CHAPTER 2006-120

Committee Substitute for Senate Bill No. 1748

An act relating to juvenile justice; reorganizing ch. 985, F.S.; providing new section numbers and part titles; amending s. 985.01, F.S., relating to purposes and intent for the chapter; amending s. 985.02, F.S., relating to the legislative intent for the juvenile justice system; revising a reference and cross-references to conform; amending s. 985.03, F.S., relating to definitions for the chapter; amending, renumbering, and revising references and cross-references to conform; creating s. 985.0301, F.S., relating to the jurisdiction of the juvenile court; amending and renumbering s. 985.201, F.S.; amending and renumbering a provision of s. 985.219, F.S., that relates to such jurisdiction; revising references and cross-references to conform; creating s. 985.032, F.S., relating to legal representation for delinquency cases; renumbering s. 985.202, F.S.; creating s. 985.033, F.S., relating to the right to counsel; amending and renumbering s. 985.203, F.S.; revising references to conform; creating s. 985.035, F.S., relating to open hearings; renumbering s. 985.205, F.S.; creating s. 985.036, F.S., relating to the rights of victims in juvenile proceedings; amending and renumbering s. 985.206, F.S.; providing for the release of certain information to victims; creating s. 985.037, F.S., relating to punishment for contempt of court and alternative sanctions; amending and renumbering s. 985.216, F.S.; revising provisions relating to contempt of court; creating s. 985.039, F.S., relating to cost of supervision and care; amending and renumbering s. 985.2311, F.S.; amending and renumbering s. 985.04, F.S.; clarifying a provision relating to the release of certain information; revising references and cross-references to conform; creating s. 985.045, F.S., relating to court records; amending and renumbering s. 985.05, F.S.; revising references and cross-references to conform; creating s. 985.046, F.S., relating to the statewide information-sharing system and interagency workgroup; renumbering s. 985.06, F.S.; creating s. 985.047, F.S., relating to information systems; renumbering s. 985.08, F.S.; creating s. 985.101, F.S., relating to taking a child into custody; amending and renumbering s. 985.207, F.S.; creating s. 985.105, F.S., relating to intake and case management; renumbering a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross-references to conform; creating s. 985.105, F.S., relating to youth custody officers; amending and renumbering s. 985.2075, F.S.; creating s. 985.11, F.S., relating to fingerprinting and photographing; amending and renumbering s. 985.212, F.S.; revising a cross-reference to conform; creating s. 985.115, F.S., relating to release or delivery from custody; amending and renumbering provisions of s. 985.211, F.S., that relate to such release or delivery; revising cross-references to conform; creating s. 985.12, F.S., relating to civil citations; amending and renumbering s. 985.301, F.S.; revising a cross-reference to conform; creating s. 985.125, F.S., relating to prearrest or postarrest diversion programs; renumbering s. 985.3065, F.S.;

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creating s. 985.13, F.S., relating to probable cause affidavits; amending and renumbering provisions of s. 985.211, F.S., that relate to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross-references to conform; creating s. 985.135, F.S., relating to juvenile assessment centers; amending and renumbering s. 985.209, F.S.; creating s. 985.14, F.S., relating to the intake and case management system; amending, renumbering, and redesignating provisions of s. 985.21, F.S., that relate to intake and case management; revising cross-references to conform; creating s. 985.145, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., that relate to such responsibilities, screenings, and assessments; revising cross-references to conform; creating s. 985.15, F.S., relating to filing decisions in juvenile cases; revising cross-references to conform; creating s. 985.155, F.S., relating to neighborhood restorative justice; renumbering s. 985.303, F.S.; creating s. 985.16, F.S., relating to community arbitration; amending and renumbering s. 985.304; F.S.; revising a reference to conform; creating s. 985.18, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; renumbering s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., that relates to comprehensive evaluations of certain youth; creating s. 985.185, F.S., relating to evaluations for dispositions; amending and renumbering provisions of s. 985.229, F.S., that relate to such evaluations; creating s. 985.19, F.S., relating to incompetency in juvenile delinquency cases; renumbering s. 985.223, F.S.; creating s. 985.195, F.S., relating to transfer to other treatment services; renumbering s. 985.418, F.S.; creating s. 985.24, F.S., relating to the use of detention and to prohibitions on the use of detention; renumbering provisions of s. 985.213, F.S., that relate to the use of detention; renumbering s. 985.214, F.S.; creating s. 985.245, F.S., relating to the risk assessment instrument; amending and renumbering a provision of s. 985.213, F.S., that relates to such instrument; revising cross-references to conform; creating s. 985.25, F.S., relating to detention intake; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to detention intake; revising cross-references to conform; creating s. 985.255, F.S., relating to detention criteria and detention hearings; amending and renumbering a provision of s. 985.215, F.S., that relates to such criteria and hearings; revising cross-references to conform; creating s. 985.26, F.S., relating to length of detention; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to length of detention; revising cross-references to conform; creating s. 985.265, F.S., relating to detention transfer and release, education of juvenile offenders while in detention or on detention status, and holding of juvenile offenders in adult jails; amending and renumbering provisions of s. 985.215, F.S., that relate to transfer, release, and holding juvenile offenders in adult jails; renumbering a provision of s. 985.213, F.S., that relates to education of juvenile offenders while in detention or on detention status; revising references and cross-references to conform; creating s. 985.27, F.S., relating to postcommitment detention

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of juvenile offenders while such offenders are awaiting residential placement; amending and redesignating provisions of s. 985.215, F.S., that relate to such detention; limiting the use of such detention; revising references to "detention" to clarify that such term means "secure detention" in certain circumstances; creating s. 985.275, F.S., relating to the detention of an escapee; amending and renumbering s. 985.208, F.S.; revising a cross-reference to conform; creating s. 985.318, F.S., relating to petitions; renumbering s. 985.218, F.S.; creating s. 985.319, F.S., relating to process and service; renumbering provisions of s. 985.219, F.S., that relate to process and service; creating s. 985.325, relating to prohibitions against threatening or dismissing employees; amending and renumbering s. 985.22, F.S.; revising cross-references to conform; creating s. 985.331, F.S., relating to court and witness fees; renumbering s. 985.221, F.S.; creating s. 985.335, F.S., relating to answering a petition; renumbering s. 985.222, F.S.; creating s. 985.345, F.S., relating to delinquency pretrial intervention programs; renumbering s. 985.306, F.S.; creating s. 985.35, F.S., relating to adjudicatory hearings, withholding of adjudication, and orders of adjudication; amending and renumbering s. 985.228, F.S.; repealing a provision prohibiting a person from possessing a firearm in certain circumstances; revising a reference and cross-references to conform; creating s. 985.43, F.S., relating to predisposition reports and other evaluations; amending and renumbering provisions of s. 985.229, F.S., that relate to such reports and evaluations; revising cross-references to conform; creating s. 985.433, F.S., relating to disposition hearings in delinquency cases; amending and renumbering s. 985.23, F.S.; clarifying who is considered a party to a juvenile case; specifying who must be given an opportunity to comment on the issue of disposition; revising cross-references to conform; amending a provision of s. 985.231, F.S., relating to requirement of written disposition orders; creating s. 985.435, F.S., relating to probation, postcommitment probation, and community service; amending and redesignating a provision of s. 985.231, F.S., relating to probation, postcommitment probation, and community control; creating s. 985.437, F.S., relating to restitution; revising a reference and cross-reference to conform; creating s. 985.439, F.S., relating to violations of probation or postcommitment probation; revising cross-references to conform; creating s. 985.441, F.S., relating to commitment; providing a requirement for commitment of a child as a juvenile sexual offender; revising cross-references to conform; creating s. 985.442, F.S., relating to the form of commitment; renumbering s. 985.232, F.S.; creating s. 985.445, F.S., relating to disposition of delinquency cases involving grand theft of a motor vehicle; amending and redesignating a provision of s. 985.231, F.S., that relates to disposition in such cases; creating s. 985.45, F.S., relating to liability and remuneration for work; amending and redesignating a provision of s. 985.231, F.S., that relates to liability and remuneration; creating s. 985.455, F.S., relating to other dispositional issues; amending and redesignating provisions of s. 985.231, F.S., that relate to determination of sanctions, rehabilitation programs, and certain contact with the victim

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subsequent to disposition; redesignating provisions of s. 985.231, F.S., that specify the duration of commitment and suspension of disposition; revising a cross-reference to conform; creating s. 985.46, F.S., relating to conditional release; amending and renumbering s. 985.316, F.S.; revising a cross-reference to conform; creating s. 985.465, F.S., relating to juvenile correctional facilities and juvenile prisons; amending and renumbering s. 985.313, F.S.; creating s. 985.47, F.S., relating to serious and habitual juvenile offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.31, F.S.; revising a reference and cross-references to conform; creating s. 985.475, F.S., relating to juvenile sexual offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; revising a cross-reference to conform; amending and renumbering a provision of s. 985.231, F.S., that relates to such offenders; revising cross-references to conform; creating s. 985.48, F.S., relating to juvenile sexual offender commitment programs and sexual abuse intervention networks; renumbering s. 985.308, F.S.; creating s. 985.483, F.S., relating to intensive residential treatment programs for juvenile offenders less than 13 years of age; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.311, F.S.; revising cross-references to conform; creating s. 985.486, F.S, relating to the prerequisites for commitment of juvenile offenders less than 13 years of age to intensive residential treatment programs; amending and renumbering s. 985.312, F.S.; revising cross-references to conform; creating s. 985.489, F.S., relating to boot camp for children; amending and renumbering s. 985.309, F.S.; revising cross-references to conform; creating s. 985.494, F.S., relating to commitment programs for juvenile felony offenders; amending and renumbering s. 985.314, F.S.; revising cross-references to conform; creating s. 985.511, F.S., relating to the child's right to counsel and the cost of representation; creating s. 985.512, F.S., relating to the powers of the court with respect to certain children; renumbering s. 985.204, F.S.; creating s. 985.513, F.S., relating to the powers of the court over parents or guardians at disposition of the child's case; amending and redesignating provisions of s. 985.231, F.S., that relate to such powers; revising cross-references to conform; creating s. 985.514, F.S., relating to the responsibilities of the parents or guardians of a child for certain fees related to the cost of care; revising a cross-reference to conform; creating s. 985.534, F.S., relating to appeals in juvenile cases; renumbering s. 985.234, F.S.; creating s. 985.535, F.S., relating to time for taking appeal by the state; renumbering s. 985.235, F.S.; creating s. 985.536, F.S., relating to orders or decisions when the state appeals; renumbering s. 985.236, F.S.; creating s. 985.556, F.S., relating to voluntary and involuntary waivers of juvenile court jurisdiction and hearings for such waivers; amending and renumbering s. 985.226, F.S.; revising cross-references to conform; creating s. 985.557, F.S., relating to discretionary and mandatory criteria for the direct filing of an information against a juvenile offender in the criminal division of the circuit court; amending and renumbering s.

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985.227, F.S.; revising cross-references to conform; creating s. 985.56, F.S., relating to indictment of juvenile offenders; amending and renumbering s. 985.225, F.S.; revising a reference and cross-references to conform; creating s. 985.565, F.S., relating to powers, procedures, and alternatives available to the court when sentencing juvenile offenders prosecuted as adults; amending, renumbering, and redesignating provisions of s. 985.233, F.S., that relate to such powers, procedures, and alternatives; revising cross-references to conform; creating s. 985.57, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 985.417; creating s. 985.601, F.S., relating to administering the juvenile justice continuum; renumbering provisions of s. 985.404, F.S., that relate to such administration; amending and renumbering s. 985.4043, F.S.; creating s. 985.6015, F.S., relating to the Shared County/State Juvenile Detention Trust Fund; creating s. 985.605, F.S., relating to requirements for prevention service programs; amending and renumbering s. 985.3045, F.S.; revising cross-references to conform; creating s. 985.606, F.S., relating to requirements for agencies and entities providing prevention services; amending and renumbering s. 985.3046, F.S.; revising a cross-reference to conform; creating s. 985.61, F.S., relating to criteria for early delinquency intervention programs; renumbering s. 985.305, F.S.; creating s. 985.614, F.S., relating to interagency cooperation for children who are locked out of their homes; amending and renumbering s. 985.2066, F.S.; creating s. 985.618, F.S., relating to educational and career-related programs; amending and renumbering s. 985.315, F.S.; revising a cross-reference to conform; creating s. 985.622, F.S., relating to a multiagency plan for vocational education; renumbering s. 985.3155, F.S.; creating s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending and renumbering s. 985.317, F.S.; revising a cross-reference to conform; creating s. 985.629, F.S., relating to contracts for the transfer of Florida children in federal custody; renumbering s. 985.419, F.S.; creating s. 985.632, F.S., relating to quality assurance and cost-effectiveness; renumbering s. 985.412, F.S.; creating s. 985.636, F.S., relating to the Office of the Inspector General within the Department of Juvenile Justice; renumbering s. 985.42, F.S.; creating s. 985.64, F.S., relating to the authority of the Department of Juvenile Justice to adopt rules; amending and renumbering s. 985.405, F.S.; creating s. 985.644, F.S., relating to the contracting powers and the personnel standards and screening requirements of the Department of Juvenile Justice; renumbering a provision of s. 985.01, F.S., that relates to such powers; renumbering s. 985.407, F.S.; creating s. 985.648, F.S., relating to consultants; renumbering s. 985.408, F.S.; creating s. 985.652, F.S., relating to participation of certain juvenile programs in the State Risk Management Trust Fund; renumbering s. 985.409, F.S.; creating s. 985.66, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Trust Fund; amending and renumbering s. 985.406, F.S.; revising a cross-reference to conform; creating s. 985.664, F.S., relating to juvenile justice circuit boards

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and juvenile justice county councils; amending and renumbering s. 985.4135, F.S.; revising a cross-reference to conform; creating s. 985.668, F.S., relating to innovation zones; renumbering s. 985.416, F.S.; creating s. 985.672, F.S., relating to direct-support organizations; renumbering s. 985.4145, F.S.; creating s. 985.676, F.S., relating to community juvenile justice partnership grants; amending and renumbering s. 985.415, F.S.; revising cross-references to conform; creating s. 985.682, F.S., relating to studies and criteria for siting juvenile facilities; amending and renumbering s. 985.41, F.S.; creating s. 985.686, F.S., relating to shared county and state responsibility for juvenile detention; renumbering s. 985.2155, F.S.; creating s. 985.688, F.S., relating to administering county and municipal delinquency programs and facilities; amending and renumbering s. 985.411, F.S.; revising a cross-reference to conform; creating s. 985.69, F.S., relating to one-time startup funding for juvenile justice purposes; renumbering s. 985.4075, F.S.; creating s. 985.692, F.S., relating to the Juvenile Welfare Trust Fund; renumbering s. 985.4041, F.S.; creating s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; renumbering s. 985.4042, F.S.; creating s. 985.701, F.S., relating to prohibiting sexual misconduct, reporting requirements, and penalties; renumbering s. 985.4045, F.S.; creating s. 985.711, F.S., relating to penalties for the introduction, removal, or possession of certain articles; renumbering s. 985.4046, F.S.; creating s. 985.721, F.S., relating to escapes from secure detention or residential commitment facilities; amending and renumbering s. 985.3141, F.S.; revising a cross-reference to conform; creating s. 985.731, F.S., relating to sheltering or aiding unmarried minors; renumbering s. 985.2065, F.S.; creating s. 985.801, F.S., relating to legislative findings, policy, and implementation of the Interstate Compact on Juveniles; renumbering s. 985.501, F.S.; creating s. 985.802, F.S., relating to execution of the interstate compact; renumbering s. 985.502, F.S.; creating s. 985.803, F.S., relating to the administrator of the juvenile compact; renumbering s. 985.503, F.S.; creating s. 985.804, F.S., relating to supplementary agreements to the compact; renumbering s. 985.504, F.S.; creating s. 985.805, F.S., relating to financial arrangements related to the compact; renumbering s. 985.505, F.S.; creating s. 985.806, F.S., relating to the responsibilities of state departments, agencies, and officers; renumbering s. 985.506, F.S.; creating s. 985.807, F.S., relating to procedures in addition to those provided under the compact; renumbering s. 985.507, F.S.; creating s. 985.8025, F.S., relating to the State Council for Interstate Juvenile Offender Supervision; renumbering s. 985.5023, F.S.; repealing ss. 985.215(6), 985.231(1)(b), (c), (f), and (i), and (2) and 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025, 318.21, 397.334, 400.953, 419.001, 435.04, 790.115, 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming cross-references; providing an effective date.

WHEREAS, the Legislature recognizes that chapter 985, Florida Statutes, entitled "DELINQUENCY; INTERSTATE COMPACT ON JUVENILES,"

which sets forth the policies and procedures applicable to Florida's juvenile justice system, has become disjointed and unorganized due to numerous amendments since its original enactment and that, as a result, it is difficult for judges, attorneys, affected parties, and the public to use the chapter in practice, and

WHEREAS, the Legislature recognizes that chapter 985, Florida Statutes, would be better organized and easier to use if it provided a chronological presentation of delinquency proceedings from the introduction of the child into the juvenile justice system to the child's case outcome and if each section of the chapter was topically organized to contain all related policies and procedures, and

WHEREAS, the Legislature intends for the following legislation to strictly effect a technical reorganization of chapter 985, Florida Statutes, without any substantive change to its contents, for the purpose of simplifying the chapter's presentation and providing greater clarity for its users, NOW, THEREFORE,

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

Section 1. The provisions of chapter 985, Florida Statutes, are substantially reorganized and renumbered or redesignated as follows:

(1) Chapter 985, Florida Statutes, is retitled "JUVENILE JUSTICE; INTERSTATE COMPACT ON JUVENILES."

