detention or residential commitment facility; providing that escape from lawful transportation to or from a secure detention facility or residential commitment facility is a third degree felony; providing penalties; conforming references and terminology; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart; conforming a reference to changes made by the act; amending s. 984.03, F.S.; redefining "habitual truant" with respect to ch. 984, F.S., relating to children and families in need of services; defining "juvenile probation officer," in lieu of "intake counselor" or "case manager," with respect to ch. 984, F.S.; amending s. 985.03, F.S.; redefining "habitually truant," "intake," "restrictiveness level," and "temporary release"; defining "juvenile probation officer"; conforming terminology and references to changes made by the act; amending s. 985.207, F.S., relating to taking a child into custody; substituting references to "juvenile probation officer" for reference to "intake counselor" or "case manager"; conforming terminology to changes made by the act; amending s. 985.208, F.S., relating to detention of furloughed child or escapee on authority of the department; substituting reference to "juvenile probation officer" for reference to "intake counselor" or "case manager"; conforming terminology to changes made by the act; amending s. 985.209, F.S., relating to juvenile justice assessment centers; removing provisions relating to such centers; providing for designation and operation of juvenile assessment centers in lieu of juvenile justice assessment centers; providing a definition; providing responsibilities of juvenile assessment centers as community-operated facilities and programs for provision of central intake and screening services to youth referred to the Department of Juvenile Justice; providing responsibilities of

the department, law enforcement agencies, substance abuse programs, mental health providers, health service providers, state attorneys, public defenders, schools, and other agencies serving youth with respect to establishment of juvenile assessment centers; providing for development and modification of centers through local initiative of community agencies and local governments; providing for management of centers by advisory committees; providing for interagency agreements and information sharing among participating agencies; permitting the department to utilize centers for purposes of performing assessments and evaluations on youth awaiting placement in a residential commitment program; providing for transportation of youth from juvenile detention centers to the centers; if feasible, for the assessment and evaluation; providing for family involvement in assessment and evaluation; requiring inclusion of assessment and evaluation information in the youth's commitment packet; amending s. 985.21, F.S., relating to intake and case management; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.211, F.S., relating to release or delivery from custody; substituting references to "juvenile probation officer" for references to "intake counsel" or "case manager"; conforming provisions to changes made by the act; amending s. 985.215, F.S.; providing that a child held in secure detention awaiting dispositional placement must meet detention admission criteria; removing requirement for court order authorizing continued detention under specified circumstances when the child is committed to a low-risk residential program; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; conforming a reference and terminology; amending s. 985.216, F.S.; providing that a child found in contempt of court may be held only in a secured detention facility; amending s. 985.223, F.S., relating to incompetency in juvenile delinquency cases; removing a provision restricting the applicability of s. 985.223, F.S., to certain delinquency cases involving a delinquent act or violation of law that would be a felony if committed by an adult; requiring service of a motion questioning the child's competency to proceed, and service of subsequent motions, notices of hearing, orders, or other pleadings, upon specified counsel for the child, the state, the Department of Juvenile Justice, and the Department of Children and Family Services; providing for participation of both departments as parties to the litigation pertaining to competency, under specified circumstances; requiring specific statement of the basis for a determination of incompetency in the evaluation made by court-appointed experts; providing for fees of experts; providing for reimbursements of state employees for expenses; providing for taxing of fees as costs in the case; requiring inclusion of specific written findings in the court order determining incompetency; prescribing duties of the clerk of court and guidelines relating to notification of the order to the Department of Children and Family Services and

delivery of a referral packet; prescribing duties of the Department of Children and Family Services and guidelines relating to treatment plans for the child's restoration of competency; requiring commitment for treatment or training to the Department of Children and Family Services of a child who is mentally ill or retarded, is adjudicated incompetent to proceed, and has committed a delinquent act or violation of law constituting a felony if committed by an adult; prohibiting such commitment to the Department of Juvenile Justice or Department of Children and Family Services of a child adjudicated incompetent to proceed under specified circumstances; requiring court determination of whether the child found mentally ill or retarded and adjudicated incompetent to proceed meets the criteria for secure placement; permitting placement of the child in a secure facility or program if the court finds by clear and convincing evidence that the child meets specified criteria; requiring the commitment of a child to the Department of Children and Family Services and requiring treatment or training of the child by the department in a secure facility or program, or in the community, under specified circumstances; requiring placements of such children to be separate from adult forensic programs; providing for transfer of custody of such children who attain competency; prescribing duties of the Department of Juvenile Justice relating to transportation of a child placed in or discharged from a secure residential facility; providing that the purpose of the treatment or training is the restoration of the child's competency to proceed; conforming terminology to changes made by the act; providing duties of service providers and guidelines and time limits relating to reports and provision of services; prescribing duties of the Department of Children and Family Services and guidelines relating to discharge plans; providing for court orders as appropriate in certain cases for the instituting of proceedings under ch. 393, F.S., relating to developmental disabilities prevention and community services, or ch. 394, F.S., relating to mental health and Baker Act proceedings; requiring provision of court-ordered competency restoration services by the Department of Children and Family Services; amending ss. 985.226, 985.23, 985.301, and 985.304, F.S., relating to transfer of child for prosecution as an adult, disposition hearings in delinquency cases, civil citation, and community arbitration, respectively; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.307, F.S., relating to juvenile assignment centers; extending the expiration date for said section to July 1, 2000; removing a restriction upon operation of a juvenile assignment center by the department; permitting instead of requiring conversion of certain centers under specified circumstances; amending ss. 985.31 and 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; substituting references to "juvenile probation officer" for references to "intake counselor" or "case manager"; conforming provisions to changes made by the act; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to

develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; amending s. 985.406, F.S., relating to juvenile justice training academies and Juvenile Justice Standards and Training Commission; revising membership qualifications for the commission; eliminating requirement for member who is a community control counselor; providing for membership of a juvenile probation officer supervisor and a juvenile probation officer; conforming terminology; amending s. 985.41, F.S.; requiring a determination whether a proposed site for a juvenile justice facility is appropriate for public use under local government plans and ordinances; amending s. 985.412, F.S., relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report; reenacting s. 985.315(4)(b), F.S., relating to vocational/work training programs to incorporate said amendment in a reference; amending s. 985.413, F.S.; increasing the maximum number of terms for district juvenile justice board members; removing an exception to the limitation upon the number of terms of members; amending s. 985.414, F.S.; requiring certain participants in interagency agreements for the development of county juvenile justice plans; revising requirements for contents of the agreements; amending s. 985.415, F.S.; revising requirements for applications for community juvenile justice partnership grants; conforming references and terminology; providing an effective date.

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

Section 1. Subsection (2) of section 938.17, Florida Statutes, is amended to read:

938.17 County delinquency prevention.—

(2) In counties in which the sheriff's office is a partner in a juvenile ~~justice~~ assessment center pursuant to s. 985.209 ~~39.0471~~, or a partner in a suspension program developed in conjunction with the district school board

in the county of the sheriff's jurisdiction, the court shall assess court costs of $3 per case, in addition to any other authorized cost or fine, on every person who, with respect to a charge, indictment, prosecution commenced, or petition of delinquency filed in that county or circuit, pleads guilty, nolo contendere to, or is convicted of, or adjudicated delinquent for, or has an adjudication withheld for, a felony or misdemeanor, or a criminal traffic offense or handicapped parking violation under state law, or a violation of any municipal or county ordinance, if the violation constitutes a misdemeanor under state law.

Section 2. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts; operation and administration.—Notwithstanding s. 318.121, in each county in which a teen court has been created, a county may adopt a mandatory cost to be assessed in specific cases as provided for in subsection (1) by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court pursuant to this section shall be deposited into an account specifically for the operation and administration of the teen court:

(1) A sum of $3, which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. The $3 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other court cost and shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The $3 assessment shall specifically be added to any civil penalty paid for a violation of chapter 316, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the $3 assessment shall not be made against a person for a violation of any state statutes, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws. The clerk of the circuit court shall collect the respective $3 assessments for court costs established in this subsection and shall remit the same to the teen court monthly, less 5 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

(2) Such other moneys as become available for establishing and operating teen courts under the provisions of Florida law.

Section 3. Subsection (8) is added to section 943.053, Florida Statutes, to read:

943.053 Dissemination of criminal justice information; fees.—

(1) The Department of Law Enforcement shall disseminate criminal justice information only in accordance with federal and state laws, regulations, and rules.

(2) Criminal justice information derived from federal criminal justice information systems or criminal justice information systems of other states shall not be disseminated in a manner inconsistent with the laws, regulations, or rules of the originating agency.

(3) Criminal history information, including information relating to juveniles, compiled by the Division of Criminal Justice Information Systems from intrastate sources shall be available on a priority basis to criminal justice agencies for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate-cost basis. After providing the division with all known identifying information, persons in the private sector may be provided criminal history information upon tender of fees as established by rule of the Department of Law Enforcement. Such fees shall approximate the actual cost of producing the record information. Fees may be waived by the executive director of the Department of Law Enforcement for good cause shown.

(4) Criminal justice information provided by the Department of Law Enforcement shall be used only for the purpose stated in the request.

(5) Notwithstanding any other provision of law, the department shall provide to the Florida Department of Revenue Child Support Enforcement access to Florida criminal records which are not exempt from disclosure under chapter 119, and to such information as may be lawfully available from other states via the National Law Enforcement Telecommunications System, for the purpose of locating subjects who owe or potentially owe child support or to whom such obligation is owed pursuant to Title IV-D of the Social Security Act. Such information may be provided to child support enforcement authorities in other states for these specific purposes.

(6) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the sheriff of any county that has contracted with a private entity to operate a county detention facility pursuant to the provisions of s. 951.062 shall provide that private entity, in a timely manner, copies of the Florida criminal history records for its inmates. The sheriff may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(7) Notwithstanding the provisions of s. 943.0525, and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Corrections shall provide, in a timely manner, copies of the Florida criminal history records for inmates housed in a private state correctional facility to the private entity under contract to operate the facility pursuant to the provisions of s. 944.105 or s. 957.03. The department may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1).

