CHAPTER 2000-134

Committee Substitute for Senate Bill Nos. 1192 and 180

An act relating to juvenile justice; amending s. 784.075, F.S., relating to third degree felony penalty for battery on a juvenile probation officer; conforming cross-references; amending s. 984.09, F.S.; providing conforming provisions; amending s. 984.225, F.S.; revising requirements for placement of a child in a staff-secure shelter; amending s. 984.226, F.S.; providing for physically secure settings for children in need of services; authorizing the Department of Juvenile Justice to establish physically secure settings; providing for a waiver of a child's right to counsel at court appearances; authorizing a court to place a child in a physically secure setting under prescribed circumstances; requiring the department to verify to the court that a bed is available; providing duration of stay in a physically secure setting; providing for court review of a child's placement; providing grounds for transfer of jurisdiction of the child to the Department of Children and Family Services; amending s. 985.201, F.S.; extending court jurisdiction over certain children for certain purposes; extending court jurisdiction over juveniles released from a commitment program prior to age 21; amending s. 985.207, F.S.; authorizing law enforcement to take a child into custody under certain circumstances; amending s. 985.211, F.S.; requiring a probable cause affidavit or written report to be made within a time certain; requiring such affidavit or report to be filed with the clerk of the circuit court within a time certain; amending s. 985.213, F.S.; revising provisions relating to the risk assessment workgroup; revising provisions relating to the risk assessment instrument for purposes of detention care placement; amending s. 985.215, F.S.; authorizing detention of a child for failure to appear at certain court hearings; requiring law enforcement agencies to complete and present certain investigations to a state attorney within a time certain; providing for increased holding times for children charged with offenses of certain severity; deleting references to assignment centers; amending s. 985.216, F.S.; prescribing punishment for contempt of court by a delinquent child or a child in need of services; amending s. 985.219, F.S.; requiring law enforcement agencies to act upon subpoenas and serve process within a certain time; amending s. 985.231, F.S., to conform; amending s. 985.233, F.S.; revising conditions under which adult sanctions may be imposed; creating the Juvenile Arrest and Monitor Unit, a pilot program in Orange County; prescribing the duration and purpose of the program; providing duties of the Orange County Sheriff's Office and the Department of Juvenile Justice; requiring the sheriff's office to contract with the University of Central Florida to conduct a study of the program's effectiveness and results; providing an effective date.

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

Section 1. Section 784.075, Florida Statutes, is amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

784.075 Battery on detention or commitment facility staff or a juvenile probation officer.—A person who commits a battery on a juvenile probation officer, as defined in s. 984.03 or s. 985.03, on other staff of a detention center or facility as defined in s. 984.03(19) or s. 985.03(20), or on a staff member of a commitment facility as defined in s. 985.03(47), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this section, a staff member of the facilities listed includes persons employed by the Department of Juvenile Justice, persons employed at facilities licensed by the Department of Juvenile Justice, and persons employed at facilities operated under a contract with the Department of Juvenile Justice.

Section 2. Paragraph (b) of subsection (2) of section 984.09, Florida Statutes, is amended to read:

984.09 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.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, for 5 days for a first offense or 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure setting ~~facility~~ as provided under s. 984.226 if conditions of eligibility are met.

Section 3. Present subsections (2) through (7) of section 984.225, Florida Statutes, are renumbered as subsections (3) through (8), respectively, and subsection (1) of that section is amended to read:

984.225 Powers of disposition; placement in a staff-secure shelter.—

(1) Subject to specific legislative appropriation, the court may order that a child adjudicated as a child in need of services be placed for up to 90 days in a staff-secure shelter if:

(a) The child's parent, guardian, or legal custodian refuses to provide food, clothing, shelter, and necessary parental support for the child and the refusal is a direct result of an established pattern of significant disruptive behavior of the child in the home of the parent, guardian, or legal custodian; ~~or~~

(b) The child refuses to remain under the reasonable care and custody of his or her parent, guardian, or legal custodian, as evidenced by repeatedly running away and failing to comply with a court order; or ~~from home. The court may not order that a child be placed in a staff-secure facility unless:~~

(c)~~1.~~ The child has failed to successfully complete an alternative treatment program or to comply with a court-ordered sanction~~;~~ and

~~2.~~ the child has been placed in a residential program on at least one prior occasion pursuant to a court order under this chapter.