(2) Part I of chapter 985, Florida Statutes, consisting of ss. 985.01, 985.02, 985.03, 985.0301, 985.032, 985.033, 985.035, 985.036, 985.037, and 985.039, Florida Statutes, is titled "GENERAL PROVISIONS."

(3) Part II of chapter 985, Florida Statutes, consisting of ss. 985.04, 985.045, 985.046, and 985.047, Florida Statutes, is retitled "RECORDS AND INFORMATION."

(4) Part III of chapter 985, Florida Statutes, consisting of ss. 985.101, 985.105, 985.11, 985.115, 985.12, 985.125, 985.13, 985.135, 985.14, 985.145, 985.15, 985.155, and 985.16, Florida Statutes, is retitled "CUSTODY AND INTAKE; INTERVENTION AND DIVERSION."

(5) Part IV of chapter 985, Florida Statutes, consisting of ss. 985.18, 985.185, 985.19, and 985.195, Florida Statutes, is retitled "EXAMINATIONS AND EVALUATIONS."

(6) Part V of chapter 985, Florida Statutes, consisting of ss. 985.24, 985.245, 985.25, 985.255, 985.26, 985.265, 985.27, and 985.275, Florida Statutes, is retitled "DETENTION."

(7) Part VI of chapter 985, Florida Statutes, consisting of ss. 985.318, 985.319, 985.325, 985.331, 985.335, 985.345, and 985.35, Florida Statutes, is created and entitled "PETITION, ARRAIGNMENT, AND ADJUDICATION."

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(8) Part VII of chapter 985, Florida Statutes, consisting of ss. 985.43, 985.433, 985.435, 985.437, 985.439, 985.441, 985.442, 985.445, 985.45, 985.455, 985.46, 985.465, 985.47, 985.475, 985.48, 985.483, 985.486, 985.489, and 985.494, Florida Statutes, is created and entitled "DISPOSITION; POSTDISPOSITION."

(9) Part VIII of chapter 985, Florida Statutes, consisting of ss. 985.511, 985.512, 985.513, and 985.514, Florida Statutes, is created and entitled "AUTHORITY OF THE COURT OVER PARENTS OR GUARDIANS."

(10) Part IX of chapter 985, Florida Statutes, consisting of ss. 985.534, 985.535, and 985.536, Florida Statutes, is created and entitled "APPEAL."

(11) Part X of chapter 985, Florida Statutes, consisting of ss. 985.556, 985.557, 985.56, 985.565, and 985.57, Florida Statutes, is created and entitled "TRANSFER TO ADULT COURT."

(12) Part XI of chapter 985, Florida Statutes, consisting of ss. 985.601, 985.6015, 985.605, 985.606, 985.61, 985.614, 985.618, 985.622, 985.625, 985.629, 985.632, 985.636, 985.64, 985.644, 985.648, 985.652, 985.66, 985.664, 985.668, 985.672, 985.676, 985.682, 985.686, 985.688, 985.69, 985.692, and 985.694, Florida Statutes, is created and entitled "DEPARTMENT OF JUVENILE JUSTICE."

(13) Part XII of chapter 985, Florida Statutes, consisting of ss. 985.701, 985.711, 985.721, and 985.731, Florida Statutes, is created and entitled "MISCELLANEOUS OFFENSES."

(14) Part XIII of chapter 985, Florida Statutes, consisting of ss. 985.801, 985.802, 985.8025, 985.803, 985.804, 985.805, 985.806, and 985.807, Florida Statutes, is created and entitled "INTERSTATE COMPACT ON JUVENILES."

Section 2. Paragraph (f) of subsection (1) and subsection (3) of section 985.01, Florida Statutes, are amended to read:

985.01 Purposes and intent~~; personnel standards and screening~~.—

(1) The purposes of this chapter are:

(f) To provide children committed to the department ~~of Juvenile Justice~~ with training in life skills, including career education.

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

Section 3. Paragraph (a) of subsection (4) of section 985.02, Florida Statutes, is amended to read:

985.02 Legislative intent for the juvenile justice system.—

(4) DETENTION.—

(a) The Legislature finds that there is a need for a secure placement for certain children alleged to have committed a delinquent act. The Legislature

finds that detention ~~under part II~~ should be used only when less restrictive interim placement alternatives prior to adjudication and disposition are not appropriate. The Legislature further finds that decisions to detain should be based in part on a prudent assessment of risk and be limited to situations where there is clear and convincing evidence that a child presents a risk of failing to appear or presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior; presents a history of committing a serious property offense prior to adjudication, disposition, or placement; has acted in direct or indirect contempt of court; or requests protection from imminent bodily harm.

Section 4. Subsections (1) through (6), (8) through (31), (33) through (48), and (50) through (60) of section 985.03, Florida Statutes, are renumbered, respectively, as subsections (1) through (6), (7) through (30), (31) through (46), and (47) through (57), and subsections (2), (9), (16), (21), (22), (46), and (60) of that section are amended, to read:

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

(2) "Adjudicatory hearing" means a hearing for the court to determine whether or not the facts support the allegations stated in the petition, as is provided for under s. 985.35 ~~985.228~~ in delinquency cases.

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

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

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

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

(20)~~(21)~~ "Detention hearing" means a hearing for the court to determine if a child should be placed in temporary custody, as provided for under part V ~~ss. 985.213 and 985.215~~ in delinquency cases.

(21)~~(22)~~ "Disposition hearing" means a hearing in which the court determines the most appropriate dispositional services in the least restrictive

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available setting provided for under part VII ~~s. 985.231~~, in delinquency cases.

(44)~~(46)~~ "Restrictiveness level" means the level of programming and security provided by programs that service the supervision, custody, care, and treatment needs of committed children. Sections 985.721 ~~985.3141~~ and 985.601(10) ~~985.404(11)~~ apply to children placed in programs at any residential commitment level. The restrictiveness levels of commitment are as follows:

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

(b) Low-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have unsupervised access to the community. Youth assessed and classified for placement in programs at this commitment level represent a low risk to themselves and public safety but do require placement and services in residential settings. Children who have been found to have committed delinquent acts that involve firearms, delinquent acts that are sexual offenses, or delinquent acts that would be life felonies or first degree felonies if committed by an adult shall not be committed to a program at this level.

(c) Moderate-risk residential.—Programs or program models at this commitment level are residential but may allow youth to have supervised access to the community. Facilities are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for placement in programs at this commitment level represent a moderate risk to public safety and require close supervision. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary.

(d) High-risk residential.—Programs or program models at this commitment level are residential and do not allow youth to have access to the community except that, temporary release providing community access for up to 72 continuous hours may be approved by a court for a youth who has made successful progress in his or her program in order for the youth to attend a family emergency or, during the final 60 days of his or her placement, to visit his or her home, enroll in school or a vocational program, complete a job interview, or participate in a community service project. High-risk residential facilities are hardware-secure with perimeter fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this

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level of placement require close supervision in a structured residential setting. Placement in programs at this level is prompted by a concern for public safety that outweighs placement in programs at lower commitment levels. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility may provide for single cell occupancy.

(e) Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs are long-term residential and do not allow youth to have access to the community. Facilities are maximum-custody hardware-secure with perimeter security fencing and locking doors. Facilities shall provide 24-hour awake supervision, custody, care, and treatment of residents. The staff at a facility at this commitment level may seclude a child who is a physical threat to himself or herself or others. Mechanical restraint may also be used when necessary. The facility shall provide for single cell occupancy, except that youth may be housed together during prerelease transition. Youth assessed and classified for this level of placement require close supervision in a maximum security residential setting. Placement in a program at this level is prompted by a demonstrated need to protect the public.

(57)~~(60)~~ "Waiver hearing" means a hearing provided for under s. 985.556(4) ~~985.226(3)~~.

Section 5. Section 985.201, Florida Statutes, is amended and renumbered as section 985.0301, Florida Statutes, and subsection (8) of section 985.219, Florida Statutes, is amended and renumbered as subsection (2) of section 985.0301, Florida Statutes, to read:

985.0301 ~~985.201~~ Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed a delinquent act or violation of law.

(2)~~(8)~~ The jurisdiction of the court shall attach to the child and the case when the summons is served upon the child and a parent or legal or actual custodian or guardian of the child, or when the child is taken into custody with or without service of summons and before or after the filing of a petition, whichever first occurs, and thereafter the court may control the child and the case in accordance with this chapter ~~part~~.

(3)~~(2)~~ During the prosecution of any violation of law against any person who has been presumed to be an adult, if it is shown that the person was a child at the time the offense was committed and that the person does not meet the criteria for prosecution and sentencing as an adult, the court shall immediately transfer the case, together with the physical custody of the person and all physical evidence, papers, documents, and testimony, original and duplicate, connected therewith, to the appropriate court for proceedings under this chapter. The circuit court is exclusively authorized to assume jurisdiction over any juvenile offender who is arrested and charged with violating a federal law or a law of the District of Columbia, who is found

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or is living or domiciled in a county in which the circuit court is established, and who is surrendered to the circuit court as provided in 18 U.S.C. s. 5001.

(4)~~(3)~~(a) Petitions alleging delinquency ~~filed under this part~~ shall be filed in the county where the delinquent act or violation of law occurred, but the circuit court for that county may transfer the case to the circuit court of the circuit in which the child resides or will reside at the time of detention or placement for dispositional purposes. A child who has been detained shall be transferred to the appropriate detention center or facility or other placement directed by the receiving court.

(b) The jurisdiction to be exercised by the court when a child is taken into custody before the filing of a petition under subsection (2) ~~s. 985.219(8)~~ shall be exercised by the circuit court for the county in which the child is taken into custody, which court shall have personal jurisdiction of the child and the child's parent or legal guardian. Upon the filing of a petition in the appropriate circuit court, the court that is exercising initial jurisdiction of the person of the child shall, if the child has been detained, immediately order the child to be transferred to the detention center or facility or other placement as ordered by the court having subject matter jurisdiction of the case.

(5)~~(4)~~(a) Notwithstanding ss. 743.07, 985.43 ~~985.229~~, 985.433 ~~985.23~~, 985.435, 985.439, and 985.441 ~~985.231~~, and except as provided in ss. 985.465 and 985.47 ~~985.31~~ and paragraph (f) ~~985.313~~, when the jurisdiction of any child who is alleged to have committed a delinquent act or violation of law is obtained, the court shall retain jurisdiction, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child that the court had prior to the child becoming an adult.

(b) Notwithstanding ss. 743.07 and 985.455(3), and except as provided in s. 985.47, the term of any order placing a child in a probation 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 his or her own motion.

(c) Notwithstanding ss. 743.07 and 985.455(3), and except as provided in s. 985.47, 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 years. Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441, 985.445, 985.455, and 985.513 and except as provided in this section and s. 985.47, a child may not be held under a commitment from a court under s. 985.439, s. 985.441(1)(a) or (b), s. 985.445, or s. 985.455 after becoming 21 years of age.

(d)~~(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. 985.46 ~~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. 985.441(3) ~~985.404~~.

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(e)~~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. 985.47 ~~985.311~~ or s. 985.483 ~~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.

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

(g)1. Notwithstanding ss. 743.07 and 985.455(3), a serious or habitual juvenile offender shall not be held under commitment from a court under s. 985.47, s. 985.441(1)(c), or s. 985.565 after becoming 21 years of age. This subparagraph shall apply only for the purpose of completing the serious or habitual juvenile offender program under this chapter and shall be used solely for the purpose of treatment.

2. The court may retain jurisdiction over a child who has been placed in a program or facility for serious or habitual juvenile offenders until the child reaches the age of 21, specifically for the purpose of the child completing the program.

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

(i)~~(e)~~ The court may retain jurisdiction over a child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied. To retain jurisdiction, the court shall enter a restitution order, which is separate from any disposition or order of commitment, on or prior to the date that the court's jurisdiction would cease under this section. The contents of the restitution order shall be limited to the child's name and address, the name and address of the parent or legal guardian, the name and address of the payee, the case number, the date and amount of restitution ordered, any amount of restitution paid, the amount of restitution due and owing, and a notation that costs, interest, penalties, and attorney's fees may also be due and owing. The terms of the restitution order are subject to ~~the provisions of~~ s. 775.089(5).

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

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(6) The court may at any time enter an order ending its jurisdiction over any child.

Section 6. Section 985.202, Florida Statutes, is renumbered as section 985.032, Florida Statutes.

Section 7. Section 985.203, Florida Statutes, is renumbered as section 985.033, Florida Statutes, subsections (2) through (4) are redesignated subsections (3) through (5), subsection (1) of that section is amended, and a new subsection (2) is added to read:

985.033 ~~985.203~~ Right to counsel.—

(1) A child is entitled to representation by legal counsel at all stages of any delinquency court proceedings under this chapter ~~part~~. If the child and the parents or other legal guardian are indigent and unable to employ counsel for the child, the court shall appoint counsel under ~~pursuant to~~ s. 27.52. Determination of indigence and costs of representation shall be as provided by ss. 27.52 and 938.29. Legal counsel representing a child who exercises the right to counsel shall be allowed to provide advice and counsel to the child at any time subsequent to the child's arrest, including prior to a detention hearing while in secure detention care. A child shall be represented by legal counsel at all stages of all court proceedings unless the right to counsel is freely, knowingly, and intelligently waived by the child. If the child appears without counsel, the court shall advise the child of his or her rights with respect to representation of court-appointed counsel.

(2) This section does not apply to transfer proceedings under s. 985.441(3), unless the court sets a hearing to review the transfer.

Section 8. Section 985.205, Florida Statutes, is renumbered as section 985.035, Florida Statutes.

Section 9. Section 985.206, Florida Statutes, is renumbered as section 985.036, Florida Statutes, and amended to read:

985.036 ~~985.206~~ Rights of victims; juvenile proceedings.—

(1) Nothing in this chapter prohibits:

(a)~~(1)~~ The victim of the offense;

(b)~~(2)~~ The victim's parent or guardian if the victim is a minor;

(c)~~(3)~~ The lawful representative of the victim or of the victim's parent or guardian if the victim is a minor; or

(d)~~(4)~~ The next of kin if the victim is a homicide victim,

from the right to be informed of, to be present during, and to be heard when relevant at, all crucial stages of the proceedings involving the juvenile offender, to the extent that such rights do not interfere with the constitutional rights of the juvenile offender. A person enumerated in this section may not reveal to any outside party any confidential information obtained under

~~pursuant to~~ this subsection ~~paragraph~~ regarding a case involving a juvenile offense, except as is reasonably necessary to pursue legal remedies.

(2) A law enforcement agency may release a copy of the juvenile offense report to the victim of the offense. However, information gained by the victim under this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

Section 10. Section 985.216, Florida Statutes, is renumbered as section 985.037, Florida Statutes, and subsection (2) and paragraphs (b) and (d) of subsection (4) of that section are amended to read:

985.037 ~~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 5 days for a first offense and not to exceed 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 5 days for a first offense and not to exceed 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.~~

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

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

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

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

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, under ~~pursuant to~~ s. 985.033 ~~985.203~~.

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4. Right to confront witnesses.

5. Right to present witnesses.

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

7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

(d) In addition to any other sanction imposed under this section, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license or driving privilege. The court may order that a child's driver's license or driving privilege be withheld or suspended for up to 1 year for a first offense of contempt and up to 2 years for a second or subsequent offense. If the child's driver's license or driving privilege is suspended or revoked for any reason at the time the sanction for contempt is imposed, the court shall extend the period of suspension or revocation by the additional period ordered under this paragraph. If the child's driver's license is being withheld at the time the sanction for contempt is imposed, the period of suspension or revocation ordered under this paragraph shall begin on the date on which the child is otherwise eligible to drive. ~~For a child in need of services whose driver's license or driving privilege is suspended under this paragraph, the court may direct the Department of Highway Safety and Motor Vehicles to issue the child a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271, or for the purpose of completing court-ordered community service, if the child is otherwise qualified for a license. However, the department may not issue a restricted license unless specifically ordered to do so by the court.~~

Section 11. Section 985.2311, Florida Statutes, is renumbered as section 985.039, Florida Statutes, and paragraph (b) of subsection (1) and subsection (10) of that section are amended to read:

985.039 ~~985.2311~~ Cost of supervision; cost of care.—

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

(b) When any child is placed into secure detention or placed on committed status and the temporary legal custody of such child is placed with the department ~~of Juvenile Justice~~, the court shall order the parent of such child to pay to the department a fee for the cost of the care of such child in the amount of $5 per day for each day that the child is in the temporary legal custody of the department.

(10) The department or the collection agency shall provide to the payor documentation of the payment of any fee paid pursuant to this section. Except as provided in subsection (9), all payments received by the department or the collection agency pursuant to this section shall be deposited in

the department's ~~state~~ Grants and Donations Trust Fund ~~within the Department of Juvenile Justice~~.

Section 12. Section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.—

(1)~~(3)(a)~~ Except as provided in subsections (2), (3) ~~(4), (5)~~, ~~and~~ (6), and (7) and s. 943.053, all information obtained under this chapter ~~part~~ in the discharge of official duty by any judge, any employee of the court, any authorized agent of the department ~~of Juvenile Justice~~, the Parole Commission, the Department of Corrections, the juvenile justice circuit boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the department ~~of Juvenile Justice~~ and its designees, the Department of Corrections, the Parole Commission, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this chapter to receive that information, or upon order of the court. Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

(2)~~(5)~~ Notwithstanding any other provisions of this chapter ~~part~~, the name, photograph, address, and crime or arrest report of a child:

(a) Taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony;

(b) Found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors;

(c) Transferred to the adult system under ~~pursuant to~~ s. 985.557 ~~985.227~~, indicted under ~~pursuant to~~ s. 985.56 ~~985.225~~, or waived under ~~pursuant to~~ s. 985.556 ~~985.226~~;

(d) Taken into custody by a law enforcement officer for a violation of law subject to ~~the provisions of~~ s. 985.557 ~~985.227~~(2)(b) or (d); or

(e) Transferred to the adult system but sentenced to the juvenile system under ~~pursuant to~~ s. 985.565 ~~985.233~~

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shall not be considered confidential and exempt from ~~the provisions of~~ s. 119.07(1) solely because of the child's age.