(8) Notwithstanding the provisions of s. 943.0525 and any user agreements adopted pursuant thereto, and notwithstanding the confidentiality of sealed records as provided for in s. 943.059, the Department of Juvenile Justice or any other state or local criminal justice agency may provide copies of the Florida criminal history records for juvenile offenders currently or formerly detained or housed in a contracted juvenile assessment center or detention facility or serviced in a contracted treatment program and for employees or other individuals who will have access to these facilities, only to the entity under direct contract with the Department of Juvenile Justice to operate these facilities or programs pursuant to the provisions of s. 985.411. The criminal justice agency providing such data may assess a charge for the Florida criminal history records pursuant to the provisions of chapter 119. Sealed records received by the private entity under this section remain confidential and exempt from the provisions of s. 119.07(1). Information provided under this section shall be used only for the criminal justice purpose for which it was requested and may not be further disseminated.

Section 4. Section 944.401, Florida Statutes, is renumbered as section 985.3141, Florida Statutes, and amended to read:

985.3141 ~~944.401~~ Escapes from secure detention or residential commitment facility.—An escape from:

(1) Any secure detention facility maintained for the temporary detention of children, pending adjudication, disposition, or placement; ~~an escape from~~

(2) Any residential commitment facility described ~~defined~~ in s. 985.03(45) ~~s. 39.01(59)~~, maintained for the custody, treatment, punishment, or rehabilitation of children found to have committed delinquent acts or violations of law; or ~~an escape from~~

(3) Lawful transportation to or from any such secure detention facility or residential commitment facility, ~~thereto or therefrom~~

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

Section 5. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(c) LEVEL 3
985.3141 ~~39.061~~	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).

Florida Statute	Felony Degree	Description
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

Florida Statute	Felony Degree	Description
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

Section 6. Paragraph (c) of subsection (29), paragraph (c) of subsection (30), and subsections (31), (32), and (33) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(c) A school representative, designated according to school board policy, and a juvenile probation officer ~~an intake counselor or case manager~~ of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that ~~which~~ may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss

any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

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

(c) The recommendation by the juvenile probation officer ~~intake counselor or case manager~~ of judicial handling when appropriate and warranted.

~~(31) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent or in need of services, or from a family in need of services.~~

(31)~~(32)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

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

(33) "Juvenile probation officer" means the authorized agent of the department who performs and directs intake, assessment, probation or aftercare, and other related services.

Section 7. Paragraph (c) of subsection (27), paragraph (c) of subsection (29), and subsections (30), (31), (32), (45), and (55) of section 985.03, Florida Statutes, are amended to read:

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

(27) "Habitually truant" means that:

(c) A school representative, designated according to school board policy, and a juvenile probation officer ~~an intake counselor or case manager~~ of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to

identify conditions that could ~~which may~~ be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

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

(c) The recommendation by the juvenile probation officer ~~intake counselor or case manager~~ of judicial handling when appropriate and warranted.

~~(30) "Intake counselor" or "case manager" means the authorized agent of the Department of Juvenile Justice performing the intake or case management function for a child alleged to be delinquent.~~

(30)~~(31)~~ "Judge" means the circuit judge exercising jurisdiction pursuant to this chapter.

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

(32) "Juvenile probation officer" means the authorized agent of the Department of Juvenile Justice who performs the intake or case-management function for a child alleged to be delinquent.

(45) "Restrictiveness level" means the level of custody provided by programs that service the custody and care needs of committed children. There shall be five restrictiveness levels:

(a) Minimum-risk nonresidential.—Youth assessed and classified for placement in programs at this restrictiveness level represent a minimum risk to themselves and public safety and do not require placement and

services in residential settings. Programs or program models in this restrictiveness level include: community counselor supervision programs, special intensive group programs, nonresidential marine programs, nonresidential training and rehabilitation centers, and other local community nonresidential programs.

(b) Low-risk residential.—Youth assessed and classified for placement in programs at this level represent a low risk to themselves and public safety and do require placement and services in residential settings. Programs or program models in this restrictiveness level include: Short Term Offender Programs (STOP), group treatment homes, family group homes, proctor homes, and Short Term Environmental Programs (STEP). Section 985.3141 ~~944.401~~ applies to children placed in programs in this restrictiveness level.

(c) Moderate-risk residential.—Youth assessed and classified for placement in programs in this restrictiveness level represent a moderate risk to public safety. Programs are designed for children who require close supervision but do not need placement in facilities that are physically secure. Programs in the moderate-risk residential restrictiveness level provide 24-hour awake supervision, custody, care, and treatment. Upon specific appropriation, a facility at this restrictiveness level may have a security fence around the perimeter of the grounds of the facility and may be hardware-secure or staff-secure. The staff at a facility at this restrictiveness level may seclude a child who is a physical threat to himself or others. Mechanical restraint may also be used when necessary. Programs or program models in this restrictiveness level include: halfway houses, START Centers, the Dade Intensive Control Program, licensed substance abuse residential programs, and moderate-term wilderness programs designed for committed delinquent youth that are operated or contracted by the Department of Juvenile Justice. Section 985.3141 ~~944.401~~ applies to children placed in programs in this restrictiveness level ~~moderate-risk residential programs~~.

(d) High-risk residential.—Youth assessed and classified for this level of placement require close supervision in a structured residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in programs in this level is prompted by a concern for public safety that outweighs placement in programs at lower restrictiveness levels. Programs or program models in this level are staff-secure or physically secure residential commitment facilities and include: training schools, intensive halfway houses, residential sex offender programs, long-term wilderness programs designed exclusively for committed delinquent youth, boot camps, secure halfway house programs, and the Broward Control Treatment Center. Section 985.3141 ~~944.401~~ applies to children placed in programs in this restrictiveness level.

(e) Maximum-risk residential.—Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting that provides 24-hour-per-day secure custody, care, and supervision. Placement in a program in this level is prompted by a demonstrated need to protect the public. Programs or program models in this level are maximum-secure-custody, long-term residential commitment facilities that are intended to provide a moderate overlay of educational, vocational, and

behavioral-modification services ~~and include programs for serious and habitual juvenile offenders~~ and other maximum-security program models authorized by the Legislature and established by rule. Section 985.3141 applies to children placed in programs in this restrictiveness level.

(55) "Temporary release" means the terms and conditions under which a child is temporarily released from a commitment facility or allowed home visits. If the temporary release is from a moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. The term includes periods during which the child is supervised pursuant to a reentry program or an aftercare program or a period during which the child is supervised by a juvenile probation officer ~~case manager~~ or other nonresidential staff of the department or staff employed by an entity under contract with the department. A child placed in a postcommitment supervision ~~community control~~ program by order of the court is not considered to be on temporary release and is not subject to the terms and conditions of temporary release.

Section 8. Subsection (2) of section 985.207, Florida Statutes, is amended to read:

985.207 Taking a child into custody.—

(2) When a child is taken into custody as provided in this section, the person taking the child into custody shall attempt to notify the parent, guardian, or legal custodian of the child. The person taking the child into custody shall continue such attempt until the parent, guardian, or legal custodian of the child is notified or the child is delivered to a juvenile probation officer ~~an intake counselor~~ pursuant to s. 985.21, whichever occurs first. If the child is delivered to a juvenile probation officer ~~an intake counselor~~ before the parent, guardian, or legal custodian is notified, the juvenile probation officer ~~intake counselor or case manager~~ shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified.

Section 9. Subsection (2) of section 985.208, Florida Statutes, is amended to read:

985.208 Detention of furloughed child or escapee on authority of the department.—

(2) Any sheriff or other law enforcement officer, upon the request of the secretary of the department or duly authorized agent, shall take a child who has escaped or absconded from a department facility for committed delinquent children, or from being lawfully transported thereto or therefrom, into custody and deliver the child to the appropriate juvenile probation officer ~~intake counselor or case manager~~ of the department.

Section 10. Section 985.209, Florida Statutes, is amended to read:

985.209 Juvenile ~~justice~~ assessment centers.—

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

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

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

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

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

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

(7) The department may utilize juvenile assessment centers to the fullest extent possible for the purpose of conducting pre-disposition assessments and evaluations of youth, except where a juvenile assignment center is located. Assessments and evaluations may be conducted by juvenile assessment center staff on a youth while he or she is in a juvenile detention center awaiting placement in a residential commitment facility. If feasible, a youth may be transported from a juvenile detention center to a juvenile assessment center for the purpose of conducting an assessment or evaluation. Such

assessments and evaluations may include, but are not limited to, needs assessment; substance abuse evaluations; physical and mental health evaluations; psychological evaluations; behavioral assessments; educational assessments; aptitude testing; and vocational testing. To the extent possible, the youth's parents or guardians and other family members should be involved in the assessment and evaluation process. All information, conclusions, treatment recommendations, and reports derived from any assessment and evaluation performed on a youth shall be included as a part of the youth's commitment packet and shall accompany the youth to the residential commitment facility in which the youth is placed. ~~The department shall work cooperatively with substance abuse facilities, mental health providers, law enforcement agencies, schools, health services providers, and other entities involved with children to establish a juvenile justice assessment center in each service district. The assessment center shall serve as central intake and screening for children referred to the department. Each juvenile justice assessment center shall provide services needed to facilitate initial screening of children, including intake and needs assessment, substance abuse screening, physical and mental health screening, and diagnostic testing, as appropriate. The entities involved in the assessment center shall make the resources for the provision of these services available at the same level to which they are available to the general public.~~

Section 11. Section 985.21, Florida Statutes, is amended to read:

985.21 Intake and case management.—

(1)(a) During the intake process, the juvenile probation officer ~~intake counselor~~ shall screen each child to determine:

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

2. The presence of medical, psychiatric, psychological, substance abuse, educational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the juvenile probation officer ~~intake counselor~~ shall attempt to refer the child to a program or agency, together with all available and relevant assessment information concerning the child's precipitating condition.

3. The Department of Juvenile Justice shall develop an intake and a case management system whereby a child brought into intake is assigned a juvenile probation officer ~~case manager~~ if the child was not released, referred to a diversionary program, referred for community arbitration, or referred to some other program or agency for the purpose of nonofficial or nonjudicial handling, and shall make every reasonable effort to provide ~~continuity of~~ case management services for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.316.

4. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer ~~case manager~~ shall be responsible for the following:

a. Ensuring that a risk assessment instrument establishing the child's eligibility for detention has been accurately completed and that the appropriate recommendation was made to the court.

b. Inquiring as to whether the child understands his or her rights to counsel and against self-incrimination.

c. Performing the preliminary screening and making referrals for comprehensive assessment regarding the child's need for substance abuse treatment services, mental health services, retardation services, literacy services, or other educational or treatment services.

d. Coordinating the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority needs, risk classification, and treatment plan. When sufficient evidence exists to warrant a comprehensive assessment and the child fails to voluntarily participate in the assessment efforts, it is the responsibility of the juvenile probation officer ~~case manager~~ to inform the court of the need for the assessment and the refusal of the child to participate in such assessment. This assessment, classification, and placement process shall develop into the predisposition report.

e. Making recommendations for services and facilitating the delivery of those services to the child, including any mental health services, educational services, family counseling services, family assistance services, and substance abuse services. The juvenile probation officer ~~delinquency case manager~~ shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Family Services shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section.

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

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

1. An individualized, multidisciplinary assessment process that identifies the priority needs of each individual child for rehabilitation and treatment and identifies any needs of the child's parents or guardians for services

that would enhance their ability to provide adequate support, guidance, and supervision for the child. This process shall begin with the detention risk assessment instrument and decision, shall include the intake preliminary screening and comprehensive assessment for substance abuse treatment services, mental health services, retardation services, literacy services, and other educational and treatment services as components, additional assessment of the child's treatment needs, and classification regarding the child's risks to the community and, for a serious or habitual delinquent child, shall include the assessment for placement in a serious or habitual delinquent children program pursuant to s. 985.31. The completed multidisciplinary assessment process shall result in the predisposition report.

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

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

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

(3) A report, affidavit, or complaint alleging that a child has committed a delinquent act or violation of law shall be made to the intake office operating in the county in which the child is found or in which the delinquent act or violation of law occurred. Any person or agency having knowledge of the facts may make such a written report, affidavit, or complaint and shall furnish to the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child has committed a delinquent act or violation of law.

(4) The juvenile probation officer ~~intake counselor or case manager~~ shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the juvenile probation officer ~~intake counselor or case manager~~ or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the

juvenile probation officer ~~intake counselor or case manager~~ or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly furnish, additional information in order to comply with the standards for a probable cause affidavit.

(a) The juvenile probation officer ~~intake counselor or case manager~~, upon determining that the report, affidavit, or complaint is complete, may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, such a recommendation is not a prerequisite for any action taken by the state attorney.

(b) The juvenile probation officer ~~intake counselor or case manager~~, upon determining that the report, affidavit, or complaint is complete, pursuant to uniform procedures established by the department, shall:

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

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

When indicated by the comprehensive assessment, the department is authorized to contract within appropriated funds for services with a local nonprofit community mental health or substance abuse agency licensed or authorized under chapter 394, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health or substance abuse services shall be conducted in coordination with existing programs providing mental health or substance abuse services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the juvenile probation officer ~~intake counselor or case manager~~ in providing the most appropriate services and recommendations in the least intrusive manner. Such client information shall be used in the multidisciplinary assessment and classification of the child, but such information, and any information obtained directly or indirectly through the assessment process, is inadmissible in court prior to the disposition hearing, unless the child's written consent is obtained. At the disposition hearing, documented client information shall serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the juvenile probation officer ~~intake counselor or case manager~~, with the approval of the state

attorney, may refer the child for care, diagnostic and evaluation services, substance abuse treatment services, mental health services, retardation services, a diversionary or arbitration or mediation program, community service work, or other programs or treatment services voluntarily accepted by the child and the child's parents or legal guardians. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken under this paragraph. Whenever a child volunteers to participate in any work program under this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, the child shall be considered an employee of the state for the purposes of liability. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer is considered a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

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

(d) In all cases in which the child is alleged to have committed a violation of law or delinquent act and is not detained, the juvenile probation officer ~~intake counselor or case manager~~ shall submit a written report to the state attorney, including the original report, complaint, or affidavit, or a copy thereof, including a copy of the child's prior juvenile record, within 20 days after the date the child is taken into custody. In cases in which the child is in detention, the intake office report must be submitted within 24 hours after the child is placed into detention. The intake office report must recommend either that a petition or information be filed or that no petition or information be filed, and must set forth reasons for the recommendation.

(e) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer ~~intake counselor or case manager~~, and shall determine the action which is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult pursuant to s. 985.226, the state attorney shall request the

court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request. In all other cases, the state attorney may:

1. File a petition for dependency;

2. File a petition pursuant to chapter 984;

3. File a petition for delinquency;

4. File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;

5. File an information pursuant to s. 985.227;

6. Refer the case to a grand jury;

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

8. Decline to file.

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

(5) Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the juvenile probation officer ~~intake officer~~ may request the parent or legal guardian of the child to attend a course of instruction in parenting skills, training in conflict resolution, and the practice of nonviolence; to accept counseling; or to receive other assistance from any agency in the community which notifies the clerk of the court of the availability of its services. Where appropriate, the juvenile probation officer ~~intake officer~~ shall request both parents or guardians to receive such parental assistance. The juvenile probation officer ~~intake officer~~ may, in determining whether to request that a delinquency petition be filed, take into consideration the willingness of the parent or legal guardian to comply with such request.

Section 12. Subsections (3), (4), and (6) of section 985.211, Florida Statutes, are amended to read:

985.211 Release or delivery from custody.—

(3) If the child is released, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate juvenile probation officer ~~intake counselor or case manager~~ within 3 days, stating the facts and the reason for taking the child into custody. Such written report or probable cause affidavit shall:

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

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

(4) A person taking a child into custody who determines, pursuant to s. 985.215, that the child should be detained or released to a shelter designated by the department, shall make a reasonable effort to immediately notify the parent, guardian, or legal custodian of the child and shall, without unreasonable delay, deliver the child to the appropriate juvenile probation officer ~~intake counselor or case manager~~ or, if the court has so ordered pursuant to s. 985.215, to a detention center or facility. Upon delivery of the child, the person taking the child into custody shall make a written report or probable cause affidavit to the appropriate juvenile probation officer ~~intake counselor or case manager~~. Such written report or probable cause affidavit must:

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

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

(6)(a) A copy of the probable cause affidavit or written report by a law enforcement agency shall be filed, by the law enforcement agency making such affidavit or written report, with the clerk of the circuit court for the county in which the child is taken into custody or in which the affidavit or report is made within 24 hours after the child is taken into custody and detained, within 1 week after the child is taken into custody and released, or within 1 week after the affidavit or report is made, excluding Saturdays, Sundays, and legal holidays. Such affidavit or report is a case for the purpose of assigning a uniform case number pursuant to this subsection.

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

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

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

Section 13. Section 985.215, Florida Statutes, is amended to read:

985.215 Detention.—

(1) The juvenile probation officer ~~intake counselor or case manager~~ shall receive custody of a child who has been taken into custody from the law

enforcement agency and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is required.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into secure detention care, nonsecure detention care, or home detention care shall be made by the juvenile probation officer ~~intake counselor or case manager~~ pursuant to ss. 985.213 and 985.214.

(b) The juvenile probation officer ~~intake counselor or case manager~~ shall base the decision whether or not to place the child into secure detention care, home detention care, or nonsecure detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the Department of Juvenile Justice under s. 985.213.

(c) If the juvenile probation officer ~~intake counselor or case manager~~ determines that a child who is eligible for detention based upon the results of the risk assessment instrument should be released, the juvenile probation officer ~~intake counselor or case manager~~ shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the juvenile probation officer ~~intake counselor or case manager~~ in accordance with s. 985.211.

Under no circumstances shall the juvenile probation officer ~~intake counselor or case manager~~ or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee or an absconder from a commitment program, a community control program, furlough, or aftercare supervision, or is alleged to have escaped while being lawfully transported to or from such program or supervision.

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

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

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28(1) and is detained as provided in s. 985.213(2)(b)3.

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

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

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(g) The child is alleged to have violated the conditions of the child's community control or aftercare supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention. Unless a child is detained under paragraph (d), the court shall utilize the results of the risk assessment performed by the juvenile probation officer ~~intake counselor or case manager~~ and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(d).

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

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

(a) When the child has been transferred or indicted for criminal prosecution as an adult pursuant to this part, except that the court may not order or allow a child alleged to have committed a misdemeanor who is being transferred for criminal prosecution pursuant to either s. 985.226 or s. 985.227 to be detained or held in a jail or other facility intended or used for the detention of adults; however, such child may be held temporarily in a detention facility; or

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

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

(5)(a) A child may not be placed into or held in secure, nonsecure, or home detention care for longer than 24 hours unless the court orders such detention care, and the order includes specific instructions that direct the release of the child from such detention care, in accordance with subsection (2). The order shall be a final order, reviewable by appeal pursuant to s. 985.234 and the Florida Rules of Appellate Procedure. Appeals of such orders shall take precedence over other appeals and other pending matters.

(b) A child may not be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced by the court.

(c) A child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(d) The time limits in paragraphs (b) and (c) do not include periods of delay resulting from a continuance granted by the court for cause on motion of the child or his or her counsel or of the state. Upon the issuance of an order granting a continuance for cause on a motion by either the child, the child's counsel, or the state, the court shall conduct a hearing at the end of each 72-hour period, excluding Saturdays, Sundays, and legal holidays, to determine the need for continued detention of the child and the need for further continuance of proceedings for the child or the state.