(2) This section ~~subsection~~ applies after other alternative, less-restrictive remedies have been exhausted. The court may order that a child be placed in a staff-secure shelter. The department, or an authorized representative of the department, must verify to the court that a bed is available for the child. If the department or an authorized representative of the department verifies that a bed is not available, the ~~court shall stay the placement until a bed is available. The~~ department will place the child's name on a waiting list. The child who has been on the waiting list the longest will get the next available bed.

Section 4. Section 984.226, Florida Statutes, is amended to read:

984.226 ~~Pilot program for a~~ Physically secure setting ~~facility; contempt of court.—~~

(1) Subject to specific legislative appropriation, the Department of Juvenile Justice shall establish ~~a pilot program within a single judicial circuit for the purpose of operating one or more~~ physically secure settings ~~facilities~~ designated exclusively for the placement of children in need of services who meet the criteria provided in this section ~~are found in direct contempt or indirect contempt of a valid court order~~.

(2) When ~~If any party files~~ a petition is filed alleging that a child is a child in need of services ~~within such judicial circuit~~, the child must be represented by counsel at each court appearance unless the record in that proceeding affirmatively demonstrates by clear and convincing evidence that the child knowingly and intelligently waived the right to counsel after fully being advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under this section. If the court decides to appoint counsel for the child and if the child is indigent, the court shall appoint an attorney to represent the child as provided under s. 985.203. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.

(3)~~(2)~~ When ~~If~~ a child is adjudicated as a child in need of services by a court, the court may order the child to be placed in a physically secure setting authorized in this section if ~~is held in direct contempt or indirect contempt of a valid court order, as an alternative to placing the child in a staff-secure facility as provided under s. 984.225 or s. 985.216, the court may order that the child be placed within the circuit in a physically secure facility operated under the pilot program. A child may be committed to the facility only if the department, or an authorized representative of the department, verifies to the court that a bed is available for the child at the physically secure facility and~~ the child has:

(a) Failed to appear for placement in a staff-secure shelter under s. 984.225, or failed to comply with any other provision of a valid court order

relating to such placement and, as a result of such failure, has been found to be in direct or indirect contempt of court; or

(b)~~(a)~~ Run away from a staff-secure shelter following placement under s. 984.225 or s. 984.09. ~~s. 985.216; or~~

~~(b) Committed at least two prior acts of direct or indirect contempt.~~

The department or an authorized representative of the department must verify to the court that a bed is available for the child. If a bed is not available, the court must stay the placement until a bed is available, and the department must place the child's name on a waiting list. The child who has been on the waiting list the longest has first priority for placement in the physically secure setting.

(4)~~(3)~~ A child may be placed in a physically secure setting ~~facility~~ for up to 90 ~~5~~ days ~~for the first commitment and up to 15 days for a second or subsequent commitment~~. If a child has not been reunited with his or her parent, guardian, or legal custodian at the expiration of the placement in a physically secure setting, the court may order that the child remain in the physically secure setting for an additional 30 days if the court finds that reunification could be achieved within that period.

(5)(a) The court shall review the child's placement once every 45 days as provided in s. 984.20.

(b) At any time during the placement of a child in need of services in a physically secure setting, the department or an authorized representative of the department may submit to the court a report that recommends:

1. That the child has received all of the services available from the physically secure setting and is ready for reunification with a parent or guardian; or

2. That the child is unlikely to benefit from continued placement in the physically secure setting and is more likely to have his or her needs met in a different type of placement.

(c) The court shall determine if the parent, guardian, or custodian has reasonably participated in and has financially contributed to the child's counseling and treatment program.