(3)~~(6)~~ A law enforcement agency may release a copy ~~This part does not prohibit the release~~ of the juvenile offense report ~~by a law enforcement agency~~ to the victim of the offense. However, information gained by the victim under ~~pursuant to~~ this chapter, including the next of kin of a homicide victim, regarding any case handled in juvenile court, must not be revealed to any outside party, except as is reasonably necessary in pursuit of legal remedies.

(4)~~(7)~~(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools under ~~pursuant to~~ this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions under ~~pursuant to~~ s. 1006.09(1)-(4).

(c)~~(b)~~ The department shall disclose to the school superintendent the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sexual ~~sex~~ offender, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(5)~~(1)~~ Authorized agents of the department ~~of Juvenile Justice~~ may administer oaths and affirmations.

(6)~~(2)~~ Records maintained by the department ~~of Juvenile Justice~~, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 435.03 and 435.04 may not be destroyed under ~~pursuant to~~ this section for a period of 25 years after the youth's final referral to the department, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s. 402.3055 and the other sections cited above, or under ~~pursuant to~~ departmental rule; however, current criminal history information must be obtained from the Department of Law

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Enforcement in accordance with s. 943.053. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(7)~~(4)~~(a) Records in the custody of the department ~~of Juvenile Justice~~ regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the department ~~of Juvenile Justice~~ who have a need therefor in order to perform their official duties ~~duty~~; to other persons as authorized by rule of the department ~~of Juvenile Justice~~; and, upon request, to the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(b) The destruction of records pertaining to children committed to or supervised by the department ~~of Juvenile Justice~~ pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.

(8) Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases.

Section 13. Section 985.05, Florida Statutes, is renumbered as section 985.045, Florida Statutes, and amended to read:

985.045 ~~985.05~~ Court records.—

(1) The clerk of the court shall make and keep records of all cases brought before it under ~~pursuant to~~ this chapter ~~part~~. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising under ~~pursuant to~~ this chapter ~~part~~ and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.

(2) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in ss. 943.053 and 985.04(7)~~(4)~~, official records required by this chapter are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, the Department of Corrections, and the Justice Administrative Commission shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(3) All orders of the court entered under ~~pursuant to~~ this chapter ~~part~~ must be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(4) A court record of proceedings under this chapter ~~part~~ is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he or she is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the committing trial court judge, are admissible in evidence in the court to which the adult is bound over.

(c) Records of proceedings under this chapter ~~part~~ forming a part of the record on appeal must be used in the appellate court in the manner provided in s. 985.534 ~~985.234~~.

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.

(e) Records of proceedings under this chapter ~~part~~ may be used to prove disqualification under ~~pursuant to~~ ss. 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and 985.644 ~~985.407~~.

(5) This chapter does not prohibit a circuit court from providing a restitution order containing the information prescribed in s. 985.0301(5)(i) ~~985.201(4)(c)~~ to a collection court or a private collection agency for the sole purpose of collecting unpaid restitution ordered in a case in which the circuit court has retained jurisdiction over the child and the child's parent or legal guardian. The collection court or private collection agency shall maintain

the confidential status of the information to the extent such confidentiality is provided by law.

Section 14. Sections 985.06 and 985.08, Florida Statutes, are renumbered, respectively, as sections 985.046 and 985.047, Florida Statutes.

Section 15. Section 985.207, Florida Statutes, is amended and renumbered as section 985.101, Florida Statutes, and subsection (3) of section 985.215, Florida Statutes, is renumbered as subsection (2) of section 985.101, Florida Statutes, and amended to read:

985.101 ~~985.207~~ Taking a child into custody.—

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

(a) Pursuant to an order of the circuit court issued under this chapter ~~part~~, based upon sworn testimony, either before or after a petition is filed.

(b) For a delinquent act or violation of law, pursuant to Florida law pertaining to a lawful arrest. If such delinquent act or violation of law would be a felony if committed by an adult or involves a crime of violence, the arresting authority shall immediately notify the district school superintendent, or the superintendent's designee, of the school district with educational jurisdiction of the child. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university developmental research schools, and private elementary and secondary schools. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the child's school, or as otherwise provided by law. The principal must immediately notify the child's immediate classroom teachers. Information provided by an arresting authority under ~~pursuant to~~ this paragraph may not be placed in the student's permanent record and shall be removed from all school records no later than 9 months after the date of the arrest.

(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 probation, home detention, post commitment probation, or conditional release supervision, has absconded from nonresidential commitment, or has escaped from residential commitment.

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

(2)~~(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.

(3)~~(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 under ss. 985.14 and 985.145 ~~pursuant to s. 985.21~~, whichever occurs first. If the child is delivered to a juvenile probation officer before the parent, guardian, or legal custodian is notified, the juvenile probation officer shall continue the attempt to notify until the parent, guardian, or legal custodian of the child is notified. Following notification, the parent or guardian must provide identifying information, including name, address, date of birth, social security number, and driver's license number or identification card number of the parent or guardian to the person taking the child into custody or the juvenile probation officer.

(4)~~(3)~~ Taking a child into custody is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence in conjunction therewith is lawful.

Section 16. Section 985.2075, Florida Statutes, is renumbered as section 985.105, Florida Statutes and subsections (1) and (2) of that section are amended to read:

985.105 ~~985.2075~~ Youth custody officer.—

(1) There is created within the department ~~of Juvenile Justice~~ the position of youth custody officer. The duties of each youth custody officer shall be to take youth into custody if the officer has probable cause to believe that the youth has violated the conditions of probation, home detention, conditional release, or postcommitment probation, or has failed to appear in court after being properly noticed. The authority of the youth custody officer to take youth into custody is specifically limited to this purpose.

(2) A youth custody officer must meet the minimum qualifications for employment or appointment, be certified under chapter 943, and comply with the requirements for continued employment required by s. 943.135. The department ~~of Juvenile Justice~~ must comply with the responsibilities provided for an employing agency under s. 943.133 for each youth custody officer.

Section 17. Section 985.212, Florida Statutes, is renumbered as section 985.11, Florida Statutes, and paragraph (b) of subsection (1) of that section is amended to read:

985.11 ~~985.212~~ Fingerprinting and photographing.—

(1)

(b) A child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

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2. Battery, as defined in s. 784.03.

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

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

5. Negligent treatment of children, as defined in former s. 827.05.

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

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

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

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

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

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

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

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

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2) ~~985.04(5)~~, but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 18. Subsections (2) and (5) of section 985.211, Florida Statutes, are renumbered, respectively, as subsections (2) and (3) of section 985.115, Florida Statutes, and subsections (1) and (7) of section 985.211, Florida Statutes, are renumbered, respectively, as subsections (1) and (4) of section 985.115, Florida Statutes, and amended to read:

985.115 ~~985.211~~ Release or delivery from custody.—

(1) A child taken into custody shall be released from custody as soon as is reasonably possible.

(2) Unless otherwise ordered by the court under s. 985.255 or s. 985.26 ~~pursuant to s. 985.215~~, and unless there is a need to hold the child, a person taking a child into custody shall attempt to release the child as follows:

(a) To the child's parent, guardian, or legal custodian or, if the child's parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the child, to any responsible adult. Prior to releasing the child to a responsible adult, other than the parent, guardian, or legal custodian, the person taking the child into custody may conduct a criminal history background check of the person to whom the child is to be released. If the person has a prior felony conviction, or a conviction for child abuse, drug trafficking, or prostitution, that person is not a responsible adult for the purposes of this section. The person to whom the child is released shall agree to inform the department or the person releasing the child of the child's subsequent change of address and to produce the child in court at such time as the court may direct, and the child shall join in the agreement.

(b) Contingent upon specific appropriation, to a shelter approved by the department or to an authorized agent under ~~pursuant to~~ s. 39.401(2)(b).

(c) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, to a law enforcement officer who shall deliver the child to a hospital for necessary evaluation and treatment.

(d) If the child is believed to be mentally ill as defined in s. 394.463(1), to a law enforcement officer who shall take the child to a designated public receiving facility as defined in s. 394.455 for examination under ~~pursuant to the provisions of~~ s. 394.463.

(e) If the child appears to be intoxicated and has threatened, attempted, or inflicted physical harm on himself or herself or another, or is incapacitated by substance abuse, to a law enforcement officer who shall deliver the child to a hospital, addictions receiving facility, or treatment resource.

(f) If available, to a juvenile assessment center equipped and staffed to assume custody of the child for the purpose of assessing the needs of the child in custody. The center may then release or deliver the child under ~~pursuant to~~ this section with a copy of the assessment.

(3)~~(5)~~ Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department or as provided in s. 985.13(2) ~~subsection (4)~~, provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

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(4)~~(7)~~ Nothing in this section or s. 985.13 shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial handling. Such programs may be cooperative projects with local community service agencies.

Section 19. Section 985.301, Florida Statutes, is renumbered as section 985.12, Florida Statutes, and subsection (4) of that section is amended to read:

985.12 ~~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 shall perform a preliminary determination as provided under s. 985.145 ~~985.21~~(4).

Section 20. Section 985.3065, Florida Statutes, is renumbered as section 985.125, Florida Statutes.

Section 21. Subsections (3), (4), and (6) of section 985.211, Florida Statutes, are renumbered as section 985.13, Florida Statutes, and amended to read:

985.13 Probable cause affidavits.—

(1)~~(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, 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.

(2)~~(4)~~ A person taking a child into custody who determines, under part V ~~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 or, if the court has so ordered under ~~pursuant to~~ s. 985.255 or s. 985.26 ~~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. 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.

(3)~~(6)~~(a) A copy of the probable cause affidavit or written report made by the person taking the child into custody 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 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 under ~~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 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 22. Section 985.209, Florida Statutes, is renumbered as section 985.135, Florida Statutes, and subsection (1) of that section is amended to read:

985.135 ~~985.209~~ Juvenile 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~~.

Section 23. Subsections (1) and (2) of section 985.21, Florida Statutes, are renumbered as section 985.14, Florida Statutes, and amended to read:

985.14 ~~985.21~~ Intake and case management system.—

~~(1)(a) During the intake process, the juvenile probation officer shall screen each child or shall cause each child to be screened in order to determine:~~

~~1. Appropriateness for release, referral to a diversionary program including, but not limited to, a teen-court program, referral for community arbitra-~~

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~~tion, 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, or vocational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the Department of Juvenile Justice. The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community. The results of this screening shall be made available to the court and to court officers. In cases where such conditions are identified, and a nonjudicial handling of the case is chosen, the juvenile probation officer 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 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 case management services for the child; provided, however, that case management for children committed to residential programs may be transferred as provided in s. 985.46 ~~985.316~~.

(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 shall be 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 to provide a preliminary screening of the child and family for substance abuse and mental health services prior to the filing of a petition or as soon as possible thereafter and prior to a disposition hearing.

~~4. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer 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 treat-~~

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~~ment 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 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 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.~~

(3)~~(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:

(a)~~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 under ~~pursuant to~~ s. 985.47 ~~985.31~~. The completed multidisciplinary assessment process shall result in the predisposition report.

(b)~~2.~~ A classification system that assigns a relative risk to the child and the community based upon assessments including the detention risk assess-

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ment results when available to classify the child's risk as it relates to placement and supervision alternatives.

(c)~~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.

(4) The department 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.

~~(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 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 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.~~

Section 24. Subsections (3), (4), and (5) of section 985.21, Florida Statutes, are renumbered as section 985.145, Florida Statutes, and amended to read:

985.145 Responsibilities of juvenile probation officer during intake; screenings and assessments.—

(1) The juvenile probation officer 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. In addition to duties specified in other sections and through departmental rules, the assigned juvenile probation officer shall be responsible for the following:

(a)~~(3)~~ Reviewing probable cause affidavit.—The juvenile probation officer shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. 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

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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.

(b)~~(4)~~ Notification concerning apparent insufficiencies in probable cause affidavit.—~~The juvenile probation officer 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 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 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.

(c) Screening.—During the intake process, the juvenile probation officer shall screen each child or shall cause each child to be screened in order 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, or vocational problems, or other conditions that may have caused the child to come to the attention of law enforcement or the department. The child shall also be screened to determine whether the child poses a danger to himself or herself or others in the community. The results of this screening shall be made available to the court and to court officers. In cases where such conditions are identified and a nonjudicial handling of the case is chosen, the juvenile probation officer 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.

(d) Completing risk assessment instrument.—The juvenile probation officer shall ensure 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.

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

(f) Multidisciplinary assessment.—The juvenile probation officer shall coordinate the multidisciplinary assessment when required, which includes the classification and placement process that determines the child's priority

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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, the juvenile probation officer shall 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.

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

1. Perform the preliminary screening and make referrals for a 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.

2. 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.

3. 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 who have clinical expertise and experience in the assessment of mental health problems.

(h) Referrals for services.—The juvenile probation officer shall make recommendations for services and facilitate 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.

(i) Recommendation concerning a petition.—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, the juvenile probation officer may recommend that a delinquency petition not be filed. If such a recommendation is made, the juvenile probation officer 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 over the offense of the recommendation; the reasons therefore; 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 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.

(j) Completing intake report.—Subject to the interagency agreement authorized under this paragraph, the juvenile probation officer for each case in which a child is alleged to have committed a violation of law or delinquent act and is not detained shall submit a written report to the state attorney,

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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 may include a recommendation that a petition or information be filed or that no petition or information be filed and may set forth reasons for the recommendation. The state attorney and the department may, on a district-by-district basis, enter into interagency agreements denoting the cases that will require a recommendation and those for which a recommendation is unnecessary.

~~(a) The juvenile probation officer, 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 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, 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~~

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~~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.~~

~~(b) The juvenile probation officer, 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 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 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.~~

~~(c) Subject to the interagency agreement authorized under this paragraph, the juvenile probation officer for each case in which a child is alleged to have committed a violation of law or delinquent act and is not detained 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 may include a recommendation that a petition or information be filed or that no petition or information be filed, and may set forth reasons for the recommendation. The State Attorney and the Department of Juvenile Justice may, on a district-by-district basis, enter into interagency agreements denoting the cases that will require a recommendation and those for which a recommendation is unnecessary.~~

~~(d) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer, 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.~~

~~(c) 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.~~

(2)~~(5)~~ Prior to requesting that a delinquency petition be filed or prior to filing a dependency petition, the juvenile probation 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 shall request both parents or guardians to receive such parental assistance. The juvenile probation 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. The parent or guardian must provide the juvenile probation officer with identifying information, including the parent's or guardian's name, address, date of birth, social security number, and driver's license number or identification card number in order to comply with s. 985.039 ~~985.2311~~.

(3) 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.

(4) Client information resulting from the screening and evaluation shall be documented under rules of the department and shall serve to assist the juvenile probation officer 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.

(5) If the screening and assessment indicate that the interest of the child and the public will be best served thereby, the juvenile probation officer, 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, 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 guardian. 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.

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

Section 25. Section 985.15, Florida Statutes, is created to read:

985.15 Filing decisions.—

(1) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer and shall determine the action that is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult under s. 985.556, 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 a request. In all other cases, the state attorney may:

(a) File a petition for dependency;

(b) File a petition under chapter 984;

(c) File a petition for delinquency;

(d) File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;

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(e) File an information under s. 985.557;

(f) Refer the case to a grand jury;

(g) 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 guardian; or

(h) Decline to file.

(2) 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.

Section 26. Section 985.303, Florida Statutes, is renumbered as section 985.155, Florida Statutes.

Section 27. Section 985.304, Florida Statutes, is renumbered as section 985.16, Florida Statutes, and subsection (3) of that section is amended to read:

985.16 ~~985.304~~ Community arbitration.—

(3) COMMUNITY ARBITRATORS.—The chief judge of each judicial circuit shall maintain a list of qualified persons who have agreed to serve as community arbitrators for the purpose of carrying out the provisions of this chapter ~~part~~. Community arbitrators shall meet the qualification and training requirements adopted in rule by the Supreme Court. Whenever possible, qualified volunteers shall be used as community arbitrators.

(a) Each community arbitrator or member of a community arbitration panel shall be selected by the chief judge of the circuit, the senior circuit court judge assigned to juvenile cases in the circuit, and the state attorney. A community arbitrator or, in the case of a panel, the chief arbitrator shall have such powers as are necessary to conduct the proceedings in a fair and expeditious manner.

(b) A community arbitrator or member of a community arbitration panel shall be trained or experienced in juvenile causes and shall be:

1. Either a graduate of an accredited law school or of an accredited school with a degree in behavioral social work or trained in conflict resolution techniques; and

2. A person of the temperament necessary to deal properly with cases involving children and with the family crises likely to be presented to him or her.

Section 28. Subsections (1) through (4) and (5) through (8) of section 985.224, Florida Statutes, are renumbered, respectively, as subsections (1) through (4) and (6) through (9) of section 985.18, Florida Statutes, and

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paragraph (e) of subsection (10) of section 985.215, Florida Statutes, is renumbered as subsection (5) of section 985.18, Florida Statutes.