(6) When any child is placed into secure, nonsecure, or home detention care or into other placement pursuant to a court order following a detention

hearing, the court shall order the natural or adoptive parents of such child, the natural father of such child born out of wedlock who has acknowledged his paternity in writing before the court, or the guardian of such child's estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay to the Department of Juvenile Justice, or institution having custody of the child, fees equal to the actual cost of the care, support, and maintenance of the child, as established by the Department of Juvenile Justice, unless the court determines that the parent or guardian of the child is indigent. The court may reduce the fees or waive the fees upon a showing by the parent or guardian of an inability to pay the full cost of the care, support, and maintenance of the child. In addition, the court may waive the fees if it finds that the child's parent or guardian was the victim of the child's delinquent act or violation of law or if the court finds that the parent or guardian has made a diligent and good faith effort to prevent the child from engaging in the delinquent act or violation of law. With respect to a child who has been found to have committed a delinquent act or violation of law, whether or not adjudication is withheld, and whose parent or guardian receives public assistance for any portion of that child's care, the department must seek a federal waiver to garnish or otherwise order the payments of the portion of the public assistance relating to that child to offset the costs of providing care, custody, maintenance, rehabilitation, intervention, or corrective services to the child. When the order affects the guardianship estate, a certified copy of the order shall be delivered to the judge having jurisdiction of the guardianship estate. The department may employ a collection agency for the purpose of receiving, collecting, and managing the payment of unpaid and delinquent fees. The collection agency must be registered and in good standing under chapter 559. The department may pay to the collection agency a fee from the amount collected under the claim or may authorize the agency to deduct the fee from the amount collected.

(7) If a child is detained and a petition for delinquency is filed, the child shall be arraigned in accordance with the Florida Rules of Juvenile Procedure within 48 hours after the filing of the petition for delinquency.

(8) If a child is detained pursuant to this section, the Department of Juvenile Justice may transfer the child from nonsecure or home detention care to secure detention care only if significantly changed circumstances warrant such transfer.

(9) If a child is on release status and not detained pursuant to this section, the child may be placed into secure, nonsecure, or home detention care only pursuant to a court hearing in which the original risk assessment instrument, rescored based on newly discovered evidence or changed circumstances with the results recommending detention, is introduced into evidence.

(10)(a)1. When a child is committed to the Department of Juvenile Justice awaiting dispositional placement, removal of the child from detention care shall occur within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria pursuant to this section. If the child is commit-

ted to a ~~low-risk residential program or a~~ moderate-risk residential program, the department may seek an order from the court authorizing continued detention for a specific period of time necessary for the appropriate residential placement of the child. However, such continued detention in secure detention care may not exceed 15 days after commitment, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this subsection.

2. The court must place all children who are adjudicated and awaiting placement in a residential commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring. A child committed to a moderate-risk residential program may be held in a juvenile assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(b) A child who is placed in home detention care, nonsecure detention care, or home or nonsecure detention care with electronic monitoring, while awaiting placement in a low-risk or moderate-risk program, may be held in secure detention care for 5 days, if the child violates the conditions of the home detention care, the nonsecure detention care, or the electronic monitoring agreement. For any subsequent violation, the court may impose an additional 5 days in secure detention care.

(c) If the child is committed to a high-risk residential program, the child must be held in detention care or in a juvenile assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(d) If the child is committed to a maximum-risk residential program, the child must be held in detention care or in an assignment center pursuant to s. 985.307 until placement or commitment is accomplished.

(e) Upon specific appropriation, the department may obtain comprehensive evaluations, including, but not limited to, medical, academic, psychological, behavioral, sociological, and vocational needs of a youth with multiple arrests for all level criminal acts or a youth committed to a minimum-risk or low-risk commitment program.

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

(b) When a juvenile sexual offender, pursuant to this subsection, is released from detention or transferred to home detention or nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel.

Section 14. Paragraph (a) of subsection (1) of section 985.231, Florida Statutes, is amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)(a) The court that has jurisdiction of an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing:

1. Place the child in a community control program or an aftercare program under the supervision of an authorized agent of the Department of Juvenile Justice or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. A community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

a. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this subparagraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense, except that the duration of such supervision or program for an offense that is a misdemeanor of the second degree, or is equivalent to a misdemeanor of the second degree, may be for a period not to exceed 6 months. When restitution is ordered by the court, the amount of restitution may not exceed an amount the child and the parent or guardian could reasonably be expected to pay or make. A child who participates in any work program under this part is considered an employee of the state for purposes of liability, unless otherwise provided by law.

b. The court may conduct judicial review hearings for a child placed on community control for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of community control for a child who has substantially complied with the terms and conditions of community control.

c. If the conditions of the community control program or the aftercare program are violated, the agent supervising the program as it relates to the child involved, or the state attorney, may bring the child before the court on a petition alleging a violation of the program. Any child who violates the conditions of community control or aftercare must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 ~~s. 39.037~~ for violating the conditions of community control or aftercare shall be held in a consequence unit if such a unit is available. The child shall be afforded a hearing within 24 hours after being taken into custody to determine the existence of probable cause that the child violated the conditions of community control or aftercare. A consequence unit is a secure facility

specifically designated by the department for children who are taken into custody under s. 985.207 for violating community control or aftercare, or who have been found by the court to have violated the conditions of community control or aftercare. If the violation involves a new charge of delinquency, the child may be detained under s. 985.215 in a facility other than a consequence unit. If the child is not eligible for detention for the new charge of delinquency, the child may be held in the consequence unit pending a hearing and is subject to the time limitations specified in s. 985.215. If the child denies violating the conditions of community control or aftercare, the court shall appoint counsel to represent the child at the child's request. Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of community control or aftercare, the court shall enter an order revoking, modifying, or continuing community control or aftercare. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this paragraph, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of community control or aftercare, the court may:

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

(II) Place the child on home detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(III) Modify or continue the child's community control program or aftercare program.

(IV) Revoke community control or aftercare and commit the child to the department.

d. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of any order placing a child in a community control program must be until the child's 19th birthday unless he or she is released by the court, on the motion of an interested party or on its own motion.

2. Commit the child to a licensed child-caring agency willing to receive the child, but the court may not commit the child to a jail or to a facility used primarily as a detention center or facility or shelter.

3. Commit the child to the Department of Juvenile Justice at a restrictiveness level defined in s. 985.03(45). Such commitment must be for the purpose of exercising active control over the child, including, but not limited to, custody, care, training, urine monitoring, and treatment of the child and furlough of the child into the community. Notwithstanding s. 743.07 and paragraph (d), and except as provided in s. 985.31, the term of the commitment must be until the child is discharged by the department or until he or she reaches the age of 21.

4. Revoke or suspend the driver's license of the child.

5. Require the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to render community service in a public service program.

6. As part of the community control program to be implemented by the Department of Juvenile Justice, or, in the case of a committed child, as part of the community-based sanctions ordered by the court at the disposition hearing or before the child's release from commitment, order the child to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in a reasonable amount or manner to be determined by the court. The clerk of the circuit court shall be the receiving and dispensing agent. In such case, the court shall order the child or the child's parent or guardian to pay to the office of the clerk of the circuit court an amount not to exceed the actual cost incurred by the clerk as a result of receiving and dispensing restitution payments. The clerk shall notify the court if restitution is not made, and the court shall take any further action that is necessary against the child or the child's parent or guardian. A finding by the court, after a hearing, that the parent or guardian has made diligent and good faith efforts to prevent the child from engaging in delinquent acts absolves the parent or guardian of liability for restitution under this subparagraph.

7. Order the child and, if the court finds it appropriate, the child's parent or guardian together with the child, to participate in a community work project, either as an alternative to monetary restitution or as part of the rehabilitative or community control program.

8. Commit the child to the Department of Juvenile Justice for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.31. Any commitment of a child to a program or facility for serious or habitual juvenile offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The court may retain jurisdiction over such child until the child reaches the age of 21, specifically for the purpose of the child completing the program.

9. In addition to the sanctions imposed on the child, order the parent or guardian of the child to perform community service if the court finds that the parent or guardian did not make a diligent and good faith effort to prevent the child from engaging in delinquent acts. The court may also order the parent or guardian to make restitution in money or in kind for any damage or loss caused by the child's offense. The court shall determine a reasonable amount or manner of restitution, and payment shall be made to the clerk of the circuit court as provided in subparagraph 6.

10. Subject to specific appropriation, commit the juvenile sexual offender to the Department of Juvenile Justice for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.308. Any commitment of a juvenile sexual offender to a program or facility for juvenile sexual offenders must be for an indeterminate period of time, but the time may not exceed the maximum term of imprisonment that an adult may serve for the

same offense. The court may retain jurisdiction over a juvenile sexual offender until the juvenile sexual offender reaches the age of 21, specifically for the purpose of completing the program.

Section 15. Paragraph (a) of subsection (2) of section 985.216, Florida Statutes, is amended to read:

985.216 Punishment for contempt of court; alternative sanctions.—

(2) PLACEMENT IN A SECURE FACILITY.—A child may be placed in a secure facility for purposes of punishment for contempt of court if alternative sanctions are unavailable or inappropriate, or if the child has already been ordered to serve an alternative sanction but failed to comply with the sanction.

(a) A delinquent child who has been held in direct or indirect contempt may be placed in a secure detention facility for 5 days for a first offense or 15 days for a second or subsequent offense~~, or in a secure residential commitment facility~~.

Section 16. Section 985.223, Florida Statutes, is amended to read:

985.223 Incompetency in juvenile delinquency cases.—

(1) If, at any time prior to or during a delinquency case ~~involving a delinquent act or violation of law that would be a felony if committed by an adult~~, the court has reason to believe that the child named in the petition may be incompetent to proceed with the hearing, the court on its own motion may, or on the motion of the child's attorney or state attorney must, stay all proceedings and order an evaluation of the child's mental condition.

(a) Any motion questioning the child's competency to proceed must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services. Thereafter, any motion, notice of hearing, order, or other legal pleading relating to the child's competency to proceed with the hearing must be served upon the child's attorney, the state attorney, the attorneys representing the Department of Juvenile Justice, and the attorneys representing the Department of Children and Family Services.