(d) If the court finds an inadequate level of support or participation by the parent, guardian, or custodian before the end of the placement, the court shall direct that the child be handled as a dependent child, jurisdiction shall be transferred to the Department of Children and Family Services, and the child's care shall be governed by chapter 39.

(e) If the child requires residential mental health treatment or residential care for a developmental disability, the court shall refer the child to the Department of Children and Family Services for the provision of necessary services.

(6)~~(4)~~ Prior to being ordered ~~committed~~ to a physically secure setting ~~facility~~, the child must be afforded all rights of due process required under s. 985.216. While in the physically secure setting ~~facility~~, the child shall receive appropriate assessment, treatment, and educational services that are designed to eliminate or reduce the child's truant, ungovernable, or runaway behavior. The child and family shall be provided with family counseling and other support services necessary for reunification.

(7)~~(5)~~ The court shall order the parent, guardian, or legal custodian to cooperate with efforts to reunite the child with the family, participate in counseling, and pay all costs associated with the care and counseling provided to the child and family, in accordance with the family's ability to pay as determined by the court. Placement ~~Commitment~~ of a child under this section is designed to provide residential care on a temporary basis. Such placement ~~commitment~~ does not abrogate the legal responsibilities of the parent, guardian, or legal custodian with respect to the child, except to the extent that those responsibilities are temporarily altered by court order.

~~(6) The Juvenile Justice Accountability Board shall monitor the operation of the pilot program and issue a preliminary evaluation report to the Legislature by December 1, 1998. The Department of Juvenile Justice and the Juvenile Justice Accountability Board shall issue a joint final report to the Legislature, including any proposed legislation, by December 1, 1999.~~

Section 5. Paragraph (b) of subsection (4) of section 985.201, Florida Statutes, is amended to read:

985.201 Jurisdiction.—

(4)

(b)1. The court may retain jurisdiction over a child committed to the department for placement in a juvenile prison or in a high-risk or maximum-risk residential commitment program to allow the child to participate in a juvenile conditional release program pursuant to s. 985.316. In no case shall the jurisdiction of the court be retained beyond the child's 22nd birthday. However, if the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404.

2. The court may retain jurisdiction over a child committed to the department for placement in an intensive residential treatment program for 10-year-old to 13-year-old offenders, in the residential commitment program in a juvenile prison, in a residential sex offender program, or in a program for serious or habitual juvenile offenders as provided in s. 985.311 or s. 985.31 until the child reaches the age of 21. If the court exercises this jurisdiction retention, it shall do so solely for the purpose of the child completing the intensive residential treatment program for 10-year-old to 13-year-old offenders, in the residential commitment program in a juvenile prison, in a residential sex offender program, or the program for serious or habitual juvenile offenders. Such jurisdiction retention does not apply for other programs, other purposes, or new offenses.

Section 6. Paragraphs (c) and (d) of subsection (1) of section 985.207, Florida Statutes, are amended to read:

985.207 Taking a child into custody.—

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

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

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's community control, home detention, postcommitment community control, or aftercare supervision or has absconded from commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 7. Subsection (3) and paragraph (a) of subsection (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 within 24 hours after such release ~~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.

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

Section 8. Paragraph (b) of subsection (2) of section 985.213, Florida Statutes, is amended to read:

985.213 Use of detention.—

(2)(b)1. The risk assessment instrument for detention care placement determinations and orders shall be developed by the Department of Juvenile

Justice in agreement with representatives appointed by the following associations: the Conference of Circuit Judges of Florida, the Prosecuting Attorneys Association, ~~and~~ the Public Defenders Association, the Florida Sheriffs Association, and the Florida Association of Chiefs of Police. Each association shall appoint two individuals, one representing an urban area and one representing a rural area. The parties involved shall evaluate and revise the risk assessment instrument as is considered necessary using the method for revision as agreed by the parties. The risk assessment instrument shall take into consideration, but need not be limited to, prior history of failure to appear, prior offenses, offenses committed pending adjudication, any unlawful possession of a firearm, theft of a motor vehicle or possession of a stolen motor vehicle, and community control status at the time the child is taken into custody. The risk assessment instrument shall also take into consideration appropriate aggravating and mitigating circumstances, and shall be designed to target a narrower population of children than s. 985.215(2). The risk assessment instrument shall also include any information concerning the child's history of abuse and neglect. The risk assessment shall indicate whether detention care is warranted, and, if detention care is warranted, whether the child should be placed into secure, nonsecure, or home detention care.