Section 29. Subsections (1) and (2) of section 985.229, Florida Statutes, are renumbered as section 985.185, Florida Statutes, and amended to read:

985.185 Evaluations for disposition.—

(1) ~~Upon a finding that the child has committed a delinquent act, the court may order a predisposition report regarding the eligibility of the child for disposition other than by adjudication and commitment to the department or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential commitment level. The predisposition report shall be the result of the multidisciplinary assessment when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to meet the child's needs with the minimum program security that reasonably ensures public safety. A predisposition report shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department.~~ A comprehensive evaluation for physical health, mental health, substance abuse, academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. ~~If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation. The predisposition report shall be submitted to the court upon completion of the report but no later than 48 hours prior to the disposition hearing. The predisposition report shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.~~

(2) ~~The court shall consider the child's entire assessment and predisposition report and shall review the records of earlier judicial proceedings~~ Prior to making a final disposition of the case~~,~~ the court may~~, by~~ order~~, require~~ additional evaluations and studies to be performed by the department, by the county school system, or by any social, psychological, or psychiatric agencies of the state. The court shall order the educational needs assessment completed under s. 985.18(2) ~~pursuant to s. 985.224(2)~~ to be included in the assessment and predisposition report.

Section 30. Sections 985.223 and 985.418, Florida Statutes, are renumbered, respectively, as sections 985.19 and 985.195, Florida Statutes.

Section 31. Subsections (1) and (4) of section 985.213, Florida Statutes, are renumbered as subsections (1) and (4) of section 985.24, Florida Statutes, and subsections (1) and (2) of section 985.214, Florida Statutes, are renumbered as subsections (2) and (3) of section 985.24, Florida Statutes, and amended to read:

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985.24 ~~985.213~~ Use of detention; prohibitions.—

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

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

(b) Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;

(c) Presents a history of committing a property offense prior to adjudication, disposition, or placement;

(d) Has committed contempt of court by:

1. Intentionally disrupting the administration of the court;

2. Intentionally disobeying a court order; or

3. Engaging in a punishable act or speech in the court's presence which shows disrespect for the authority and dignity of the court; or

(e) Requests protection from imminent bodily harm.

~~985.214 Prohibited uses of detention.—~~

(2)~~(1)~~ A child alleged to have committed a delinquent act or violation of law may not be placed into secure, nonsecure, or home detention care for any of the following reasons:

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

(b) To permit more convenient administrative access to the child.

(c) To facilitate further interrogation or investigation.

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

(3)~~(2)~~ A child alleged to be dependent under ~~part II of~~ chapter 39 may not, under any circumstances, be placed into secure detention care.

(4) The department ~~of Juvenile Justice~~ shall continue to identify alternatives to secure detention care and shall develop such alternatives and annually submit them to the Legislature for authorization and appropriation.

Section 32. Subsection (2) of section 985.213, Florida Statutes, is renumbered as section 985.245, Florida Statutes, and amended to read:

985.245 Risk assessment instrument.—

(1)~~(2)(a)~~ All determinations and court orders regarding placement of a child into detention care shall comply with all requirements and criteria provided in this part and shall be based on a risk assessment of the child, unless the child is placed into detention care as provided in s. 985.255(2) ~~subparagraph (b)3~~.

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(2)(a)~~(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, 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.

(b) 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 probation 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. 985.255 ~~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.

(3)~~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 and who does not meet detention criteria may be held in secure detention if the court makes specific written findings that:~~

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

~~b. It is necessary to place the child in secure detention in order to protect the victim from 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 detention care if the court makes a specific, written finding that detention care is necessary to protect the victim from injury. However, the child may not be held in detention care beyond the time limits set forth in s. 985.215.~~

(4)~~4.~~ For a child who is under the supervision of the department through probation, home detention, nonsecure detention, conditional release, postcommitment probation, 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.

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Section 33. Subsection (1) and paragraph (b) of subsection (5) of section 985.215, Florida Statutes, are renumbered as section 985.25, Florida Statutes, and amended to read:

985.25 ~~985.215~~ Detention intake.—

(1) The juvenile probation officer 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 under ss. 985.24 and 985.245(1) ~~pursuant to ss. 985.213 and 985.214~~.

(b) The juvenile probation officer 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. 985.245 ~~985.213~~. However, a child charged with possessing or discharging a firearm on school property in violation of s. 790.115 shall be placed in secure detention care.

(c) If the juvenile probation officer 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 shall contact the state attorney, who may authorize release. If detention is not authorized, the child may be released by the juvenile probation officer in accordance with ss. 985.115 and 985.13 ~~s. 985.211~~.

Under no circumstances shall the juvenile probation officer 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)~~(5)~~

~~(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.

Section 34. Subsection (2) of section 985.215, Florida Statutes, is renumbered as section 985.255, Florida Statutes, and amended to read:

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985.255 Detention criteria; detention hearing.—

(1)~~(2)~~ Subject to s. 985.25(1) ~~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 from a residential commitment program, or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from a residential commitment program.

(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 and is detained as provided in subsection (2) ~~s. 985.213(2)(b)3~~.

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

(f) 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.

(g) 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.

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

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(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.

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

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

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

The child may not be held in secure detention under this subsection 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 detention care if the court makes a specific, written finding that detention care is necessary to protect the victim from injury. However, the child may not be held in detention care beyond the time limits set forth in this section or s. 985.26.

(3)(a) A child who meets any of the ~~these~~ criteria in subsection (1) and who is ordered to be detained under that ~~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 that ~~with which~~ he or she is charged with and the need for continued detention. Unless a child is detained under paragraph (1)(d) or paragraph (1)(e), the court shall use ~~utilize~~ the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in ~~this~~ subsection (1), 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~~.

(b) 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.

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(c) Except as provided in s. 790.22(8) or in s. 985.27 ~~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 s. 985.26 or s. 985.27 ~~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 under s. 985.26(4) ~~pursuant to paragraph (5)(f)~~.

Section 35. Paragraphs (c) and (g) of subsection (5) of section 985.215, Florida Statutes, are renumbered as subsection (2) of section 985.26, Florida Statutes, paragraphs (a), (d), (e), and (f) of subsection (5) of section 985.215, Florida Statutes, are renumbered, respectively, as subsections (1), (3), (5), and (4) of section 985.26, Florida Statutes, and subsection (7) of section 985.215, Florida Statutes, is renumbered as subsection (6) of section 985.26, Florida Statutes, and amended to read:

985.26 Length of detention.—

(1)~~(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 985.255 ~~subsection (2)~~. The order shall be a final order, reviewable by appeal under ~~pursuant to~~ s. 985.534 ~~985.234~~ and the Florida Rules of Appellate Procedure. Appeals of such orders shall take precedence over other appeals and other pending matters.

(2)~~(c) Except as provided in paragraph (g),~~ 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. However, 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 length of detention for 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.

(3)~~(d)~~ Except as provided in subsection (2) ~~paragraph (g)~~, 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.

(4)~~(f)~~ The time limits in subsections (2) and (3) ~~paragraphs (c) and (d)~~ 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,

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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.

(5)~~(e)~~ A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order for a period not to exceed 72 hours, excluding weekends and legal holidays, for the purpose of conducting a comprehensive evaluation as provided in s. 985.185 ~~985.229(1)~~. Motions for the issuance of such special detention order may be made subsequent to a finding of delinquency. Upon said motion, the court shall conduct a hearing to determine the appropriateness of such special detention order and shall order the least restrictive level of detention necessary to complete the comprehensive evaluation process that is consistent with public safety. Such special detention order may be extended for an additional 72 hours upon further order of the court.

~~(g) 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.~~

(6)~~(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.

Section 36. Subsections (4), (8), (9), and (11) of section 985.215, Florida Statutes, are renumbered, respectively, as subsections (5), (1), (2), and (3) of section 985.265, Florida Statutes, and subsection (3) of section 985.213, Florida Statutes, is renumbered as subsection (4) of section 985.265, Florida Statutes, and amended to read:

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

(1)~~(8)~~ If a child is detained under ~~pursuant to~~ this part ~~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.

(2)~~(9)~~ If a child is on release status and not detained under ~~pursuant to~~ this part ~~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.

(3)~~(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, under ~~pursuant to~~ this subsection, is released from detention or transferred to home detention or nonsecure

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detention, detention staff shall immediately notify the appropriate law enforcement agency and school personnel.

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

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

(5)~~(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 under ~~pursuant to this~~ part X, 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. 985.556 ~~985.226~~ or s. 985.557 ~~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 subsection ~~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.

Section 37. Paragraphs (a) through (d) and paragraph (f) of subsection (10) of section 985.215, Florida Statutes, are renumbered as section 985.27, Florida Statutes, and amended to read:

985.27 Postcommitment detention while awaiting placement.—

(1)~~(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.~~

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~~2.~~ The court must place all children who are adjudicated and awaiting placement in a commitment program in detention care. Children who are in home detention care or nonsecure detention care may be placed on electronic monitoring.

(a) A child who is awaiting placement in a low-risk residential program must be removed from detention within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria under this part.

~~(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 minimum-risk or~~,~~ 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.

(b) A child who is awaiting placement in a moderate-risk residential program must be removed from detention within 5 days, excluding Saturdays, Sundays, and legal holidays. Any child held in secure detention during the 5 days must meet detention admission criteria under this part. 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 entry of the commitment order, excluding Saturdays, Sundays, and legal holidays, and except as otherwise provided in this section. 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 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 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 until placement or commitment is accomplished.

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

Section 38. Section 985.208, Florida Statutes, is renumbered as section 985.275, Florida Statutes, and amended to read:

985.275 ~~985.208~~ Detention of escapee or absconder on authority of the department.—

(1) If an authorized agent of the department has reasonable grounds to believe that any delinquent child committed to the department has escaped from a residential commitment facility or from being lawfully transported thereto or therefrom, or has absconded from a nonresidential commitment facility, the agent may take the child into active custody and may deliver the child to the facility or, if it is closer, to a detention center for return to the facility. However, a child may not be held in detention longer than 24 hours, excluding Saturdays, Sundays, and legal holidays, unless a special order so directing is made by the judge after a detention hearing resulting in a finding that detention is required based on the criteria in s. 985.255 ~~985.215(2)~~. The order shall state the reasons for such finding. The reasons shall be reviewable by appeal or in habeas corpus proceedings in the district court of appeal.

(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 from a residential commitment facility or from being lawfully transported thereto or therefrom, or has absconded from a nonresidential commitment facility, into custody and deliver the child to the appropriate juvenile probation officer.

Section 39. Section 985.218, Florida Statutes, is renumbered as section 985.318, Florida Statutes.

Section 40. Subsections (1) through (7) and (9) through (12) of section 985.219, Florida Statutes, are renumbered as subsections (1) through (11) of section 985.319, Florida Statutes, and subsection (6) of that section is amended to read:

985.319 ~~985.219~~ Process and service.—

(6) If the petition alleges that the child has committed a delinquent act or violation of law and the judge deems it advisable to do so, under ~~pursuant to~~ the criteria of s. 985.255 ~~s. 985.215~~, the judge may, by endorsement upon the summons and after the entry of an order in which valid reasons are specified, order the child to be taken into custody immediately, and in such case the person serving the summons shall immediately take the child into custody.

Section 41. Section 985.22, Florida Statutes, is renumbered as section 985.325, Florida Statutes, and amended to read:

985.325 ~~985.22~~ Threatening or dismissing an employee prohibited.—

(1) An employer, or the employer's agent, may not dismiss from employment an employee who is summoned to appear before the court under s. 985.319 ~~985.219~~ solely because of the nature of the summons or because the employee complies with the summons.

(2) If an employer, or the employer's agent, threatens an employee with dismissal, or dismisses an employee, who is summoned to appear under s. 985.319 ~~985.219~~, the court may hold the employer in contempt.

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Section 42. Sections 985.221, 985.222, and 985.306, Florida Statutes, are renumbered, respectively, as sections 985.331, 985.335, and 985.345, Florida Statutes.

Section 43. Section 985.228, Florida Statutes, is renumbered as section 985.35, Florida Statutes, and amended to read:

985.35 ~~985.228~~ Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(1) The adjudicatory hearing must be held as soon as practicable after the petition alleging that a child has committed a delinquent act or violation of law is filed and in accordance with the Florida Rules of Juvenile Procedure; but reasonable delay for the purpose of investigation, discovery, or procuring counsel or witnesses shall be granted. If the child is being detained, the time limitations ~~provided for~~ in s. 985.26(2) and (3) ~~985.215(5)(c) and (d)~~ apply.

(2) Adjudicatory hearings shall be conducted without a jury by the court, applying in delinquency cases the rules of evidence in use in criminal cases; adjourning the hearings from time to time as necessary; and conducting a fundamentally fair hearing in language understandable, to the fullest extent practicable, to the child before the court.

(a) In a hearing on a petition alleging that a child has committed a delinquent act or violation of law, the evidence must establish the findings beyond a reasonable doubt.

(b) The child is entitled to the opportunity to introduce evidence and otherwise be heard in the child's own behalf and to cross-examine witnesses.

(c) A child charged with a delinquent act or violation of law must be afforded all rights against self-incrimination. Evidence illegally seized or obtained may not be received to establish the allegations against the child.

(3) If the court finds that the child named in a petition has not committed a delinquent act or violation of law, it shall enter an order so finding and dismissing the case.

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency.

(a) Upon withholding adjudication of delinquency, the court may place ~~and placing~~ the child in a probation program under the supervision of the department or under the supervision of any other person or agency specifically authorized and appointed by the court. The court may, as a condition of the program, impose as a penalty component restitution in money or in kind, community service, a curfew, urine monitoring, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense, and may impose as a rehabilitative component a requirement of participation in substance abuse treatment, or school or other educational program attendance.

(b) If the child is attending public school and the court finds that the victim or a sibling of the victim in the case was assigned to attend or is eligible to attend the same school as the child, the court order shall include a finding pursuant to the proceedings described in s. 985.455, regardless of whether adjudication is withheld ~~985.23(1)(d)~~.

(c) If the court later finds that the child has not complied with the rules, restrictions, or conditions of the community-based program, the court may, after a hearing to establish the lack of compliance, but without further evidence of the state of delinquency, enter an adjudication of delinquency and shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(5) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(6) Except as the term "conviction" is used in chapter 322, and except for use in a subsequent proceeding under this chapter, an adjudication of delinquency by a court with respect to any child who has committed a delinquent act or violation of law shall not be deemed a conviction; nor shall the child be deemed to have been found guilty or to be a criminal by reason of that adjudication; nor shall that adjudication operate to impose upon the child any of the civil disabilities ordinarily imposed by or resulting from conviction or to disqualify or prejudice the child in any civil service application or appointment, with the exception of the use of records of proceedings under this chapter ~~part~~ as provided in s. 985.045(4) ~~s. 985.05(4)~~.

(7) Notwithstanding any other provision of law, an adjudication of delinquency for an offense classified as a felony shall disqualify a person from lawfully possessing a firearm until such person reaches 24 years of age.

Section 44. Subsection (3) of section 985.229, Florida Statutes, is renumbered as subsection (3) of section 985.43, Florida Statutes, and section 985.43, Florida Statutes, is created to read:

985.43 Predisposition reports; other evaluations.—

(1) Upon a finding that the child has committed a delinquent act:

(a) The court may order the department to prepare a predisposition report regarding the child's eligibility for disposition other than by adjudication and commitment to the department or for disposition of adjudication, commitment to the department, and, if appropriate, assignment of a residential commitment level. The predisposition report shall be the result of the multidisciplinary assessment, when such assessment is needed, and of the classification and placement process, and it shall indicate and report the child's priority needs, recommendations as to a classification of risk for the child in the context of his or her program and supervision needs, and a plan for treatment that recommends the most appropriate placement setting to

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meet the child's needs with the minimum program security that reasonably ensures public safety. A predisposition report shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department.

(b) A comprehensive evaluation for physical health; mental health; substance abuse; or academic, educational, or vocational problems shall be ordered for any child for whom a residential commitment disposition is anticipated or recommended by an officer of the court or by the department. If a comprehensive evaluation is ordered, the predisposition report shall include a summary of the comprehensive evaluation.

(c) A child who was not in secure detention at the time of the adjudicatory hearing, but for whom residential commitment is anticipated or recommended, may be placed under a special detention order, as provided in s. 985.26(5), for the purpose of conducting a comprehensive evaluation.

(2) The court shall consider the child's entire assessment and predisposition report and shall review the records of earlier judicial proceedings prior to making a final disposition of the case. The court may, by order, require additional evaluations and studies to be performed by the department, the county school system, or any social, psychological, or psychiatric agency of the state. The court shall order the educational needs assessment completed under s. 985.18(2) to be included in the assessment and predisposition report.

(3) The predisposition report, together with all other reports and evaluations used by the department in preparing the predisposition report, shall be made available to the child, the child's parents or legal guardian, the child's legal counsel, and the state attorney upon completion of the report and at a reasonable time prior to the disposition hearing. The predisposition report shall be submitted to the court upon completion of the report but no later than 48 hours prior to the disposition hearing. The predisposition report shall not be reviewed by the court without the consent of the child and his or her legal counsel until the child has been found to have committed a delinquent act.

Section 45. Section 985.23, Florida Statutes, is renumbered as section 985.433, Florida Statutes, and amended to read:

985.433 ~~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:

(1)~~(7)~~ The court shall notify any victim of the offense, if such person is known and within the jurisdiction of the court, of the hearing.

(2) The court ~~and~~ shall notify and summon or subpoena, if necessary, the parents, legal custodians, or guardians of the child to attend the disposition hearing if they reside in the state.