(b)~~(a)~~ All determinations of competency shall be made at a hearing, with findings of fact based on an evaluation of the child's mental condition made by not less than two nor more than three experts appointed by the court. The basis for ~~If~~ the determination of incompetency ~~is based on the presence of a mental illness or mental retardation, this~~ must be specifically stated in the evaluation. In addition, a recommendation as to whether residential or nonresidential treatment or training is required must be included in the evaluation. Experts appointed by the court to determine the mental condition of a child shall be allowed reasonable fees for services rendered. State employees may be paid expenses pursuant to s. 112.061. The fees shall be taxed as costs in the case.

(c) All court orders determining incompetency must include specific written findings by the court as to the nature of the incompetency and whether the child requires secure or nonsecure treatment or training environments.

(d)~~(b)~~ For incompetency evaluations related to mental illness, the Department of Children and Family Services shall annually provide the courts with a list of mental health professionals who have completed a training program approved by the Department of Children and Family Services to perform the evaluations.

(e)~~(c)~~ For incompetency evaluations related to mental retardation, the court shall order the Developmental Services Program Office within the Department of Children and Family Services to examine the child to determine if the child meets the definition of "retardation" in s. 393.063 and, if so, whether the child is competent to proceed with delinquency proceedings.

(f)~~(d)~~ A child is competent to proceed if the child has sufficient present ability to consult with counsel with a reasonable degree of rational understanding and the child has a rational and factual understanding of the present proceedings. The report must address the child's capacity to:

1. Appreciate the charges or allegations against the child.

2. Appreciate the range and nature of possible penalties that may be imposed in the proceedings against the child, if applicable.

3. Understand the adversarial nature of the legal process.

4. Disclose to counsel facts pertinent to the proceedings at issue.

5. Display appropriate courtroom behavior.

6. Testify relevantly.

(g) Immediately upon the filing of the court order finding a child incompetent to proceed, the clerk of the court shall notify the Department of Children and Family Services and fax or hand deliver to the Department of Children and Family Services a referral packet which includes, at a minimum, the court order, the charging documents, the petition, and the court-appointed evaluator's reports.

(h) After placement of the child in the appropriate setting, the Department of Children and Family Services must, within 30 days after the Department of Children and Family Services places the child, prepare and submit to the court a treatment plan for the child's restoration of competency. A copy of the treatment plan must be served upon the child's attorney, the state attorney, and the attorneys representing the Department of Juvenile Justice.

(2) A ~~Every~~ child who is mentally ill or retarded, who is adjudicated incompetent to proceed, and who has committed a delinquent act or violation of law, either of which would be a felony if committed by an adult, must ~~may~~ be ~~involuntarily~~ committed to the Department of Children and Family Services for treatment or training. A child who has been adjudicated incompe-

tent to proceed because of age or immaturity, or for any reason other than for mental illness or retardation, must not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services. ~~upon a finding by the court of clear and convincing evidence that:~~ For purposes of this section, a child who has committed a delinquent act or violation of law, either of which would be a misdemeanor if committed by an adult, may not be committed to the department or to the Department of Children and Family Services for restoration-of-competency treatment or training services.

(3) If the court finds that a child is mentally ill or retarded and adjudicates the child incompetent to proceed, the court must also determine whether the child meets the criteria for secure placement. A child may be placed in a secure facility or program if the court makes a finding by clear and convincing evidence that:

(a) The child is mentally ill and because of the mental illness; or the child is mentally retarded and because of the mental retardation:

1. The child is manifestly incapable of surviving with the help of willing and responsible family or friends, including available alternative services, and without treatment or training the child is likely to either suffer from neglect or refuse to care for self, and such neglect or refusal poses a real and present threat of substantial harm to the child's well-being; or

2. There is a substantial likelihood that in the near future the child will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive alternatives, including treatment or training in community residential facilities or community ~~inpatient or outpatient~~ settings which would offer an opportunity for improvement of the child's condition, are inappropriate.

~~(4)~~(3) A ~~Each~~ child who is determined to be mentally ill or retarded, who has been adjudicated incompetent to proceed, and who meets the criteria set forth ~~for commitment~~ in subsection ~~(3)~~(2), must be committed to the Department of Children and Family Services, and the Department of Children and Family Services ~~that department may retain, and if it retains~~ must treat or train the child in a secure facility or program which is the least restrictive alternative consistent with public safety. Any placement ~~commitment~~ of a child to a secure residential program must be separate from adult forensic programs. If the child attains competency, then custody, case management, and supervision of the child will be transferred to the department in order to continue delinquency proceedings; however, the court retains authority to order the Department of Children and Family Services to provide continued treatment to maintain competency.

(a) A child adjudicated incompetent due to mental retardation may be ordered into a secure program or facility designated by the Department of Children and Family Services for retarded children.

(b) A child adjudicated incompetent due to mental illness may be ordered into a secure program or facility designated by the Department of Children and Family Services for mentally ill children.

(c) Whenever a child is placed in a secure residential facility, the department will provide transportation to the secure residential facility for admission and from the secure residential facility upon discharge.

(d) The purpose of the treatment or training is the restoration of the child's competency to proceed.

(e)~~(c)~~ The service provider must file a written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure not later than 6 months after the date of commitment, or at the end of any period of extended treatment or training, and ~~or~~ at any time the Department of Children and Family Services, through its service provider determines the child has attained competency or no longer meets the criteria for secure placement, or at such shorter intervals as ordered by the court ~~commitment, the service provider must file a report with the court pursuant to the applicable Rules of Juvenile Procedure~~. A copy of a written report evaluating the child's competency must be filed by the provider with the court and with the state attorney, the child's attorney, the department, and the Department of Children and Family Services.

(5)(a)~~(4)~~ If a child is determined to be incompetent to proceed, the court shall retain jurisdiction of the child for up to 2 years after the date of the order of incompetency, with reviews at least every 6 months to determine competency.

(b) Whenever the provider files a report with the court informing the court that the child will never become competent to proceed, the Department of Children and Family Services will develop a discharge plan for the child prior to any hearing determining whether the child will ever become competent to proceed. The Department of Children and Family Services must send the proposed discharge plan to the court, the state attorney, the child's attorney, and the attorneys representing the Department of Juvenile Justice. The provider will continue to provide services to the child until the court issues the order finding the child will never become competent to proceed.

(c) If the court determines at any time that the child will never become competent to proceed, the court may dismiss the delinquency petition. If, at the end of the 2-year period following the date of the order of incompetency, the child has not attained competency and there is no evidence that the child will attain competency within a year, the court must dismiss the delinquency petition. If appropriate ~~necessary~~, the court may order that proceedings under chapter 393 or chapter 394 be instituted. Such proceedings must be instituted not less than 60 days prior to the dismissal of the delinquency petition.

(6)(a)~~(5)~~ If a child ~~who~~ is determined to be mentally ill or retarded and is found to be incompetent to proceed but does not meet the ~~commitment~~ criteria set forth in ~~of~~ subsection (3)~~(2)~~, the court shall commit the child to the Department of Children and Family Services and shall ~~may~~ order the

Department of Children and Family Services to provide appropriate treatment and training in the community. The purpose of the treatment or training is the restoration of the child's competency to proceed.

(b) All court-ordered treatment or training must be the least restrictive alternative that is consistent with public safety. Any placement by the Department of Children and Family Services ~~commitment~~ to a residential program must be separate from adult forensic programs.

(c) If a child is ordered to receive competency restoration ~~such~~ services, the services shall be provided by the Department of Children and Family Services. The department shall continue to provide case management services to the child and receive notice of the competency status of the child.

(d) The service provider must file written report with the court pursuant to the applicable Florida Rules of Juvenile Procedure, not later than 6 months after the date of commitment, at the end of any period of extended treatment or training, and at any time the service provider determines the child has attained competency or will never attain competency, or at such shorter intervals as ordered by the court. ~~The competency determination must be reviewed at least every 6 months by the service provider, and~~ A copy of a written report evaluating the child's competency must be filed by the provider with the court, the state attorney, the child's attorney, ~~and with~~ the Department of Children and Family Services, and the department.

(7)~~(6)~~ The provisions of this section shall be implemented only subject to specific appropriation.

Section 17. Paragraph (a) of subsection (3) of section 985.226, Florida Statutes, is amended to read:

985.226 Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—

(3) WAIVER HEARING.—

(a) Within 7 days, excluding Saturdays, Sundays, and legal holidays, after the date a petition alleging that a child has committed a delinquent act or violation of law has been filed, or later with the approval of the court, but before an adjudicatory hearing and after considering the recommendation of the juvenile probation officer ~~intake counselor or case manager~~, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution.

Section 18. Paragraph (b) of subsection (3) of section 985.23, Florida Statutes, is amended to read:

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

(3)

(b) If the court determines that commitment to the department is appropriate, the juvenile probation officer ~~intake counselor or case manager~~ shall recommend to the court the most appropriate placement and treatment plan, specifically identifying the restrictiveness level most appropriate for the child. If the court has determined that the child was a member of a criminal street gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child. The court shall consider the department's recommendation in making its commitment decision.

Section 19. Subsection (4) of section 985.301, Florida Statutes, is amended to read:

985.301 Civil citation.—

(4) If the juvenile fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a third or subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer ~~an intake counselor or case manager~~ shall perform a preliminary determination as provided under s. 985.21(4).

Section 20. Subsections (4), (5), and (6) of section 985.304, Florida Statutes, are amended to read:

985.304 Community arbitration.—

(4) PROCEDURE FOR INITIATING CASES FOR COMMUNITY ARBITRATION.—

(a) Any law enforcement officer may issue a complaint, along with a recommendation for community arbitration, against any child who such officer has reason to believe has committed any offense that is eligible for community arbitration. The complaint shall specify the offense and the reasons why the law enforcement officer feels that the offense should be handled by community arbitration. Any juvenile probation officer ~~intake counselor or case manager~~ or, at the request of the child's parent or legal custodian or guardian, the state attorney or the court having jurisdiction, with the concurrence of the state attorney, may refer a complaint to be handled by community arbitration when appropriate. A copy of the complaint shall be forwarded to the appropriate juvenile probation officer ~~intake counselor or case manager~~ and the parent or legal custodian or guardian of the child within 48 hours after issuance of the complaint. In addition to the complaint, the child and the parent or legal custodian or guardian shall be informed of the objectives of the community arbitration process; the conditions, procedures, and timeframes under which it will be conducted; and the fact that it is not obligatory. The juvenile probation officer ~~intake counselor~~ shall contact the child and the parent or legal custodian or guardian within 2 days after the date on which the complaint was received. At this time, the child or the parent or legal custodian or guardian shall inform the juvenile probation officer ~~intake counselor~~ of the decision to approve or reject the handling of the complaint through community arbitration.