2. If, at the detention hearing, the court finds a material error in the scoring of the risk assessment instrument, the court may amend the score to reflect factual accuracy.

3. A child who is charged with committing an offense of domestic violence as defined in s. 741.28(1) and who does not meet detention criteria may be held in secure detention if the court makes specific written findings that:

~~a. The offense of domestic violence which the child is charged with committing caused physical injury to the victim;~~

a.~~b.~~ Respite care for the child is not available; and

b.~~c.~~ It is necessary to place the child in secure detention in order to protect the victim from ~~further~~ injury.

The child may not be held in secure detention under this subparagraph for more than 48 hours unless ordered by the court. After 48 hours, the court shall hold a hearing if the state attorney or victim requests that secure detention be continued. The child may continue to be held in ~~secure~~ detention care if the court makes a specific, written finding that ~~secure~~ detention care is necessary to protect the victim from ~~further~~ injury. However, the child may not be held in ~~secure~~ detention care beyond the time limits set forth in s. 985.215.

4. For a child who is under the supervision of the department through community control, home detention, nonsecure detention, aftercare, postcommitment community control, or commitment and who is charged with committing a new offense, the risk assessment instrument may be completed and scored based on the underlying charge for which the child was placed under the supervision of the department and the new offense.

Section 9. Paragraphs (i) and (j) are added to subsection (2) of section 985.215, Florida Statutes, and subsection (5) and paragraphs (a) and (d) of subsection (10) of that section are amended, to read:

985.215 Detention.—

(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:

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

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) or paragraph (e), the court shall utilize the results of the risk assessment performed by the juvenile probation officer 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).

(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) The arresting law enforcement agency shall complete and present its investigation of an offense under this subsection to the appropriate state attorney's office within 8 days after placement of the child in secure detention. The investigation shall include, but is not limited to, police reports and supplemental police reports, witness statements, and evidence collection documents. The failure of a law enforcement agency to complete and present its investigation within 8 days shall not entitle a juvenile to be released from secure detention or to a dismissal of any charges.

(c)~~(b)~~ Except as provided in paragraph (f), a child may not be held in secure, nonsecure, or home detention care under a special detention order for more than 21 days unless an adjudicatory hearing for the case has been commenced in good faith by the court.

(d)~~(c)~~ Except as provided in paragraph (f), 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.

(e)~~(d)~~ The time limits in paragraphs (c) and (d) ~~(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.

(f) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

(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 committed to 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.~~

(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.

Section 10. 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 not to exceed ~~for~~ 5 days for a first offense and not to exceed ~~or~~ 15 days for a second or subsequent offense.

(b) A child in need of services who has been held in direct contempt or indirect contempt may be placed, not to exceed ~~for~~ 5 days for a first offense and not to exceed ~~or~~ 15 days for a second or subsequent offense, in a staff-secure shelter or a staff-secure residential facility solely for children in need of services if such placement is available, or, if such placement is not available, the child may be placed in an appropriate mental health facility or substance abuse facility for assessment. In addition to disposition under this paragraph, a child in need of services who is held in direct contempt or indirect contempt may be placed in a physically secure facility as provided under s. 984.226 if conditions of eligibility are met.

Section 11. Present subsections (4) through (11) of section 985.219, Florida Statutes, are renumbered as subsections (5) through (12), respectively, and a new subsection (4) is added to that section, to read:

985.219 Process and service.—

(4) Law enforcement agencies shall act upon subpoenas received and serve process within 7 days after arraignment or as soon thereafter as is possible, except that no service shall be made on Sundays.