~~It is the intent of the Legislature that the criteria set forth in subsection (2) are general guidelines to be followed at the discretion of the court and not~~

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~~mandatory requirements of procedure. It is not the intent of the Legislature to provide for the appeal of the disposition made pursuant to this section.~~

(3)~~(6)~~ The court may receive and consider any other relevant and material evidence, including other written or oral reports or statements, in its effort to determine the appropriate disposition to be made with regard to the child. The court may rely upon such evidence to the extent of its probative value, even though such evidence may not be technically competent in an adjudicatory hearing.

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

(a) State clearly, using common terminology, the purpose of the hearing and the right of persons present as parties to comment at the appropriate time on the issues before the court.~~;~~

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

(c) Discuss with the child his or her feelings about the offense committed, the harm caused to the victim or others, and what penalty he or she should be required to pay for such transgression.~~; and~~

(d) Give all parties, as well as the victim or a representative of the victim, representatives of the school system, and the law enforcement officers involved in the case who are present at the hearing an opportunity to comment on the issue of disposition and any proposed rehabilitative plan. Parties to the case shall include the parents, legal custodians, or guardians of the child; the child's counsel; the state attorney; and representatives of the department~~; the victim if any, or his or her representative; representatives of the school system; and the law enforcement officers involved in the case. If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court shall, on its own motion or upon the request of any party or any parent or legal guardian of the victim, determine whether it is appropriate to enter a no contact order in favor of the victim or a sibling of the victim. If appropriate and acceptable to the victim and the victim's parent or parents or legal guardian, the court may reflect in the written disposition order that the victim or the victim's parent stated in writing or in open court that he or she did not object to the offender being permitted to attend the same school or ride on the same school bus as the victim or a sibling of the victim~~.

(5) At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.

(6)~~(2)~~ The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall include consideration of the recommendations of the department, which may include a predisposition report. The predisposition report shall include, whether as part of the child's

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multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

(a) The seriousness of the offense to the community. If the court determines under chapter 874 that the child was a member of a criminal street gang at the time of the commission of the offense~~, which determination shall be made pursuant to chapter 874~~, the seriousness of the offense to the community shall be given great weight.

(b) Whether the protection of the community requires adjudication and commitment to the department.

(c) Whether the offense was committed in an aggressive, violent, premeditated, or willful manner.

(d) Whether the offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

(e) The sophistication and maturity of the child.

(f) The record and previous criminal history of the child, including without limitations:

1. Previous contacts with the department, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, the Department of Corrections, other law enforcement agencies, and courts.~~;~~

2. Prior periods of probation.~~;~~

3. Prior adjudications of delinquency.~~; and~~

4. Prior commitments to institutions.

(g) The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child if committed to a community services program or facility.

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

1. Attainment of a high school diploma or its equivalent.

2. Successful completion of literacy course(s).

3. Successful completion of vocational course(s).

4. Successful attendance and completion of the child's current grade if enrolled in school.

5. Enrollment in an apprenticeship or a similar program.

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It is the intent of the Legislature that the criteria set forth in this subsection are general guidelines to be followed at the discretion of the court and not mandatory requirements of procedure. It is not the intent of the Legislature to provide for the appeal of the disposition made under this section. ~~At the time of disposition, the court may make recommendations to the department as to specific treatment approaches to be employed.~~

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

(a)~~(b) If the court determines that commitment to the department is appropriate,~~ The juvenile probation officer 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.

(b)~~(c)~~ The court shall commit the child to the department at the restrictiveness level identified or may order placement at a different restrictiveness level. The court shall state for the record the reasons that ~~which~~ establish by a preponderance of the evidence why the court is disregarding the assessment of the child and the restrictiveness level recommended by the department. Any party may appeal the court's findings resulting in a modified level of restrictiveness under ~~pursuant to~~ this paragraph.

(c)~~(d)~~ The court may also require that the child be placed in a probation program following the child's discharge from commitment. Community-based sanctions under ~~pursuant to~~ subsection (8)~~(4)~~ may be imposed by the court at the disposition hearing or at any time prior to the child's release from commitment.

~~(e) The court shall be responsible for the fingerprinting of any child at the disposition hearing if the child has been adjudicated or had adjudication withheld for any felony in the case currently before the court.~~

(8)~~(4)~~ If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a probation program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, a day-treatment probation program, restitution in money or in kind, a curfew, revocation or suspension of the driver's license of the child, community service, and appropriate educational programs as determined by the district school board.

(9)~~(5)~~ After appropriate sanctions for the offense are determined, the court shall develop, approve, and order a plan of probation that ~~which~~ will

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contain rules, requirements, conditions, and rehabilitative programs, including the option of a day-treatment probation program, that ~~which~~ are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

(10) Any disposition order shall be in writing as prepared by the clerk of court and may thereafter be modified or set aside by the court.

Section 46. Paragraph (a) of subsection (1) of section 985.231, Florida Statutes, is renumbered as section 985.435, Florida Statutes, and amended to read:

985.435 Probation and postcommitment probation; community service.—

(1)~~(a)~~ The court that has jurisdiction over ~~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 probation program or a postcommitment probation program. Such placement must be under the supervision of an authorized agent of the department 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.

(2) A probation program for an adjudicated delinquent child must include a penalty component such as:

(a) Restitution in money or in kind;~~,~~

(b) Community service;~~,~~

(c) A curfew;~~,~~

(d) Revocation or suspension of the driver's license of the child;~~,~~ or

(e) Other nonresidential punishment appropriate to the offense.

(3) A probation program ~~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. The nonconsent of the child to treatment in a substance abuse treatment program in no way precludes the court from ordering such treatment ~~If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d)~~. Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

(4)~~a.~~ A classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to probation supervision requirements to reasonably ensure the public safety. Probation 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 section and s. 985.439 ~~subparagraph~~, and shall be designed to encourage the child toward acceptable and functional social behavior.

(5) 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.~~

(6)~~b.~~ The court may conduct judicial review hearings for a child placed on probation 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 probation for a child who has substantially complied with the terms and conditions of probation.

~~c. If the conditions of the probation program or the postcommitment probation program are violated, the department 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 probation or postcommitment probation must be brought before the court if sanctions are sought. A child taken into custody under s. 985.207 for violating the conditions of probation or postcommitment probation 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 probation or postcommitment probation. 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 probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. 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 probation or postcommitment probation, 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 probation or postcommitment probation, the court~~

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~~shall enter an order revoking, modifying, or continuing probation or postcommitment probation. 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 probation or postcommitment probation, 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 probation program or postcommitment probation program.~~

~~(IV) Revoke probation or postcommitment probation 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 probation 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 at a restrictiveness level defined in s. 985.03. 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 release of the child from residential commitment into the community in a postcommitment nonresidential conditional release program. If the child is eligible to attend public school following commitment and the court finds that the victim or a sibling of the victim in the case is or may be attending the same school as the child, the commitment order shall include a finding pursuant to the proceedings described in s. 985.23(1)(d). If the child is not successful in the conditional release program, the department may use the transfer procedure under s. 985.404. 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 probation program to be implemented by the department, or, in the case of a committed child, as part of the community-based~~

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~~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 probation program.~~

~~8. Commit the child to the department 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 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 47. Section 985.437, Florida Statutes, is created to read:

985.437 Restitution.—

(1) The court that has jurisdiction over 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, order the child to make restitution in the manner provided in this section. This order shall be part of the probation program to be implemented by the department 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.

(2) The court may 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. 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.

(3) 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.

(4) 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 section.

(5) The court may retain jurisdiction over a child and the child's parent or legal guardian whom the court has ordered to pay restitution until the restitution order is satisfied or until the court orders otherwise, as provided in s. 985.0301.

Section 48. Section 985.439, Florida Statutes, is created to read:

985.439 Violation of probation or postcommitment probation.—

(1)(a) This section is applicable when the court has jurisdiction over an adjudicated delinquent child.

(b) If the conditions of the probation program or the postcommitment probation program are violated, the department 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 probation or postcommitment probation must be brought before the court if sanctions are sought.

(2) A child taken into custody under s. 985.101 for violating the conditions of probation or postcommitment probation 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 probation or postcommitment probation. A consequence unit is a secure facility specifically designated by the department for children who are taken into custody

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under s. 985.101 for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation. If the violation involves a new charge of delinquency, the child may be detained under part V 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 part V.

(3) If the child denies violating the conditions of probation or postcommitment probation, the court shall, upon the child's request, appoint counsel to represent the child.

(4) Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation or postcommitment probation, the court shall enter an order revoking, modifying, or continuing probation or postcommitment probation. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this section, 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 probation or postcommitment probation, the court may:

(a) 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.

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

(c) Modify or continue the child's probation program or postcommitment probation program.

(d) Revoke probation or postcommitment probation and commit the child to the department.

(5) Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of postcommitment probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

Section 49. Section 985.441, Florida Statutes, is created to read:

985.441 Commitment.—

(1) 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:

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

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(b) Commit the child to the department at a restrictiveness level defined in s. 985.03. 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 release of the child from residential commitment into the community in a postcommitment nonresidential conditional release program. If the child is not successful in the conditional release program, the department may use the transfer procedure under subsection (3).

(c) Commit the child to the department for placement in a program or facility for serious or habitual juvenile offenders in accordance with s. 985.47.

1. Following a delinquency adjudicatory hearing under s. 985.35 and a delinquency disposition hearing under s. 985.433 that results in a commitment determination, the court shall, on its own or upon request by the state or the department, determine whether the protection of the public requires that the child be placed in a program for serious or habitual juvenile offenders and whether the particular needs of the child would be best served by a program for serious or habitual juvenile offenders as provided in s. 985.47. The determination shall be made under ss. 985.47(1) and 985.433(7).

2. 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.

(d) Commit the child to the department for placement in a program or facility for juvenile sexual offenders in accordance with s. 985.48, subject to specific appropriation for such a program or facility.

1. The child may only be committed for such placement pursuant to determination that the child is a juvenile sexual offender under the criteria specified in s. 985.475.

2. 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.

(2) The nonconsent of the child to commitment or treatment in a substance abuse treatment program in no way precludes the court from ordering such commitment or treatment.

(3) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the department and any attorney of record for the child, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may

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set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.

Section 50. Section 985.232, Florida Statutes, is renumbered as section 985.442, Florida Statutes.

Section 51. Paragraph (j) of subsection (1) of section 985.231, Florida Statutes, is renumbered as section 985.445, Florida Statutes, and amended to read:

985.445 ~~985.231 Powers of disposition in delinquency~~ Cases involving grand theft of a motor vehicle.—

~~(1)~~

~~(j)~~ If the offense committed by the child was grand theft of a motor vehicle, the court:

(1)~~1.~~ Upon a first adjudication for a grand theft of a motor vehicle, may place the youth in a boot camp, unless the child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and shall order the youth to complete a minimum of 50 hours of community service.

(2)~~2.~~ Upon a second adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudication, may place the youth in a boot camp, unless the child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and shall order the youth to complete a minimum of 100 hours of community service.

(3)~~3.~~ Upon a third adjudication for grand theft of a motor vehicle which is separate and unrelated to the previous adjudications, shall place the youth in a boot camp or other treatment program, unless the child is ineligible under ~~pursuant to~~ s. 985.489 ~~985.309~~, and shall order the youth to complete a minimum of 250 hours of community service.

Section 52. Paragraph (g) of subsection (1) of section 985.231, Florida Statutes, is renumbered as section 985.45, Florida Statutes, and amended to read:

985.45 Liability and remuneration for work.—

(1)~~(g)~~ Whenever a child is required by the court to participate in any work program under this part or whenever a child volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or probation program, the child is an employee of the state for the purposes of liability.

(2) In determining the child's average weekly wage unless otherwise determined by a specific funding program, all remuneration received from the employer is a gratuity, and the child is not entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be

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receiving wages and remuneration from other employment with another employer and regardless of the child's future wage-earning capacity.

Section 53. Paragraph (d) of subsection (1) of section 985.231, Florida Statutes, is amended and renumbered as subsection (3) of section 985.455, Florida Statutes, and paragraph (h) of subsection (1) of section 985.231, Florida Statutes, is renumbered as subsection (4) of section 985.455, Florida Statutes, which is created to read:

985.455 Other dispositional issues.—

(1) The court that has jurisdiction over 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:

(a) 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.

(b) 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 probation program.

(c) Revoke or suspend the driver's license of the child.

(2) If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court shall, on its own motion or upon the request of any party or any parent or legal guardian of the victim, determine whether it is appropriate to enter a no contact order in favor of the victim or a sibling of the victim. If appropriate and acceptable to the victim and the victim's parent or parents or legal guardian, the court may reflect in the written disposition order that the victim or the victim's parent or parents or legal guardian stated in writing or in open court that he or she did not object to the offender being permitted to attend the same school or ride on the same school bus as the victim or a sibling of the victim. If applicable, the court placement or commitment order shall include a finding under this subsection.

~~(1)~~

(3)~~(d)~~ Any commitment of a delinquent child to the department must be for an indeterminate period of time, which may include periods of temporary release; however, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense, except that the duration of a minimum-risk nonresidential commitment 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. The duration of the child's placement in a commitment program of any restrictiveness level shall be based on objective performance-based treatment planning. The child's treatment plan progress and adjustment-related issues shall be reported to the court quarterly, unless the court requests monthly

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reports. The child's length of stay in a commitment program may be extended if the child fails to comply with or participate in treatment activities. The child's length of stay in the program shall not be extended for purposes of sanction or punishment. Any temporary release from such program 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. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the commitment program. ~~Notwithstanding s. 743.07 and this subsection, and except as provided in ss. 985.201 and 985.31, a child may not be held under a commitment from a court under 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.

(4)~~(h)~~ The court may, upon motion of the child or upon its own motion, within 60 days after imposition of a disposition of commitment, suspend the further execution of the disposition and place the child in a probation program upon such terms and conditions as the court may require. The department shall forward to the court all relevant material on the child's progress while in custody not later than 3 working days prior to the hearing on the motion to suspend the disposition.

Section 54. Section 985.316, Florida Statutes, is renumbered as section 985.46, Florida Statutes, and subsection (4) of that section is amended to read:

985.46 ~~985.316~~ Conditional release.—

(4) A juvenile under nonresidential commitment placement will continue to be on commitment status and subject to the transfer provision under s. 985.441(3) ~~985.404~~.

Section 55. Section 985.313, Florida Statutes, is renumbered as section 985.465, Florida Statutes, and amended to read:

985.465 ~~985.313~~ Juvenile correctional facilities or juvenile prison.—A juvenile correctional facility or juvenile prison is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 13 years of age to 19 years of age, or until the jurisdiction of the court expires. ~~The court may retain jurisdiction over the child until the child reaches the age of 21, specifically for the purpose of the child completing the program.~~ Each child committed to this level must meet one of the following criteria:

(1) The child ~~youth~~ is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

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(a) Arson;

(b) Sexual battery;

(c) Robbery;

(d) Kidnapping;

(e) Aggravated child abuse;

(f) Aggravated assault;

(g) Aggravated stalking;

(h) Murder;

(i) Manslaughter;

(j) Unlawful throwing, placing, or discharging of a destructive device or bomb;

(k) Armed burglary;

(l) Aggravated battery;

(m) Carjacking;

(n) Home-invasion robbery;

(o) Burglary with an assault or battery;

(p) Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

(q) Carrying, displaying, using, threatening to use, or attempting to use a weapon or firearm during the commission of a felony.

(2) The child ~~youth~~ is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed three or more times to a delinquency commitment program.

(3) The child ~~youth~~ is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(4) The child ~~youth~~ is at least 13 years of age at the time of the disposition for the current offense, the child ~~youth~~ is eligible for prosecution as an adult for the current offense, and the current offense is ranked at level 7 or higher on the Criminal Punishment Code offense severity ranking chart pursuant to s. 921.0022.

Section 56. Subsection (49) of section 985.03, Florida Statutes, is amended and renumbered as subsection (1) of section 985.47, Florida Statutes, subsections (2), (4), and (5) of section 985.31, Florida Statutes are amended and renumbered, respectively, as subsections (9), (11), and (12) of

section 985.47, Florida Statutes, paragraphs (e) through (i) and (k) of subsection (3) of section 985.31, Florida Statutes, are amended and renumbered, respectively, as subsections (2) through (6) and (7) of section 985.47, Florida Statutes, subsection (1) of section 985.31, Florida Statutes, is renumbered as subsection (8) of section 985.47, Florida Statutes, and paragraphs (a) through (d) and (j) of subsection (3) of section 985.31, Florida Statutes, are renumbered, respectively, as paragraphs (a) through (d) and (e) of subsection (10) of section 985.47, Florida Statutes, and amended to read:

985.47 ~~985.31~~ Serious or habitual juvenile offender.—

(1)~~(49)~~ CRITERIA.—A "serious or habitual juvenile offender," for purposes of commitment to a residential facility and for purposes of records retention, means a child who has been found to have committed a delinquent act or a violation of law, in the case currently before the court, and who meets at least one of the following criteria:

(a) The child ~~youth~~ is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child ~~youth~~ is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least two times to a delinquency commitment program.

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(c) The child ~~youth~~ is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(2)~~(3)(e)~~ DETERMINATION.—After a child has been adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~985.228~~, the court shall determine whether the child meets the criteria for a serious or habitual juvenile offender under subsection (1) ~~pursuant to s. 985.03(49)~~. If the court determines that the child does not meet such criteria, ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~ shall apply.

(3)~~(f)~~ PLACEMENT RECOMMENDATIONS.—After a child has been transferred for criminal prosecution, a circuit court judge may direct a juvenile probation officer 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.

(4)~~(g)~~ TIME AND PLACE FOR RECOMMENDATIONS.—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.

(5)~~(h)~~ REPORTING RECOMMENDATIONS TO COURT.—Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer shall make the following recommendations to the court:

(a)~~1.~~ For each child who has not been transferred for criminal prosecution, the juvenile probation officer shall recommend whether placement in such program is appropriate and needed.