(b) The juvenile probation officer ~~intake counselor~~ shall verify accurate identification of the child and determine whether or not the child has any prior adjudications or adjudications withheld for an offense eligible for community arbitration for consideration in the point value structure. If the child has at least one prior adjudication or adjudication withheld for an offense which is not eligible for community arbitration, or if the child has already surpassed the accepted level of points on prior community arbitration resolutions, the juvenile probation officer ~~intake counselor or case manager~~ shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(c) If the child or the parent or legal custodian or guardian rejects the handling of the complaint through community arbitration, the juvenile probation officer ~~intake counselor~~ shall consult with the state attorney for the filing of formal juvenile proceedings.

(d) If the child or the parent or legal custodian or guardian accepts the handling of the complaint through community arbitration, the juvenile probation officer ~~intake counselor~~ shall provide copies of the complaint to the arbitrator or panel within 24 hours.

(e) The community arbitrator or community arbitration panel shall, upon receipt of the complaint, set a time and date for a hearing within 7 days and shall inform the child's parent or legal custodian or guardian, the complaining witness, and any victims of the time, date, and place of the hearing.

(5) HEARINGS.—

(a) The law enforcement officer who issued the complaint need not appear at the scheduled hearing. However, prior to the hearing, the officer shall file with the community arbitrator or the community arbitration panel a comprehensive report setting forth the facts and circumstances surrounding the allegation.

(b) Records and reports submitted by interested agencies and parties, including, but not limited to, complaining witnesses and victims, may be received in evidence before the community arbitrator or the community arbitration panel without the necessity of formal proof.

(c) The testimony of the complaining witness and any alleged victim may be received when available.

(d) Any statement or admission made by the child appearing before the community arbitrator or the community arbitration panel relating to the offense for which he or she was cited is privileged and may not be used as evidence against the child either in a subsequent juvenile proceeding or in any subsequent civil or criminal action.

(e) If a child fails to appear on the original hearing date, the matter shall be referred back to the juvenile probation officer ~~intake counselor~~ who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

(6) DISPOSITION OF CASES.—

(a) Subsequent to any hearing held as provided in subsection (5), the community arbitrator or community arbitration panel may:

1. Recommend that the state attorney decline to prosecute the child.

2. Issue a warning to the child or the child's family and recommend that the state attorney decline to prosecute the child.

3. Refer the child for placement in a community-based nonresidential program.

4. Refer the child or the family to community counseling.

5. Refer the child to a safety and education program related to delinquent children.

6. Refer the child to a work program related to delinquent children and require up to 100 hours of work by the child.

7. Refer the child to a nonprofit organization for volunteer work in the community and require up to 100 hours of work by the child.

8. Order restitution in money or in kind in a case involving property damage; however, the amount of restitution shall not exceed the amount of actual damage to property.

9. Continue the case for further investigation.

10. Require the child to undergo urinalysis monitoring.

11. Impose any other restrictions or sanctions that are designed to encourage responsible and acceptable behavior and are agreed upon by the participants of the community arbitration proceedings.

The community arbitrator or community arbitration panel shall determine an appropriate timeframe in which the disposition must be completed. The community arbitrator or community arbitration panel shall report the disposition of the case to the juvenile probation officer ~~intake counselor or case manager~~.

(b) Any person or agency to whom a child is referred pursuant to this section shall periodically report the progress of the child to the referring community arbitrator or community arbitration panel in the manner prescribed by such arbitrator or panel.

(c) Any child who is referred by the community arbitrator or community arbitration panel to a work program related to delinquent children or to a nonprofit organization for volunteer work in the community, and who is also ordered to pay restitution to the victim, may be paid a reasonable hourly wage for work, to the extent that funds are specifically appropriated or authorized for this purpose; provided, however, that such payments shall

not, in total, exceed the amount of restitution ordered and that such payments shall be turned over by the child to the victim.

(d) If a child consents to an informal resolution and, in the presence of the parent or legal custodian or guardian and the community arbitrator or community arbitration panel, agrees to comply with any disposition suggested or ordered by such arbitrator or panel and subsequently fails to abide by the terms of such agreement, the community arbitrator or community arbitration panel may, after a careful review of the circumstances, forward the case back to the juvenile probation officer ~~intake counselor~~, who shall consult with the state attorney regarding the filing of formal juvenile proceedings.

Section 21. Section 985.307, Florida Statutes, is amended to read:

985.307 Juvenile assignment centers.—

(1) Contingent upon specific appropriation, the department shall establish juvenile assignment centers for committed youth who have been ordered by the court for placement in moderate-risk, high-risk, or maximum-risk commitment programs. Juvenile assignment centers shall be residential facilities serving committed youth awaiting placement in a residential commitment program.

(2) The purpose of juvenile assignment centers shall be:

(a) To ensure public safety by providing a secure residential facility to hold and process juveniles awaiting placement in commitment programs rather than releasing them to their homes and back into the community.

(b) To review assessments completed at local juvenile assessment centers and avoid duplication of assessment efforts. Assessments should include medical, academic, psychological, behavioral, sociological, substance abuse and mental health, and vocational testing.

(c) To determine appropriate treatment needs, programming, and placement decisions, and, when appropriate, to develop a treatment plan for each juvenile.

(d) To examine a juvenile's need for aftercare and independent living upon release from a commitment program and, when appropriate, include this in the treatment plan.

(3) Juveniles committed to the department shall be placed in an assignment center following the dispositional hearing and shall be transferred to the designated residential commitment program upon the availability of placement.

(4) Juvenile assignment centers shall be physically secure residential facilities located in each department region to serve youth in that region who are awaiting placement in commitment programs.

(5) For each juvenile admitted into an assignment center, the following shall be conducted:

(a) Review all assessments, diagnostic testing, and screening instruments performed on the juvenile while at an assessment center, in detention, during intake, or in a program or while in school; and also review the juvenile's school records from the school in which the juvenile is enrolled.

(b) Determine the need for, and provide or contract for, additional evaluation, including, but not limited to: needs assessment, substance abuse screening, physical and mental health screening, behavioral screening, educational assessment, aptitude testing, diagnostic testing, psychological evaluation, and vocational testing.

(c) Based upon the restrictiveness level ordered by the court and evaluation required in paragraph (b), the department program staff shall make an assignment to a specific commitment program. Program placements shall also take into consideration the geographic location of the juvenile's family in order to facilitate family visits and participation.

(d) Pending a juvenile's placement in a commitment program:

1. Initiate appropriate treatment plans, educational plans, performance agreements, and transitional planning based upon the court order and assessments.

2. Provide or contract for the provision of short-term services, including educational programming, vocational training, mental health services, substance abuse education, conflict resolution training, and impulse control and anger management training. If warranted by a substance abuse screening or a mental or physical health screening performed while the juvenile is in the assignment center, a juvenile may receive treatment while in the assignment center, including, but not limited to, substance abuse, mental health, or physical health treatment.

(e) To the extent possible, involve the juvenile's parents or guardian and family in the evaluation process and in the provision of services. Staff shall make efforts to contact the parents or guardian and encourage their involvement.

(f) Ensure that all commitment information is complete and ready for transmittal to the commitment program. This shall include a comprehensive treatment plan that reflects the information gathered through the assessment process and includes planning for aftercare and independent living, if needed.

(6) Notwithstanding any provision to the contrary, this section expires July 1, 2000 ~~1998~~, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre- and post-disposition assessments and evaluations of youth. Prior to July 1, 1999, the department

shall transition any juvenile assignment center to provide the capacity and services necessary to conduct pre-disposition assessments and evaluations of youth.

Section 22. Subsection (3) of section 985.31, Florida Statutes, is amended to read:

985.31 Serious or habitual juvenile offender.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for serious or habitual juvenile offenders.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of a serious or habitual juvenile offender under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. 985.228, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender pursuant to s. 985.03(47). If the court determines that the child does not meet such criteria, the provisions of s. 985.231(1) shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct a juvenile probation officer ~~an intake counselor or case manager~~ to consult with designated staff from an appropriate serious or habitual juvenile offender program for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in a serious or habitual juvenile offender program shall be presented to the court within 72 hours after the adjudication or conviction, and may be based on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer ~~intake counselor or case manager~~ shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the juvenile probation officer ~~intake counselor or case manager~~ shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the juvenile probation officer ~~intake counselor or case manager~~ shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a serious or habitual juvenile offender program or facility, or placement in the adult correctional system.

If treatment provided by a serious or habitual juvenile offender program or facility is determined to be appropriate and needed and placement is available, the juvenile probation officer ~~intake counselor or case manager~~ and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an alternative disposition pursuant to s. 985.309 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in a serious or habitual juvenile offender program or facility is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for serious or habitual delinquent children programs.

(j) The following provisions shall apply to children in serious or habitual juvenile offender programs and facilities:

1. A child shall begin participation in the reentry component of the program based upon a determination made by the treatment provider and approved by the department.

2. A child shall begin participation in the community supervision component of aftercare based upon a determination made by the treatment provider and approved by the department. The treatment provider shall give written notice of the determination to the circuit court having jurisdiction over the child. If the court does not respond with a written objection within 10 days, the child shall begin the aftercare component.

3. A child shall be discharged from the program based upon a determination made by the treatment provider with the approval of the department.

4. In situations where the department does not agree with the decision of the treatment provider, a reassessment shall be performed, and the department shall utilize the reassessment determination to resolve the disagreement and make a final decision.