Section 12. Paragraph (d) of subsection (1) of section 985.231, Florida Statutes, is amended to read:

985.231 Powers of disposition in delinquency cases.—

(1)

(d) Any commitment of a delinquent child to the Department of Juvenile Justice must be for an indeterminate period of time, which may include periods of temporary release, but the time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. Any temporary release for a period greater than 3 days must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. Notwithstanding s. 743.07 and this subsection, and except as provided in ss. ~~s.~~ 985.31 and 985.201, a child may not be held under a commitment from a court pursuant to this section after becoming 21 years of age. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

Section 13. Paragraph (c) of subsection (4) of section 985.233, Florida Statutes, is amended to read:

985.233 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(c) Imposition of adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable to a commitment program, community control program, or ~~for a~~ treatment program under the provisions of paragraph (b) ~~subparagraph (b)2.~~, the department shall provide the sentencing court with a written report outlining the basis for its objections to the juvenile sanction and shall simultaneously provide a copy of the report to the state attorney and the defense counsel. The department shall schedule a hearing within 30 days. Upon hearing, the court may revoke the previous adjudication, impose an adjudication of guilt, ~~classify the child as a youthful offender when appropriate,~~ and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department. The court may also classify the child as a youthful offender pursuant to s. 958.04, if appropriate. For purposes of this paragraph, a child may be found not suitable to a commitment program, community control program, or treatment program under the provisions of paragraph (b) if the child commits a new violation of law while under juvenile sanctions, if the child commits any other violation of the conditions of juvenile sanctions, or if the child's actions are otherwise determined by the court to demonstrate a failure of juvenile sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this

subsection is subject to the right of the child to appellate review under s. 985.234.

Section 14. Juvenile Arrest and Monitor Unit pilot program; creation; operation; duties of Orange County Sheriff's Office and Department of Juvenile Justice.—

(1) The Legislature authorizes the creation, in Orange County, Florida, of a pilot program that shall be known as the Juvenile Arrest and Monitor Unit and shall continue in existence through September 30, 2003.

(2) Under the pilot program created in subsection (1), the Orange County Sheriff's Office shall monitor selected juvenile offenders on community control in Orange County. The Department of Juvenile Justice shall recommend juvenile offenders on community control, post-commitment community control, and aftercare to be supervised under this program. The Orange County Sheriff's Office has the sole right and authority to accept or reject any or all juvenile offenders who have been recommended by the Department of Juvenile Justice to the Juvenile Arrest and Monitor Unit. The sheriff's office shall determine the number of juvenile offenders it will supervise. The Department of Juvenile Justice shall monthly recommend juvenile offenders to the sheriff's office, to ensure that the program operates at maximum capacity as determined by the sheriff's office. The Juvenile Arrest and Monitor Unit shall supervise up to 25 juveniles per deputy assigned to the unit. The Juvenile Arrest and Monitor Unit will accept juvenile offenders who have been determined by the Department of Juvenile Justice to be on community control, post-commitment community control, and aftercare. The Orange County Sheriff's Office shall use all statutorily available means, ranging from a verbal warning to arrest and incarceration, to effect offenders' compliance with the terms of community control.

(3) The Department of Juvenile Justice shall maintain all files and paperwork relating to all juveniles on community control, post-commitment community control, and aftercare who are supervised under this pilot program as required by the Florida Statutes.

(4) The Orange County Sheriff's Office shall conduct a study to determine the effectiveness and results of the Juvenile Arrest and Monitor Unit. The sheriff's office shall use a portion of the funds appropriated by the Legislature for this pilot program to contract with the University of Central Florida to conduct this study of the Juvenile Arrest and Monitor Unit.

Section 15. This act shall take effect upon becoming a law.

Approved by the Governor May 17, 2000.

Filed in Office Secretary of State May 17, 2000.