(b)~~2.~~ For each child who has been transferred for criminal prosecution, the juvenile probation officer 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 and the court shall identify the appropriate serious or habitual juvenile offender program or facility best suited to the needs of the child.

(6)~~(i)~~ ACTION ON RECOMMENDATIONS.—The treatment and placement recommendations shall be submitted to the court for further action under ~~pursuant to~~ this subsection ~~paragraph~~:

(a)~~1.~~ If it is recommended that placement in a serious or habitual juvenile offender program or facility is inappropriate, the court shall make an

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alternative disposition under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other alternative sentencing as applicable, using ~~utilizing~~ the recommendation as a guide.

(b)~~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.

(7)~~(k)~~ DURATION OF COMMITMENT.—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 that ~~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.~~

(8)~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.—Pursuant to ~~the provisions of~~ this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with ~~the provisions of~~ this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers, where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

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(9)~~(2)~~ SERIOUS OR HABITUAL JUVENILE OFFENDER PROGRAM.—

(a) There is created the serious or habitual juvenile offender program. The program shall consist of at least 9 months of intensive secure residential treatment. Conditional release assessment and services shall be provided in accordance with s. 985.46 ~~985.316~~. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.

2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.

3. Prevocational and vocational services.

4. Job training, job placement, and employability-skills training.

5. Case management services.

6. Educational services, including special education and pre-GED literacy.

7. Self-sufficiency planning.

8. Independent living skills.

9. Parenting skills.

10. Recreational and leisure time activities.

11. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.

12. Intensive conditional release supervision.

13. Graduated reentry into the community.

14. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.

15. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve 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, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

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

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures. These~~, 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)~~(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 conditional release 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 conditional release 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 conditional release 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 use ~~utilize~~ the reassessment determination to resolve the disagreement and make a final decision.

(11)~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Pursuant to ~~the provisions of~~ this section, the department shall implement the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under subsection (1) ~~s. 985.03(49)~~ and shall also include, but not be limited to, evaluation of the child's:

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1. Amenability to treatment.

2. Proclivity toward violence.

3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider is ~~are~~ appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. ~~It is not unlawful for~~ The person receiving the test results may ~~to~~ divulge the test results to the relevant facility staff and department personnel;~~.~~ however, such information is exempt from ~~the provisions of~~ ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained under ~~pursuant to~~ paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a serious or habitual juvenile offender shall become a part of that child's medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

(f) A record of the assessment and treatment of each serious or habitual juvenile offender shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any serious or habitual juvenile offender from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information under ~~pursuant to~~ this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information under ~~pursuant to~~ this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records ~~as~~ provided in s. 985.04 ~~shall~~ apply to the assessment and treatment records of serious or habitual juvenile offenders.

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(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on the serious or habitual juvenile offenders it treats.

(m) The file of each serious or habitual juvenile offender shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of serious or habitual juvenile offender programs and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for serious or habitual juvenile offenders.

(12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for serious or habitual juvenile offenders shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for serious or habitual juvenile offenders shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of serious or habitual juvenile offenders under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed under ~~pursuant to~~ subsection (8)~~(1)~~.

Section 57. Subsection (32) of section 985.03, Florida Statutes, is amended and renumbered as subsection (1) of section 985.475, Florida Statutes, and subsection (3) of section 985.231, Florida Statutes, is amended and renumbered as subsection (2) of section 985.475, Florida Statutes, to read:

985.475 Juvenile sexual offenders.—

(1)~~(32)~~ CRITERIA.—A "juvenile sexual offender" means:

(a) A juvenile who has been found by the court under s. 985.35 ~~985.228~~ to have committed a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133;

(b) A juvenile found to have committed any felony violation of law or delinquent act involving juvenile sexual abuse. "Juvenile sexual abuse" means any sexual behavior that ~~which~~ occurs without consent, without equality, or as a result of coercion. For purposes of this subsection, the following definitions apply:

1. "Coercion" means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

2. "Equality" means two participants operating with the same level of power in a relationship, neither being controlled nor coerced by the other.

3. "Consent" means an agreement including all of the following:

a. Understanding what is proposed based on age, maturity, developmental level, functioning, and experience.

b. Knowledge of societal standards for what is being proposed.

c. Awareness of potential consequences and alternatives.

d. Assumption that agreement or disagreement will be accepted equally.

e. Voluntary decision.

f. Mental competence.

Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts.

(2)~~(3)~~ Following a delinquency adjudicatory hearing under s. 985.35 ~~985.228~~, the court may on its own or upon request by the state or the department and subject to specific appropriation, determine whether a juvenile sexual offender placement is required for the protection of the public and what would be the best approach to address the treatment needs of the juvenile sexual offender. When the court determines that a juvenile has no history of a recent comprehensive assessment focused on sexually deviant behavior, the court may, subject to specific appropriation, order the department to conduct or arrange for an examination to determine whether the juvenile sexual offender is amenable to community-based treatment.

(a) The report of the examination shall include, at a minimum, the following:

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1. The juvenile sexual offender's account of the incident and the official report of the investigation.

2. The juvenile sexual offender's offense history.

3. A multidisciplinary assessment of the sexually deviant behaviors, including an assessment by a certified psychologist, therapist, or psychiatrist.

4. An assessment of the juvenile sexual offender's family, social, educational, and employment situation. The report shall set forth the sources of the evaluator's information.

(b) The report shall assess the juvenile sexual offender's amenability to treatment and relative risk to the victim and the community.

(c) The department shall provide a proposed plan to the court that shall include, at a minimum:

1. The frequency and type of contact between the offender and therapist.

2. The specific issues and behaviors to be addressed in the treatment and description of planned treatment methods.

3. Monitoring plans, including any requirements regarding living conditions, school attendance and participation, lifestyle, and monitoring by family members, legal guardians, or others.

4. Anticipated length of treatment.

5. Recommended crime-related prohibitions and curfew.

6. Reasonable restrictions on the contact between the juvenile sexual offender and either the victim or alleged victim.

(d) After receipt of the report on the proposed plan of treatment, the court shall consider whether the community and the offender will benefit from use of juvenile sexual offender community-based treatment alternative disposition and consider the opinion of the victim or the victim's family as to whether the offender should receive a community-based treatment alternative disposition under this subsection.

(e) If the court determines that this juvenile sexual offender community-based treatment alternative is appropriate, the court may place the offender on community supervision for up to 3 years. As a condition of community treatment and supervision, the court may order the offender to:

1. Undergo available outpatient juvenile sexual offender treatment for up to 3 years. A program or provider may not be used for such treatment unless it has an appropriate program designed for sexual offender treatment. The department shall not change the treatment provider without first notifying the state attorney's office.

2. Remain within described geographical boundaries and notify the court or the department counselor prior to any change in the offender's address, educational program, or employment.

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3. Comply with all requirements of the treatment plan.

(f) The juvenile sexual offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties to the proceedings. The juvenile sexual offender reports shall reference the treatment plan and include, at a minimum, the following:

1. Dates of attendance.

2. The juvenile sexual offender's compliance with the requirements of treatment.

3. A description of the treatment activities.

4. The sexual offender's relative progress in treatment.

5. The offender's family support of the treatment objectives.

6. Any other material specified by the court at the time of the disposition.

(g) At the disposition hearing, the court may set case review hearings as the court considers appropriate.

(h) If the juvenile sexual offender violates any condition of the disposition or the court finds that the juvenile sexual offender is failing to make satisfactory progress in treatment, the court may revoke the community-based treatment alternative and order commitment to the department under s. 985.441 ~~pursuant to subsection (1)~~.

(i) If the court determines that the juvenile sexual offender is not amenable to community-based treatment, the court shall proceed with a juvenile sexual offender disposition hearing under s. 985.441 ~~pursuant to subsection (1)~~.

Section 58. Section 985.308, Florida Statutes, is renumbered as section 985.48, Florida Statutes.

Section 59. Subsection (7) of section 985.03, Florida Statutes, is amended and renumbered as subsection (1) of section 985.483, Florida Statutes, subsections (2), (4), and (5) of section 985.311, Florida Statutes, are amended and renumbered, respectively, as subsections (9), (11), and (12) of section 985.483, Florida Statutes, paragraphs (e) through (i) and (k) of subsection (3) of section 985.311, Florida Statutes, are amended and renumbered, respectively, as subsections (2) through (6) and (7) of section 985.483, Florida Statutes, subsection (1) of section 985.311, Florida Statutes, is renumbered as subsection (8) of section 985.483, Florida Statutes, and paragraphs (a) through (d) and (j) of subsection (3) of section 985.311, Florida Statutes, are renumbered as paragraphs (a) through (d) and (e) of subsection (10) of section 985.483, Florida Statutes, and amended to read:

985.483 ~~985.311~~ Intensive residential treatment program for offenders less than 13 years of age.—

(1)~~(7)~~ CRITERIA.—A "child eligible for an intensive residential treatment program for offenders less than 13 years of age" means a child who has

been found to have committed a delinquent act or a violation of law in the case currently before the court and who meets at least one of the following criteria:

(a) The child is less than 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary;

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony.

(b) The child is less than 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed at least once to a delinquency commitment program.

(c) The child is less than 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(2)~~(3)(e)~~ DETERMINATION.—After a child has been adjudicated delinquent under ~~pursuant to~~ s. 985.35 ~~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 under subsection (1) ~~pursuant to s. 985.03(7)~~. If the court determines that the child does not meet the criteria, ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455 ~~the provisions of s. 985.231(1)~~ shall apply.

(3)~~(f)~~ PLACEMENT RECOMMENDATIONS.—After a child has been transferred for criminal prosecution, a circuit court judge may direct a juve-

nile probation officer 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.

(4)~~(3)(g)~~ TIME AND PLACE FOR RECOMMENDATIONS.—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.

(5)~~(3)(h)~~ REPORTING RECOMMENDATIONS.—Based on the recommendations of the multidisciplinary assessment, the juvenile probation officer shall make the following recommendations to the court:

(a)~~1.~~ For each child who has not been transferred for criminal prosecution, the juvenile probation officer shall recommend whether placement in such program is appropriate and needed.

(b)~~2.~~ For each child who has been transferred for criminal prosecution, the juvenile probation officer 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 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.

(6)~~(3)(i)~~ ACTION ON RECOMMENDATIONS.—The treatment and placement recommendations shall be submitted to the court for further action under ~~pursuant to~~ this subsection ~~paragraph~~:

(a)~~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 under ~~pursuant to~~ s. 985.489 ~~985.309~~ or other alternative sentencing as applicable, using ~~utilizing~~ the recommendation as a guide.

(b)~~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.

(7)~~(3)(k)~~ DURATION OF COMMITMENT.—Any commitment of a child to the department for placement in an intensive residential treatment program for offenders less than 13 years of age shall be for an indeterminate

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period of time, but the time shall not exceed the maximum term of imprisonment that ~~which~~ an adult may serve for the same offense. Any child who has not completed the residential portion of the intensive residential treatment program for offenders less than 13 years of age by his or her fourteenth birthday may be transferred to another program for committed delinquent offenders.

(8)~~(1)~~ ASSESSMENT AND TREATMENT SERVICES.—Pursuant to ~~the provisions of~~ this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with ~~the provisions of~~ this chapter and all applicable rules and guidelines pursuant thereto.

4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability no later than January 1 of each year.

(b) Assessment shall generally comprise the first 30 days of treatment and be provided by the same provider as treatment, but assessment and treatment services may be provided by separate providers~~,~~ where warranted. Providers shall be selected who have the capacity to assess and treat the unique problems presented by children with different racial and ethnic backgrounds. The department shall retain contractual authority to reject any assessment or treatment provider for lack of qualification.

(9)~~(2)~~ INTENSIVE RESIDENTIAL TREATMENT PROGRAM FOR OFFENDERS UNDER AGE ~~LESS THAN~~ 13 ~~YEARS OF AGE~~.—

(a) There is created the intensive residential treatment program for offenders less than 13 years of age. The program shall consist of at least 9 months of intensive secure residential treatment. Conditional release assessment and services shall be provided in accordance with s. 985.46 ~~985.316~~. The components of the program shall include, but not be limited to:

1. Diagnostic evaluation services.

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2. Appropriate treatment modalities, including substance abuse intervention, mental health services, and sexual behavior dysfunction interventions and gang-related behavior interventions.

3. Life skills.

4. Values clarification.

5. Case management services.

6. Educational services, including special and remedial education.

7. Recreational and leisure time activities.

8. Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.

9. Intensive conditional release supervision.

10. Graduated reentry into the community.

11. A diversity of forms of individual and family treatment appropriate to and consistent with the child's needs.

12. Consistent and clear consequences for misconduct.

(b) The department is authorized to contract with private companies to provide some or all of the components indicated in paragraph (a).

(c) The department shall involve 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, in planning and developing this program.

(d) The department is authorized to accept funds or in-kind contributions from public or private sources to be used for the purposes of this section.

(e) The department shall establish quality assurance standards to ensure the quality and substance of mental health services provided to children with mental, nervous, or emotional disorders who may be committed to intensive residential treatment programs. The quality assurance standards shall address the possession of credentials by the mental health service providers.

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

(a) Assessment and treatment shall be conducted by treatment professionals with expertise in specific treatment procedures. These~~, 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.

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(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)~~(j)~~ The following provisions shall apply to children in an intensive residential treatment program for offenders less than 13 years of age:

1. A child shall begin participation in the conditional release 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 conditional release 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 conditional release 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 use ~~utilize~~ the reassessment determination to resolve the disagreement and make a final decision.

(11)~~(4)~~ ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.—

(a) Under ~~Pursuant to the provisions of~~ this section, the department shall implement the comprehensive assessment instrument for the treatment needs of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age and for the assessment, which assessment shall include the criteria under subsection (1) ~~s. 985.03(7)~~ and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.

2. Proclivity toward violence.

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3. Tendency toward gang involvement.

4. Substance abuse or addiction and the level thereof.

5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.

6. Number and type of previous adjudications, findings of guilt, and convictions.

7. Potential for rehabilitation.

(b) The department shall contract with multiple individuals or not-for-profit organizations to perform the assessments and treatment, and shall ensure that the staff of each provider is ~~are~~ appropriately trained.

(c) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a child's blood and urine samples will be tested for substance abuse indications. ~~It is not unlawful for~~ The person receiving the test results may ~~to~~ divulge the test results to the relevant facility staff and department personnel;~~.~~ however, such information is exempt from ~~the provisions of~~ ss. 119.01 and 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Serologic blood test and urinalysis results obtained under ~~pursuant to~~ paragraph (c) are confidential, except that they may be shared with employees or officers of the department, the court, and any assessment or treatment provider and designated facility treating the child. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(e) The results of any serologic blood or urine test on a child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall become a part of that child's permanent medical file. Upon transfer of the child to any other designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons authorized ~~designated~~ by rule of the department. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control and Prevention.

(f) A record of the assessment and treatment of each child who is eligible for an intensive residential treatment program for offenders less than 13 years of age shall be maintained by the provider, which shall include data pertaining to the child's treatment and such other information as may be required under rules of the department. Unless waived by express and informed consent by the child or the guardian or, if the child is deceased, by the child's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

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(g) The assessment and treatment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the child or the guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, as defined by rule; a staff member of the designated treatment facility; or an employee of the department when the administrator of the facility or the Secretary of Juvenile Justice deems it necessary for treatment of the child, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment and treatment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(h) Notwithstanding other provisions of this section, the department may request, receive, and provide assessment and treatment information to facilitate treatment, rehabilitation, and continuity of care of any child who is eligible for an intensive residential treatment program for offenders less than 13 years of age from any of the following:

1. The Social Security Administration and the United States Department of Veterans Affairs.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the child's status.

3. Personnel in any facility in which the child may be placed.

4. Community agencies and others expected to provide services to the child upon his or her return to the community.

(i) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information under ~~pursuant to~~ this section shall maintain such information as a nonpublic record as otherwise provided herein.

(j) Any agency, not-for-profit organization, or treatment professional who acts in good faith in releasing information under ~~pursuant to~~ this subsection shall not be subject to civil or criminal liability for such release.

(k) Assessment and treatment records are confidential as described in this paragraph and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

1. The department shall have full access to the assessment and treatment records to ensure coordination of services to the child.

2. The principles of confidentiality of records as provided in s. 985.045 ~~985.05~~ shall apply to the assessment and treatment records of children who

are eligible for an intensive residential treatment program for offenders less than 13 years of age.

(l) For purposes of effective administration, accurate tracking and recordkeeping, and optimal treatment decisions, each assessment and treatment provider shall maintain a central identification file on each child it treats in the intensive residential treatment program for offenders less than 13 years of age.

(m) The file of each child treated in the intensive residential treatment program for offenders less than 13 years of age shall contain, but is not limited to, pertinent children-in-need-of-services and delinquency record information maintained by the department; pertinent school records information on behavior, attendance, and achievement; and pertinent information on delinquency or children in need of services maintained by law enforcement agencies and the state attorney.

(n) All providers under this section shall, as part of their contractual duties, collect, maintain, and report to the department all information necessary to comply with mandatory reporting pursuant to the promulgation of rules by the department for the implementation of intensive residential treatment programs for offenders less than 13 years of age and the monitoring and evaluation thereof.

(o) The department is responsible for the development and maintenance of a statewide automated tracking system for children who are treated in an intensive residential treatment program for offenders less than 13 years of age.

(12)~~(5)~~ DESIGNATED TREATMENT FACILITIES.—

(a) Designated facilities shall be sited and constructed by the department, directly or by contract, pursuant to departmental rules, to ensure that facility design is compatible with treatment. The department is authorized to contract for the construction of the facilities and may also lease facilities. The number of beds per facility shall not exceed 25. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one facility in any judicial circuit.