(k) Any commitment of a child to the department for placement in a serious or habitual juvenile offender program or facility shall be for an indeterminate period of time, but the time shall not exceed the maximum term of imprisonment which an adult may serve for the same offense. Notwithstanding the provisions of ss. 743.07 and 985.231(1)(d), a serious or habitual juvenile offender shall not be held under commitment from a court

pursuant to this section, s. 985.231, or s. 985.233 after becoming 21 years of age. This provision shall apply only for the purpose of completing the serious or habitual juvenile offender program pursuant to this chapter and shall be used solely for the purpose of treatment.

Section 23. Subsection (3) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.—

(3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND TREATMENT.—

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(b) Treatment provided to children in designated facilities shall be suited to the assessed needs of each individual child and shall be administered safely and humanely, with respect for human dignity.

(c) The department may promulgate rules for the implementation and operation of programs and facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age. The department must involve the following groups in the promulgation of rules for services for this population: local law enforcement agencies, the judiciary, school board personnel, the office of the state attorney, the office of the public defender, and community service agencies interested in or currently working with juveniles. When promulgating these rules, the department must consider program principles, components, standards, procedures for intake, diagnostic and assessment activities, treatment modalities, and case management.

(d) Any provider who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the assessment, treatment, or transportation of an intensive offender less than 13 years of age under the provisions of this chapter.

(e) After a child has been adjudicated delinquent pursuant to s. 985.228(5), the court shall determine whether the child is eligible for an intensive residential treatment program for offenders less than 13 years of age pursuant to s. 985.03(7). If the court determines that the child does not meet the criteria, the provisions of s. 985.231(1) shall apply.

(f) After a child has been transferred for criminal prosecution, a circuit court judge may direct a juvenile probation officer ~~an intake counselor or case manager~~ to consult with designated staff from an appropriate intensive residential treatment program for offenders less than 13 years of age for the purpose of making recommendations to the court regarding the child's placement in such program.

(g) Recommendations as to a child's placement in an intensive residential treatment program for offenders less than 13 years of age may be based

on a preliminary screening of the child at appropriate sites, considering the child's location while court action is pending, which may include the nearest regional detention center or facility or jail.

(h) Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer ~~intake counselor or case manager~~ shall make the following recommendations to the court:

1. For each child who has not been transferred for criminal prosecution, the juvenile probation officer ~~intake counselor or case manager~~ shall recommend whether placement in such program is appropriate and needed.

2. For each child who has been transferred for criminal prosecution, the juvenile probation officer ~~intake counselor or case manager~~ shall recommend whether the most appropriate placement for the child is a juvenile justice system program, including a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age, or placement in the adult correctional system.

If treatment provided by an intensive residential treatment program for offenders less than 13 years of age is determined to be appropriate and needed and placement is available, the juvenile probation officer ~~intake counselor or case manager~~ and the court shall identify the appropriate intensive residential treatment program for offenders less than 13 years of age best suited to the needs of the child.

(i) The treatment and placement recommendations shall be submitted to the court for further action pursuant to this paragraph:

1. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is inappropriate, the court shall make an alternative disposition pursuant to s. 985.309 or other alternative sentencing as applicable, utilizing the recommendation as a guide.

2. If it is recommended that placement in an intensive residential treatment program for offenders less than 13 years of age is appropriate, the court may commit the child to the department for placement in the restrictiveness level designated for intensive residential treatment program for offenders less than 13 years of age.

Section 24. Present subsection (4) of section 985.401, Florida Statutes, is renumbered as subsection (5) and amended, a new subsection (4) is added to that section, and present subsection (5) is renumbered as subsection (6), to read:

985.401 Juvenile Justice Advisory Board.—

(4)(a) The board shall establish and operate a comprehensive system to annually measure and report program outcomes and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The system shall include a

standard methodology for interpreting the board's outcome-evaluation reports, using, where appropriate, the performance-based program budgeting measures approved by the Legislature. The methodology must include:

1. Common terminology and operational definitions for measuring the performance of system administration, program administration, program outputs, and client outcomes.

2. Program outputs for each group of programs within each level of the juvenile justice continuum and specific program outputs for each program or program type.

3. Specification of desired client outcomes and methods by which to measure client outcomes for each program operated by the department or by a provider under contract with the department.

4. Recommended annual minimum thresholds of satisfactory performance for client outcomes and program outputs.

For the purposes of this section, the term "program" or "program type" means an individual state-operated or contracted facility, site, or service delivered to at-risk or delinquent youth as prescribed in a contract, program description, or program services manual; and the term "program group" means a collection of programs or program types with sufficient similarity of function, services, and clientele to permit appropriate comparisons among programs within the program group.

(b) In developing the standard methodology, the board shall consult with the department, the Division of Economic and Demographic Research, contract service providers, and other interested parties. It is the intent of the Legislature that this effort result in consensus recommendations, and, to the greatest extent possible, integrate the goals and legislatively approved measures of performance-based program budgeting provided in chapter 94-249, Laws of Florida, the quality assurance program provided in s. 985.412, and the cost-effectiveness model provided in s. 985.404(11). The board shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to develop the methodology.

(c) The board shall annually submit its Outcome Evaluation Report to the Legislature by February 15, which must describe:

1. The methodology for interpreting outcome evaluations, including common terminology and operational definitions.

2. The recommended minimum thresholds of satisfactory performance for client outcomes and program outputs applicable to the year for which the data are reported.

3. The actual client outcomes and program outputs achieved by each program operated by the department or by a provider under contract with the department, compared with the recommended minimum thresholds of satisfactory performance for client outcomes and program outputs for the year under review. The report shall group programs or program types with

similarity of function and services, and make appropriate comparisons between programs within the program group.

(d) The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.

(e) The board shall annually review and revise the methodology as necessary to ensure the continuing improvement and validity of the evaluation process.

(5)~~(4)~~ The board shall:

(a) Review and recommend programmatic and fiscal policies governing the operation of programs, services, and facilities for which the Department of Juvenile Justice is responsible.

(b) Monitor the development and implementation of long-range juvenile justice policies, including prevention, early intervention, diversion, adjudication, and commitment.

(c) Monitor all activities of the executive and judicial branch and their effectiveness in implementing policies pursuant to this chapter.

~~(d) Establish and operate a comprehensive system to annually measure and report program outcome and effectiveness for each program operated by the Department of Juvenile Justice or operated by a provider under contract with the department. The board shall use its evaluation research to make advisory recommendations to the Legislature, the Governor, and the department concerning the effectiveness and future funding priorities of juvenile justice programs.~~

(d)~~(e)~~ Advise the President of the Senate, the Speaker of the House of Representatives, the Governor, and the department on matters relating to this chapter.

(e)~~(f)~~ Serve as a clearinghouse to provide information and assistance to the district juvenile justice boards and county juvenile justice councils.

(f)~~(g)~~ Hold public hearings and inform the public of activities of the board and of the Department of Juvenile Justice, as appropriate.

(g)~~(h)~~ Monitor the delivery and use of services, programs, or facilities operated, funded, regulated, or licensed by the Department of Juvenile Justice for juvenile offenders or alleged juvenile offenders, and for prevention, diversion, or early intervention of delinquency, and to develop programs to educate the citizenry about such services, programs, and facilities and about the need and procedure for siting new facilities.

(h)~~(i)~~ Contract for consultants as necessary and appropriate. The board may apply for and receive grants for the purposes of conducting research and evaluation activities.

(i)(j) Conduct such other activities as the board may determine are necessary and appropriate to monitor the effectiveness of the delivery of juvenile justice programs and services under this chapter.

(j)(k) The board shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and the secretary of the department not later than February 15 of each calendar year, summarizing the activities and reports of the board for the preceding year, and any recommendations of the board for the following year.

(6)(5) Each state agency shall provide assistance when requested by the board. The board shall have access to all records, files, and reports that are material to its duties and that are in the custody of a school board, a law enforcement agency, a state attorney, a public defender, the court, the Department of Children and Family Services, and the department.

Section 25. Subsection (11) of section 985.404, Florida Statutes, is amended to read:

985.404 Administering the juvenile justice continuum.—

(11)(a) The Department of Juvenile Justice, in consultation with the Juvenile Justice Advisory Board, the Division of Economic and Demographic Research, and contract service providers, shall develop a cost-effectiveness ~~cost-benefit~~ model and apply the model to each commitment program. Program recommitment rates shall be a component of the model. The cost-effectiveness ~~cost-benefit~~ model shall compare program costs to client outcomes and program outputs ~~benefits~~. ~~A report ranking commitment programs based on cost-benefit shall be submitted to the appropriate substantive and appropriations committees of each house of the Legislature, no later than December 31 of each year.~~ It is the intent of the Legislature that continual development efforts take place to improve the validity and reliability of the cost-effectiveness ~~cost-benefit~~ model and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by December 31 of each year.

(c) Based on reports of the Juvenile Justice Advisory Board on client outcomes and program outputs and on the department's most recent cost-effectiveness rankings, the department may terminate a program operated by the department or a provider if the program has failed to achieve a minimum threshold of program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under s. 985.412 or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Juvenile Justice Advisory Board, the Division of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness

model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Juvenile Justice Advisory Board, the Division of Economic and Demographic Research, and contract service providers, shall:

1. Construct a profile of each commitment program which uses the results of the quality assurance report required by s. 985.412, the outcome-evaluation report compiled by the Juvenile Justice Advisory Board under s. 985.401, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

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

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

Section 26. Paragraph (a) of subsection (2) of section 985.406, Florida Statutes, is amended to read:

985.406 Juvenile justice training academies established; Juvenile Justice Standards and Training Commission created; Juvenile Justice Training Trust Fund created.—

(2) JUVENILE JUSTICE STANDARDS AND TRAINING COMMISSION.—

(a) There is created under the Department of Juvenile Justice the Juvenile Justice Standards and Training Commission, hereinafter referred to as the commission. The 17-member commission shall consist of the Attorney General or designee, the Commissioner of Education or designee, a member of the juvenile court judiciary to be appointed by the Chief Justice of the Supreme Court, and 14 members to be appointed by the Secretary of Juvenile Justice as follows:

1. Seven members shall be juvenile justice professionals: a superintendent or a direct care staff member from an institution; a director from a contracted community-based program; a superintendent and a direct care staff member from a regional detention center or facility; a juvenile probation officer supervisor and a juvenile probation officer ~~community control counselor~~; and a director of a day treatment or aftercare program. No fewer than three of these members shall be contract providers.