(b) Designated facilities for an intensive residential treatment program for offenders less than 13 years of age shall be separate and secure facilities established under the authority of the department for the treatment of such children.

(c) Security for designated facilities for children who are eligible for an intensive residential treatment program for offenders less than 13 years of age shall be determined by the department. The department is authorized to contract for the provision of security.

(d) With respect to the treatment of children who are eligible for an intensive residential treatment program for offenders less than 13 years of age under this section, designated facilities shall be immune from liability for civil damages except in instances when the failure to act in good faith

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results in serious injury or death, in which case liability shall be governed by s. 768.28.

(e) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed under ~~pursuant to~~ subsection (8)~~(1)~~.

Section 60. Section 985.312, Florida Statutes, is renumbered as section 985.486, Florida Statutes, and amended to read:

985.486 ~~985.312~~ Intensive residential treatment programs for offenders less than 13 years of age; prerequisite for commitment.—No child who is eligible for commitment to an intensive residential treatment program for offenders less than 13 years of age as established in s. 985.483(1) ~~985.03(7)~~, may be committed to any intensive residential treatment program for offenders less than 13 years of age as established in s. 985.483 ~~985.311~~, unless such program has been established by the department through existing resources or specific appropriation, for such program.

Section 61. Section 985.309, Florida Statutes, is renumbered as section 985.489, Florida Statutes, and subsection (6) of that section is amended to read:

985.489 ~~985.309~~ Boot camp for children.—

(6) A boot camp operated by the department, a county, or a municipality must provide for the following minimum periods of participation:

(a) A participant in a low-risk residential program must spend at least 2 months in the boot camp component of the program. Conditional release assessment and services shall be provided in accordance with s. 985.46 ~~985.316~~.

(b) A participant in a moderate-risk residential program must spend at least 4 months in the boot camp component of the program. Conditional release assessment and services shall be provided in accordance with s. 985.46 ~~985.316~~.

This subsection does not preclude the operation of a program that requires the participants to spend more than 4 months in the boot camp component of the program or that requires the participants to complete two sequential programs of 4 months each in the boot camp component of the program.

Section 62. Section 985.314, Florida Statutes, is renumbered as section 985.494, Florida Statutes, and amended to read:

985.494 ~~985.314~~ Commitment programs for juvenile felony offenders.—

(1) Notwithstanding any other law and regardless of the child's age, a child who is adjudicated delinquent, or for whom adjudication is withheld, for an act that would be a felony if committed by an adult, shall be committed to:

(a) A boot camp program under s. 985.489 ~~985.309~~ if the child has participated in an early delinquency intervention program as provided in s. 985.61 ~~985.305~~.

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(b) A program for serious or habitual juvenile offenders under s. 985.47 ~~985.31~~ or an intensive residential treatment program for offenders less than 13 years of age under s. 985.483 ~~985.311~~, if the child has participated in an early delinquency intervention program and has completed a boot camp program.

(c) A maximum-risk residential program, if the child has participated in an early delinquency intervention program, has completed a boot camp program, and has completed a program for serious or habitual juvenile offenders or an intensive residential treatment program for offenders less than 13 years of age. The commitment of a child to a maximum-risk residential program must be for an indeterminate period, but may not exceed the maximum term of imprisonment that an adult may serve for the same offense.

(2) In committing a child to the appropriate program, the court may consider an equivalent program of similar intensity as being comparable to a program required under subsection (1).

Section 63. Section 985.511, Florida Statutes, is created to read:

985.511 Costs of representation.—The responsibilities of the parents or legal guardian of the child to pay costs associated with the representation of the child are prescribed under s. 985.033.

Section 64. Section 985.204, Florida Statutes, is renumbered as section 985.512, Florida Statutes.

Section 65. Paragraph (e) of subsection (1) of section 985.231, Florida Statutes, is amended and renumbered as subsection (2) of section 985.513, Florida Statutes, which is created to read:

985.513 Powers of the court over parent or guardian at disposition.—

(1) The court that has jurisdiction over 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:

(a) Order the child's parent or guardian together with the child to render community service in a public service program or to participate in a community work project. In addition to the sanctions imposed on the child, the court may order the child's parent or guardian 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.

(b) 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 may also require the child's parent or legal guardian to be responsible for any restitution ordered against the child, as provided under s. 985.437. 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 s. 985.437. The court may retain jurisdiction, as provided under s. 985.0301, over the child and the child's parent or legal guardian whom the court has ordered to pay

restitution until the restitution order is satisfied or the court orders otherwise.

~~(1)~~

(2)~~(c)~~ Notwithstanding whether adjudication is imposed or withheld ~~In carrying out the provisions of this part~~, the court may order the natural parents or legal custodian or guardian of a child who is found to have committed a delinquent act to participate in family counseling and other professional counseling activities deemed necessary for the rehabilitation of the child or to enhance their ability to provide the child with adequate support, guidance, and supervision. The court may also order that the parent, custodian, or guardian support the child and participate with the child in fulfilling a court-imposed sanction. In addition, the court may use its contempt powers to enforce a court-imposed sanction.

Section 66. Section 985.514, Florida Statutes, is created to read:

985.514 Responsibility for cost of care; fees.—

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

(2) When any child is found by the court to have committed a delinquent act and is placed on probation, regardless of adjudication, under the supervision of or in the temporary legal custody of the department, the court shall order the child's parents to pay fees to the department as provided in s. 985.039.

(3) When the court under s. 985.565 orders any child prosecuted as an adult to be supervised by or committed to the department for treatment in any of the department's programs for children, the court shall order the child's parents to pay fees as provided in s. 985.039.

Section 67. Section 985.234, Florida Statutes, is renumbered as section 985.534, Florida Statutes, and subsection (1) of that section is amended to read:

985.534 ~~985.234~~ Appeal.—

(1) An appeal from an order of the court affecting a party to a case involving a child under ~~pursuant to~~ this chapter ~~part~~ may be taken to the appropriate district court of appeal within the time and in the manner prescribed by s. 924.051 and the Florida Rules of Appellate Procedure by:

(a) Any child, and any parent or legal guardian or custodian of any child.

(b) The state, which may appeal from:

1. An order dismissing a petition or any section thereof;

2. An order granting a new adjudicatory hearing;

3. An order arresting judgment;

4. A ruling on a question of law when the child is adjudicated delinquent and appeals from the judgment;

5. The disposition, on the ground that it is illegal;

6. A judgment discharging a child on habeas corpus;

7. An order adjudicating a child insane under the Florida Rules of Juvenile Procedure; and

8. All other preadjudicatory hearings, except that the state may not take more than one appeal under this subsection in any case.

In the case of an appeal by the state, the notice of appeal shall be filed by the appropriate state attorney or his or her authorized assistant under ~~pursuant to the provisions of~~ s. 27.18. Such an appeal shall embody all assignments of error in each preadjudicatory hearing order that the state seeks to have reviewed. The state shall pay all costs of the appeal except for the child's attorney's fee.

Section 68. Sections 985.235 and 985.236, Florida Statutes, are renumbered, respectively, as sections 985.535 and 985.536, Florida Statutes.

Section 69. Section 985.226, Florida Statutes, is renumbered as section 985.556, Florida Statutes, and amended to read:

985.556 ~~985.226~~ Waiver of juvenile court jurisdiction; hearing ~~Criteria for waiver of juvenile court jurisdiction; hearing on motion to transfer for prosecution as an adult.—~~

(1) VOLUNTARY WAIVER.—The court shall transfer and certify a child's criminal case for trial as an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by the guardian or guardian ad litem, demands in writing to be tried as an adult. Once a child has been transferred for criminal prosecution pursuant to a voluntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565 ~~985.233~~(4)(b).

(2) INVOLUNTARY DISCRETIONARY WAIVER.—

~~(a) Discretionary waiver.—~~Except as provided in subsection (3) ~~paragraph (b)~~, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 years of age or older at the time the alleged delinquent act or violation of law was committed.

(3) INVOLUNTARY MANDATORY WAIVER.—

~~(b) Mandatory waiver.—~~

(a)~~1.~~ If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or

(b)~~2.~~ If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person;

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, or proceed under ~~pursuant to~~ s. 985.557 ~~985.227~~(1). Upon the state attorney's request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

(4)~~(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, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution.

(b) After the filing of the motion of the state attorney, summonses must be issued and served in conformity with s. 985.319 ~~985.219~~. A copy of the motion and a copy of the delinquency petition, if not already served, must be attached to each summons.

(c) The court shall conduct a hearing on all transfer request motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

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4. The probable cause as found in the report, affidavit, or complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults.

6. The sophistication and maturity of the child.

7. The record and previous history of the child, including:

a. Previous contacts with the department, the Department of Corrections, the former Department of Health and Rehabilitative Services, the Department of Children and Family Services, other law enforcement agencies, and courts;

b. Prior periods of probation;

c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child has previously been found by a court to have committed a delinquent act or violation of law involving an offense classified as a felony or has twice previously been found to have committed a delinquent act or violation of law involving an offense classified as a misdemeanor; and

d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if the child is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

(d) Prior to a hearing on the transfer request motion by the state attorney, a study and report to the court relevant to the factors in paragraph (c) must be made in writing by an authorized agent of the department. The child and the child's parents or legal guardians and counsel and the state attorney shall have the right to examine these reports and to question the parties responsible for them at the hearing.

(e) Any decision to transfer a child for criminal prosecution must be in writing and include consideration of, and findings of fact with respect to, all criteria in paragraph (c). The court shall render an order including a specific finding of fact and the reasons for a decision to impose adult sanctions. The order shall be reviewable on appeal under s. 985.534 ~~985.234~~ and the Florida Rules of Appellate Procedure.

(5)~~(4)~~ EFFECT OF ORDER WAIVING JURISDICTION.—

(a) Once a child has been transferred for criminal prosecution pursuant to an involuntary waiver hearing and has been found to have committed the presenting offense or a lesser included offense, the child shall thereafter be handled in every respect as an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565 ~~985.233~~.

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(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If the child is acquitted of all charged offenses or lesser included offenses contained in the original case transferred to adult court, all felony cases that were transferred to adult court under ~~pursuant to~~ this paragraph shall be subject to the same penalties such cases were subject to before being transferred to adult court.

Section 70. Section 985.227, Florida Statutes, is renumbered as section 985.557, Florida Statutes, and amended to read:

985.557 ~~985.227~~ ~~Prosecution of juveniles as adults by the~~ Direct filing of an information ~~in the criminal division of the circuit court~~; discretionary and ~~criteria;~~ mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE~~; CRITERIA~~.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is for the commission of, attempt to commit, or conspiracy to commit:

1. Arson;

2. Sexual battery;

3. Robbery;

4. Kidnapping;

5. Aggravated child abuse;

6. Aggravated assault;

7. Aggravated stalking;

8. Murder;

9. Manslaughter;

10. Unlawful throwing, placing, or discharging of a destructive device or bomb;

11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c), or burglary with an assault or battery in violation of s. 810.02(2)(a);

12. Aggravated battery;

13. Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age;

14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony;

15. Grand theft in violation of s. 812.014(2)(a);

16. Possessing or discharging any weapon or firearm on school property in violation of s. 790.115;

17. Home invasion robbery;

18. Carjacking; or

19. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at $20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

(b) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed. However, the state attorney may not file an information on a child charged with a misdemeanor, unless the child has had at least two previous adjudications or adjudications withheld for delinquent acts, one of which involved an offense classified as a felony under state law.

(2) MANDATORY DIRECT FILE.—

(a) With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.

(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.

(c) The state attorney must file an information if a child, regardless of the child's age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death

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of a person who was not involved in the underlying offense. For purposes of this section, the driver and all willing passengers in the stolen motor vehicle at the time such serious bodily injury or death is inflicted shall also be subject to mandatory transfer to adult court. "Stolen motor vehicle," for the purposes of this section, means a motor vehicle that has been the subject of any criminal wrongful taking. For purposes of this section, "willing passengers" means all willing passengers who have participated in the underlying offense.

(d)1. With respect to any child who was 16 or 17 years of age at the time the alleged offense was committed, the state attorney shall file an information if the child has been charged with committing or attempting to commit an offense listed in s. 775.087(2)(a)1.a.-q., and, during the commission of or attempt to commit the offense, the child:

a. Actually possessed a firearm or destructive device, as those terms are defined in s. 790.001.

b. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)2.

c. Discharged a firearm or destructive device, as described in s. 775.087(2)(a)3., and, as a result of the discharge, death or great bodily harm was inflicted upon any person.

2. Upon transfer, any child who is:

a. Charged under ~~pursuant to~~ sub-subparagraph 1.a. and who has been previously adjudicated or had adjudication withheld for a forcible felony offense or any offense involving a firearm, or who has been previously placed in a residential commitment program, shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

b. Charged under ~~pursuant to~~ sub-subparagraph 1.b. or sub-subparagraph 1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565 ~~985.233~~.

3. Upon transfer, any child who is charged under ~~pursuant to~~ this paragraph, but who does not meet the requirements specified in subparagraph 2., shall be sentenced under ~~pursuant to~~ s. 985.565 ~~985.233~~; however, if the court imposes a juvenile sanction, the court must commit the child to a high-risk or maximum-risk juvenile facility.

4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that ~~which~~ preclude the just prosecution of the child in adult court.

5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.

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(3) EFFECT OF DIRECT FILE.—

(a) Once a child has been transferred for criminal prosecution pursuant to an information and has been found to have committed the presenting offense or a lesser included offense, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565 ~~985.233~~.

(b) When a child is transferred for criminal prosecution as an adult, the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If a child is acquitted of all charged offenses or lesser included offenses contained in the original case transferred to adult court, all felony cases that were transferred to adult court as a result of this paragraph shall be subject to the same penalties to which such cases would have been subject before being transferred to adult court.

(c) When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may be made under s. 985.565 ~~985.233~~ and may include the enforcement of any restitution ordered in any juvenile proceeding.

(4) DIRECT-FILE POLICIES AND GUIDELINES.—Each state attorney shall develop written policies and guidelines to govern determinations for filing an information on a juvenile, to be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than January 1 of each year.

(5) An information filed pursuant to this section may include all charges that are based on the same act, criminal episode, or transaction as the primary offenses.

Section 71. Section 985.225, Florida Statutes, is renumbered as section 985.56, Florida Statutes, and amended to read:

985.56 ~~985.225~~ Indictment of a juvenile.—

(1) A child of any age who is charged with a violation of state law punishable by death or by life imprisonment is subject to the jurisdiction of the court as set forth in s. 985.0301(2) ~~985.219(8)~~ unless and until an indictment on the charge is returned by the grand jury. When such indictment is returned, the petition for delinquency, if any, must be dismissed and the child must be tried and handled in every respect as an adult:

(a) On the offense punishable by death or by life imprisonment; and

(b) On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

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(2) An adjudicatory hearing may not be held until 21 days after the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment, unless the state attorney advises the court in writing that he or she does not intend to present the case to the grand jury, or has presented the case to the grand jury and the grand jury has not returned an indictment. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this part.

(3) If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence under ~~pursuant to~~ s. 985.565 ~~985.233~~.

(4)(a) Once a child has been indicted pursuant to this section ~~subsection~~ and has been found to have committed any offense for which he or she was indicted as a part of the criminal episode, the child shall be handled thereafter in every respect as if an adult for any subsequent violation of state law, unless the court imposes juvenile sanctions under s. 985.565 ~~985.233~~.

(b) When a child has been indicted pursuant to this section, ~~subsection~~ the court shall immediately transfer and certify to the adult circuit court all felony cases pertaining to the child, for prosecution of the child as an adult, which have not yet resulted in a plea of guilty or nolo contendere or in which a finding of guilt has not been made. If the child is acquitted of all charged offenses or lesser included offenses contained in the indictment case, all felony cases that were transferred to adult court pursuant to this paragraph shall be subject to the same penalties such cases were subject to before being transferred to adult court.

Section 72. Subsections (1) through (4) of section 985.233, Florida Statutes, are renumbered, respectively, as subsections (1) through (3) and paragraphs (c) and (d) of subsection (4) of section 985.565, Florida Statutes, and paragraphs (a), (b), (c), (e), and (f) of subsection (4) of section 985.233, Florida Statutes, are amended and renumbered, respectively, as paragraphs (a), (b), and (e) of subsection (4) of section 985.565, Florida Statutes, to read:

985.565 ~~985.233~~ Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(a) ~~Sentencing to~~ Adult sanctions.—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

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a. As an adult;

b. Under ~~Pursuant to~~ chapter 958; or

c. As a juvenile under ~~pursuant to~~ this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

a. As an adult;

b. Under ~~Pursuant to~~ chapter 958; or

c. As a juvenile under ~~pursuant to~~ this section.

3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ and that motion is granted, or if the state attorney is required to file an information under ~~pursuant to~~ s. 985.557 ~~985.227~~(2)(a) or (b), the court must impose adult sanctions.

4. Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

5. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) ~~Sentencing to~~ Juvenile sanctions.—For juveniles transferred to adult court but who do not qualify for such transfer under ~~pursuant to~~ s. 985.556(3) ~~985.226(2)(b)~~ or s. 985.557 ~~985.227~~(2)(a) or (b), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under ~~pursuant to~~ this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency shall not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

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1. Place the child in a probation program under the supervision of the department for an indeterminate period of time until the child reaches the age of 19 years or sooner if discharged by order of the court.