2. Two members shall be representatives of local law enforcement agencies.

3. One member shall be an educator from the state's university and community college program of criminology, criminal justice administration, social work, psychology, sociology, or other field of study pertinent to the training of juvenile justice program staff.

4. One member shall be a member of the public.

5. One member shall be a state attorney, or assistant state attorney, who has juvenile court experience.

6. One member shall be a public defender, or assistant public defender, who has juvenile court experience.

7. One member shall be a representative of the business community.

All appointed members shall be appointed to serve terms of 2 years.

Section 27. Subsection (5) of section 985.41, Florida Statutes, is amended to read:

985.41 Siting of facilities; study; criteria.—

(5) When the department or a contracted provider proposes a site for a juvenile justice ~~state~~ facility, the department or provider ~~it~~ shall request that the local government having jurisdiction over such proposed site determine whether or not the proposed site is appropriate for public use under ~~in compliance with~~ local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time of such request. If no such determination is made within 90 days after the request, it shall be presumed that the proposed site is in compliance with such plans, ordinances, or regulations.

Section 28. Paragraph (c) of subsection (1) of section 985.412, Florida Statutes, is amended to read:

985.412 Quality assurance.—

(1)

(c) The department shall:

1. Establish a comprehensive quality assurance system for each program operated by the department or operated by a provider under contract with the department. Each contract entered into by the department must provide for quality assurance.

2. Provide operational definitions of and criteria for quality assurance for each specific program component.

3. Establish quality assurance goals and objectives for each specific program component.

4. Establish the information and specific data elements required for the quality assurance program.

5. Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

6. Evaluate each program operated by the department or a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

a. Contracting out for the services provided in the program;

b. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the programs failure to meet established minimum thresholds;

c. Redesigning the program; or

d. Realigning the program.

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The department ~~department's inspector general~~ shall ensure the reliability and validity of the information contained in the report.

Section 29. For the purpose of incorporating the amendment to section 985.412, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.315, Florida Statutes, is reenacted to read:

985.315 Vocational/work training programs.—

(4)

(b) Evaluations of juvenile work programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with ss. 985.401(4) and 985.412(1), to determine whether the juvenile vocational work programs are related to successful postrelease adjustments.

2. Operations and policies of work programs shall be reevaluated to determine if they are consistent with their primary objectives.

Section 30. Paragraph (b) of subsection (3) of section 985.413, Florida Statutes, is amended to read:

985.413 District juvenile justice boards.—

(3) DISTRICT JUVENILE JUSTICE BOARDS.—

(b)1.a. The authority to appoint members to district juvenile justice boards, and the size of each board, is as follows:

(I) District 1 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Escambia County, 6 members; Okaloosa County, 3 members; Santa Rosa County, 2 members; and Walton County, 1 member.

(II) District 2 is to have a board composed of 18 members, to be appointed by the juvenile justice councils in the respective counties, as follows: Holmes County, 1 member; Washington County, 1 member; Bay County, 2 members; Jackson County, 1 member; Calhoun County, 1 member; Gulf County, 1 member; Gadsden County, 1 member; Franklin County, 1 member; Liberty County, 1 member; Leon County, 4 members; Wakulla County, 1 member; Jefferson County, 1 member; Madison County, 1 member; and Taylor County, 1 member.

(III) District 3 is to have a board composed of 15 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hamilton County, 1 member; Suwannee County, 1 member; Lafayette County, 1 member; Dixie County, 1 member; Columbia County, 1 member; Gilchrist County, 1 member; Levy County, 1 member; Union County, 1 member; Bradford County, 1 member; Putnam County, 1 member; and Alachua County, 5 members.

(IV) District 4 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Baker County, 1 member; Nassau County, 1 member; Duval County, 7 members; Clay County, 2 members; and St. Johns County, 1 member.

(V) District 5 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Pasco County, 3 members; and Pinellas County, 9 members.

(VI) District 6 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Hillsborough County, 9 members; and Manatee County, 3 members.

(VII) District 7 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Seminole County, 3 members; Orange County, 5 members; Osceola County, 1 member; and Brevard County, 3 members.

(VIII) District 8 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Sarasota County, 3 members; DeSoto County, 1 member; Charlotte County, 1 member; Lee County, 3 members; Glades County, 1 member; Hendry County, 1 member; and Collier County, 2 members.

(IX) District 9 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Palm Beach County.

(X) District 10 is to have a board composed of 12 members, to be appointed by the juvenile justice council of Broward County.

(XI) District 11 is to have a juvenile justice board composed of 12 members to be appointed by the juvenile justice council in the respective counties, as follows: Dade County, 6 members and Monroe County, 6 members.

(XII) District 12 is to have a board composed of 12 members, to be appointed by the juvenile justice council of the respective counties, as follows: Flagler County, 3 members; and Volusia County, 9 members.

(XIII) District 13 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Marion County, 4 members; Citrus County, 2 members; Hernando County, 2 members; Sumter County, 1 member; and Lake County, 3 members.

(XIV) District 14 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Polk County, 9 members; Highlands County, 2 members; and Hardee County, 1 member.

(XV) District 15 is to have a board composed of 12 members, to be appointed by the juvenile justice councils of the respective counties, as follows: Indian River County, 3 members; Okeechobee County, 1 member; St. Lucie County, 5 members; and Martin County, 3 members.

The district health and human services board in each district may appoint one of its members to serve as an ex officio member of the district juvenile justice board established under this sub-subparagraph.

b. In any judicial circuit where a juvenile delinquency and gang prevention council exists on the date this act becomes law, and where the circuit and district or subdistrict boundaries are identical, such council shall become the district juvenile justice board, and shall thereafter have the pur-

poses and exercise the authority and responsibilities provided in this section.

2. At any time after the adoption of initial bylaws pursuant to paragraph (c), a district juvenile justice board may adopt a bylaw to enlarge the size, by no more than three members, and composition of the board to adequately reflect the diversity of the population and community organizations in the district.

3. All appointments shall be for 2-year terms. Appointments to fill vacancies created by death, resignation, or removal of a member are for the unexpired term. A member may not serve more than three ~~two~~ full consecutive terms~~; however, this limitation does not apply in any district in which a juvenile delinquency and gang prevention council that existed on May 7, 1993, became the district juvenile justice board~~.

4. A member who is absent for three meetings within any 12-month period, without having been excused by the chair, is deemed to have resigned, and the board shall immediately declare the seat vacant. Members may be suspended or removed for cause by a majority vote of the board members or by the Governor.

5. Members are subject to the provisions of chapter 112, part III, Code of Ethics for Public Officers and Employees.

(4) DISTRICT JUVENILE JUSTICE PLAN; PROGRAMS.—

(a) A district juvenile justice plan is authorized in each district or any subdivision of the district authorized by the district juvenile justice board for the purpose of reducing delinquent acts, juvenile arrests, and gang activity. Juvenile justice programs under such plan may be administered by the Department of Juvenile Justice; the district school board; a local law enforcement agency; or any other public or private entity, in cooperation with appropriate state or local governmental entities and public and private agencies. A juvenile justice program under this section may be planned, implemented, and conducted in any district pursuant to a proposal developed and approved as specified in s. 985.415.

Section 31. Paragraph (b) of subsection (2) of section 985.414, Florida Statutes, is amended to read:

985.414 County juvenile justice councils.—

(2)

(b) The duties and responsibilities of a county juvenile justice council include, but are not limited to:

1. Developing a county juvenile justice plan based upon utilization of the resources of law enforcement, the school system, the Department of Juvenile Justice, the Department of Children and Family Services, and others in a cooperative and collaborative manner to prevent or discourage juvenile crime and develop meaningful alternatives to school suspensions and expulsions.

2. Entering into a written county interagency agreement specifying the nature and extent of contributions each signatory agency will make in achieving the goals of the county juvenile justice plan and their commitment to the sharing of information useful in carrying out the goals of the interagency agreement to the extent authorized by law. The interagency agreement must include as parties, at a minimum, local school authorities or representatives, local law enforcement agencies, state attorneys, public defenders, and local representatives of the Department of Juvenile Justice and the Department of Children and Family Services. The agreement must specify how community entities will cooperate, collaborate, and share information to achieve the goals of the county juvenile justice plan.

3. Applying for and receiving public or private grants, to be administered by one of the community partners, that support one or more components of the county juvenile justice plan.

4. Designating the county representatives to the district juvenile justice board pursuant to s. 985.413.

5. Providing a forum for the presentation of interagency recommendations and the resolution of disagreements relating to the contents of the county interagency agreement or the performance by the parties of their respective obligations under the agreement.

6. Assisting and directing the efforts of local community support organizations and volunteer groups in providing enrichment programs and other support services for clients of local juvenile detention centers.

7. Providing an annual report and recommendations to the district juvenile justice board, the Juvenile Justice Advisory Board, and the district juvenile justice manager.

Section 32. Paragraphs (a) and (b) of subsection (1) of section 985.415, Florida Statutes, are amended to read:

985.415 Community Juvenile Justice Partnership Grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and district juvenile justice plans and the development and implementation of county and district interagency agreements pursuant to ss. 985.413 and 985.414, ~~among representatives of the Department of Juvenile Justice, the Department of Children and Family Services, law enforcement, and school authorities,~~ the community juvenile justice partnership grant program is established, and ~~which program~~ shall be administered by the Department of Juvenile Justice.

(b) The department shall only consider applications which at a minimum provide for the following:

1. The participation of the agencies and programs needed to implement the project or program for which the applicant is applying ~~local school authorities, local law enforcement, and local representatives of the Depart-~~

~~ment of Juvenile Justice and the Department of Children and Family Services pursuant to a written interagency partnership agreement. Such agreement must specify how community entities will cooperate, collaborate, and share information in furtherance of the goals of the district and county juvenile justice plan~~; and

2. The reduction of truancy and in-school and out-of-school suspensions and expulsions, and the enhancement of school safety.

Section 33. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.