2. Commit the child to the department for treatment in an appropriate program for children for an indeterminate period of time until the child is 21 or sooner if discharged by the department. The department shall notify the court of its intent to discharge no later than 14 days prior to discharge. Failure of the court to timely respond to the department's notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439, 985.441, 985.445, 985.45, and 985.455 ~~pursuant to s. 985.231~~ as an alternative to youthful offender or adult sentencing if the court determines not to impose youthful offender or adult sanctions.

(c) ~~Imposition of~~ Adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable to a commitment program, in a juvenile probation program, or treatment program under ~~the provisions of~~ paragraph (b), 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, 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 under ~~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.

(d)~~(c)~~ Further proceedings heard in adult court.—When a child is sentenced to juvenile sanctions, further proceedings involving those sanctions shall continue to be heard in the adult court.

(e)~~(f)~~ School attendance.—If the child is attending or is eligible to attend public school and the court finds that the victim or a sibling of the victim in the case is attending or may attend the same school as the child, the court placement order shall include a finding pursuant to the proceeding described in s. 985.455(2), regardless of whether adjudication is withheld ~~985.23(1)(d)~~.

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. 985.534 ~~985.234~~.

Section 73. Section 985.417, Florida Statutes, is renumbered as section 985.57, Florida Statutes.

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Section 74. Subsections (1) through (3) and (6) through (11) of section 985.404, Florida Statutes, are renumbered as subsections (1) through (3) and (5) through (10) of section 985.601, Florida Statutes, and subsections (4), (5), and (9) of that section are amended to read:

985.601 ~~985.404~~ Administering the juvenile justice continuum.—

~~(4) The department may transfer a child, when necessary to appropriately administer the child's commitment, from one facility or program to another facility or program operated, contracted, subcontracted, or designated by the department, including a postcommitment nonresidential conditional release program. The department shall notify the court that committed the child to the department and any attorney of record, in writing, of its intent to transfer the child from a commitment facility or program to another facility or program of a higher or lower restrictiveness level. The court that committed the child may agree to the transfer or may set a hearing to review the transfer. If the court does not respond within 10 days after receipt of the notice, the transfer of the child shall be deemed granted.~~

(4)~~(5)~~ The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

(8)~~(9)~~ The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of children are appropriately apprised of the requirements of this chapter ~~part~~ and trained in the specialized areas required to comply with standards established by rule.

Section 75. Section 985.4043, Florida Statutes, is renumbered as section 985.6015, Florida Statutes, and subsection (1) of that section is amended to read:

985.6015 ~~985.4043~~ Shared County/State Juvenile Detention Trust Fund.—

(1) The Shared County/State Juvenile Detention Trust Fund is created within the department ~~of Juvenile Justice~~.

Section 76. Section 985.3045, Florida Statutes, is renumbered as section 985.605, Florida Statutes, and subsections (2) and (3) of that section are amended to read:

985.605 ~~985.3045~~ Prevention service program; monitoring; ~~report;~~ uniform performance measures.—

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~~(2) No later than January 31, 2001, the prevention service program shall submit a report to the Governor, the Speaker of the House, and the President of the Senate concerning the implementation of a statewide multiagency plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall include a proposal for a statewide coordinated multiagency juvenile delinquency prevention policy. In preparing the report, the department shall coordinate with and receive input from each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall identify whether legislation will be needed to effect a statewide plan to coordinate the efforts of all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The report shall consider the potential impact of requiring such state-funded efforts to target at least one of the following strategies designed to prevent youth from entering or reentering the juvenile justice system and track the associated outcome data:~~

~~(a) Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance; outcome data to reveal the number of days youth attended school while participating in the program.~~

~~(b) Engaging youth in productive and wholesome activities during nonschool hours that build positive character or instill positive values, or that enhance educational experiences; outcome data to reveal the number of youth who are arrested during nonschool hours while participating in the program.~~

~~(c) Encouraging youth to avoid the use of violence; outcome data to reveal the number of youth who are arrested for crimes involving violence while participating in the program.~~

~~(d) Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth; outcome data to reveal the number of youth who obtain and maintain employment for at least 180 days.~~

~~The department is encouraged to identify additional strategies which may be relevant to preventing youth from becoming children in need of services and to preventing juvenile crime, delinquency, gang membership and status offense behaviors. The report shall consider the feasibility of developing uniform performance measures and methodology for collecting such outcome data to be utilized by all state-funded programs, grants, appropriations, or~~

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~~activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The prevention service program is encouraged to identify other issues that may be of critical importance to preventing a child from becoming a child in need of services, as defined in chapter 984, or to preventing juvenile crime, delinquency, gang membership, or status offense behaviors.~~

~~(2)~~(3) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in ss. 984.02 and 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state moneys to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the following strategies: ~~specified in paragraphs (2)(a)-(d).~~

1. Encouraging youth to attend school, which may include special assistance and tutoring to address deficiencies in academic performance and collecting outcome data to reveal the number of days youth attended school while participating in the program.

2. Engaging youth in productive and wholesome activities during nonschool hours that build positive character, instill positive values, or enhance educational experiences and collecting outcome data to reveal the number of youths who are arrested during nonschool hours while participating in the program.

3. Encouraging youth to avoid the use of violence and collecting outcome data to reveal the number of youths who are arrested for crimes involving violence while participating in the program.

4. Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth and collecting outcome data to reveal the number of youths who obtain and maintain employment for at least 180 days.

(b) The department shall develop an outcome measure for each program strategy specified in paragraph (a) ~~paragraphs (2)(a)-(d)~~ that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Section 77. Section 985.3046, Florida Statutes, is renumbered as section 985.606, Florida Statutes, and amended to read:

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985.606 ~~985.3046~~ ~~Agencies and entities providing~~ Prevention services providers; ~~collection of~~ performance data collection; reporting ~~requirements~~.—Each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, shall collect data relative to the performance of such activities and shall provide said data to the Governor, the President of the Senate, and the Speaker of the House no later than January 31st of each year for the preceding fiscal year~~, beginning in 2002~~. ~~Further, each state agency or entity that receives or uses state appropriations to fund programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, status offense, or that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, shall cooperate with the Department of Juvenile Justice with regard to the report described in s. 985.3045(2).~~

Section 78. Section 985.305, Florida Statutes, is renumbered as section 985.61, Florida Statutes.

Section 79. Section 985.2066, Florida Statutes, is renumbered as section 985.614, Florida Statutes, and amended to read:

985.614 ~~985.2066~~ Children locked out of the home; interagency cooperation.—The department ~~of Juvenile Justice~~ and the Department of Children and Family Services shall encourage interagency cooperation within each circuit and shall develop comprehensive agreements between the staff and providers for each department in order to coordinate the services provided to children who are locked out of the home and the families of those children.

Section 80. Section 985.315, Florida Statutes, is renumbered as section 985.618, Florida Statutes, and paragraph (b) of subsection (4) of that section is amended to read:

985.618 ~~985.315~~ Educational and career-related programs.—

(4)

(b) Evaluations of juvenile educational and career-related programs shall be conducted according to the following guidelines:

1. Systematic evaluations and quality assurance monitoring shall be implemented, in accordance with s. 985.632 ~~985.412~~(1), (2), and (5), to determine whether the programs are related to successful postrelease adjustments.

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

Section 81. Section 985.3155, Florida Statutes, is renumbered as section 985.622, Florida Statutes.

Section 82. Section 985.317, Florida Statutes, is renumbered as section 985.625, Florida Statutes, and subsection (3) of that section is amended to read:

985.625 ~~985.317~~ Literacy programs for juvenile offenders.—

(3) INITIAL ASSESSMENT.—When an offender is admitted to a residential commitment facility, the department or a provider under contract with the department shall immediately assess whether the offender has achieved a sixth-grade or higher reading and writing level. An assessment may be conducted at a juvenile assessment center as provided in s. 985.135 ~~985.209~~ as a part of the intake process. If the department or a provider determines that an offender has not achieved a sixth-grade or higher reading and writing level, the offender shall participate in a program if the offender meets the criteria for participation.

Section 83. Section 985.419, Florida Statutes, is renumbered as section 985.629, Florida Statutes.

Section 84. Section 985.412, Florida Statutes, is renumbered as section 985.632, Florida Statutes.

Section 85. Section 985.42, Florida Statutes, is renumbered as section 985.636, Florida Statutes.

Section 86. Section 985.405, Florida Statutes, is renumbered as section 985.64, Florida Statutes, and that section is amended to read:

985.64 ~~985.405~~ Rulemaking ~~Rules for implementation~~.—The department ~~of Juvenile Justice~~ shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter. Such rules may not conflict with the Florida Rules of Juvenile Procedure. All rules and policies must conform to accepted standards of care and treatment.

Section 87. Subsection (2) of section 985.01, Florida Statutes, is renumbered as subsection (1) of section 985.644, Florida Statutes, and subsections (1) through (5) of section 985.407, Florida Statutes, are renumbered as subsections (2) through (6) of section 985.644, Florida Statutes.

Section 88. Section 985.408, Florida Statutes, is renumbered as section 985.648, Florida Statutes, and amended to read:

985.648 ~~985.408~~ Consultants.—The department may hire consultants to advise and confer with the judges of the circuit courts upon request of any such court and for the purpose of advising the department on programs, facilities, institutions, care, supervision, and all other services and treatment for children committed to the department's care under ~~pursuant to~~ this chapter ~~part~~.

Section 89. Section 985.409, Florida Statutes, is renumbered as section 985.652, Florida Statutes.

Section 90. Section 985.406, Florida Statutes, is renumbered as section 985.66, Florida Statutes, and paragraph (a) of subsection (3) of that section is amended to read:

985.66 ~~985.406~~ Juvenile justice training academies ~~established~~; Juvenile Justice Standards and Training Commission ~~created~~; Juvenile Justice Training Trust Fund ~~created~~.—

(3) JUVENILE JUSTICE TRAINING PROGRAM.—The commission shall establish a certifiable program for juvenile justice training pursuant to this section, and all department ~~of Juvenile Justice~~ program staff and providers who deliver direct care services pursuant to contract with the department shall be required to participate in and successfully complete the commission-approved program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, and school district personnel may participate in such training program. For the juvenile justice program staff, the commission shall, based on a job-task analysis:

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

1. Be at least 19 years of age.

2. Be a high school graduate or its equivalent as determined by the commission.

3. Not have been convicted of any felony or a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the Armed Forces of the United States. Any person who, after September 30, 1999, pleads guilty or nolo contendere to or is found guilty of any felony or a misdemeanor involving perjury or false statement is not eligible for employment, notwithstanding suspension of sentence or withholding of adjudication. Notwithstanding this subparagraph, any person who pled ~~pleads~~ nolo contendere to a misdemeanor involving a false statement before October 1, 1999, and who has had such record of that plea sealed or expunged is not ineligible for employment for that reason.

4. Abide by all the provisions of s. 985.644(1) ~~985.01(2)~~ regarding fingerprinting and background investigations and other screening requirements for personnel.

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

Section 91. Section 985.4135, Florida Statutes, is renumbered as section 985.664, Florida Statutes, and subsection (5) of that section is amended to read:

985.664 ~~985.4135~~ Juvenile justice circuit boards and juvenile justice county councils.—

(5) Juvenile justice circuit boards and county councils shall advise and assist the department in the evaluation and award of prevention and early intervention grant programs, including the Community Juvenile Justice Partnership Grant program established in s. 985.676 ~~985.415~~ and proceeds from the Invest in Children license plate annual use fees.

Section 92. Sections 985.416 and 985.4145, Florida Statutes, are renumbered, respectively, as sections 985.668 and 985.672, Florida Statutes.

Section 93. Section 985.415, Florida Statutes, is renumbered as section 985.676, Florida Statutes, and paragraph (a) of subsection (1) and paragraphs (a) and (e) of subsection (2) of that section are amended to read:

985.676 ~~985.415~~ Community juvenile justice partnership grants.—

(1) GRANTS; CRITERIA.—

(a) In order to encourage the development of county and circuit juvenile justice plans and the development and implementation of county and circuit interagency agreements under ~~pursuant to~~ s. 985.664 ~~985.4135~~, the community juvenile justice partnership grant program is established, and shall be administered by the department ~~of Juvenile Justice~~.

(2) GRANT APPLICATION PROCEDURES.—

(a) Each entity wishing to apply for an annual community juvenile justice partnership grant, which may be renewed for a maximum of 2 additional years for the same provision of services, shall submit a grant proposal for funding or continued funding to the department. The department shall establish the grant application procedures. In order to be considered for funding, the grant proposal shall include the following assurances and information:

1. A letter from the chair of the juvenile justice circuit board confirming that the grant application has been reviewed and found to support one or more purposes or goals of the juvenile justice plan as developed by the board.

2. A rationale and description of the program and the services to be provided, including goals and objectives.

3. A method for identification of the juveniles most likely to be involved in the juvenile justice system who will be the focus of the program.

4. Provisions for the participation of parents and guardians in the program.

5. Coordination with other community-based and social service prevention efforts, including, but not limited to, drug and alcohol abuse prevention and dropout prevention programs, that serve the target population or neighborhood.

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6. An evaluation component to measure the effectiveness of the program in accordance with ~~the provisions of~~ s. 985.632 ~~985.412~~.

7. A program budget, including the amount and sources of local cash and in-kind resources committed to the budget. The proposal must establish to the satisfaction of the department that the entity will make a cash or in-kind contribution to the program of a value that is at least equal to 20 percent of the amount of the grant.

8. The necessary program staff.

(e) Each entity that is awarded a grant as provided for in this section shall submit an annual evaluation report to the department, the circuit juvenile justice manager, the juvenile justice circuit board, and the juvenile justice county council, by a date subsequent to the end of the contract period established by the department, documenting the extent to which the program objectives have been met, the effect of the program on the juvenile arrest rate, and any other information required by the department. The department shall coordinate and incorporate all such annual evaluation reports with ~~the provisions of~~ s. 985.632 ~~985.412~~. Each entity is also subject to a financial audit and a performance audit.

Section 94. Section 985.41, Florida Statutes, is renumbered as section 985.682, Florida Statutes, and subsection (1) of that section is amended to read:

985.682 ~~985.41~~ Siting of facilities; study; criteria.—

(1) The department is directed to conduct or contract for a statewide comprehensive study to determine current and future needs for all types of facilities for children committed to the custody, care, or supervision of the department under ~~pursuant to~~ this chapter ~~part~~.

Section 95. Section 985.2155, Florida Statutes, is renumbered as section 985.686, Florida Statutes.

Section 96. Section 985.411, Florida Statutes, is renumbered as section 985.688, Florida Statutes, and paragraph (b) of subsection (10) of that section is amended to read:

985.688 ~~985.411~~ Administering county and municipal delinquency programs and facilities.—

(10)

(b) The department may institute proceedings against a county or municipality to terminate the operation of a facility when any of the following conditions exist:

1. The facility fails to take preventive or corrective measures in accordance with any order of the department.

2. The facility fails to abide by any final order of the department once it has become effective and binding.

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3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.

4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel under ~~pursuant to~~ s. 985.644(1) ~~985.01~~ or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.

Section 97. Sections 985.4075, 985.4041, and 985.4042, Florida Statutes, are renumbered, respectively, as sections 985.69, 985.692, and 985.694, Florida Statutes.

Section 98. Sections 985.4045 and 985.4046, Florida Statutes, are renumbered, respectively, as sections 985.701 and 985.711, Florida Statutes.

Section 99. Section 985.3141, Florida Statutes, is renumbered as section 985.721, Florida Statutes, and subsection (2) of that section is amended to read:

985.721 ~~985.3141~~ Escapes from secure detention or residential commitment facility.—An escape from:

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

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 100. Section 985.2065, Florida Statutes, is renumbered as section 985.731, Florida Statutes, and paragraph (a) of subsection (1) of that section is amended to read:

985.731 ~~985.2065~~ Sheltering unmarried minors; aiding unmarried minor runaways; violations.—

(1)(a) A person who is not an authorized agent of the department ~~of Juvenile Justice~~ or the Department of Children and Family Services may not knowingly shelter an unmarried minor for more than 24 hours without the consent of the minor's parent or guardian or without notifying a law enforcement officer of the minor's name and the fact that the minor is being provided shelter.

Section 101. Sections 985.501, 985.502, 985.503, 985.504, 985.505, 985.506, and 985.507, Florida Statutes, are renumbered, respectively, as sections 985.801, 985.802, 985.803, 985.804, 985.805, 985.806, and 985.807, Florida Statutes.

Section 102. Section 985.5025, Florida Statutes, is renumbered as section 985.8025, Florida Statutes, and subsection (1) of that section is amended to read:

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985.8025 ~~985.5025~~ State Council for Interstate Juvenile Offender Supervision.—

(1) Pursuant to Article IX of the Interstate Compact for Juveniles in s. 985.802 ~~985.502~~, the State Council for Interstate Juvenile Offender Supervision is created. The purpose of the council is to oversee state participation in the activities of the Interstate Commission for Juveniles.

Section 103. Subsection (6) of section 985.215, Florida Statutes, paragraphs (b), (c), (f), and (i) of subsection (1) and subsection (2) of section 985.231, Florida Statutes, and paragraph (d) of subsection (4) of section 985.233, Florida Statutes, are repealed.

Section 104. Subsection (11) of section 29.004, Florida Statutes, is amended to read:

29.004 State courts system.—For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows:

(11) Mediation and arbitration, limited to trial court referral of a pending judicial case to a mediator or a court-related mediation program, or to an arbitrator or a court-related arbitration program, for the limited purpose of encouraging and assisting the litigants in partially or completely settling the case prior to adjudication on the merits by the court. This does not include citizen dispute settlement centers under s. 44.201 and community arbitration programs under s. 985.16 ~~985.304~~.

Section 105. Paragraph (b) of subsection (3) of section 29.008, Florida Statutes, is amended to read:

29.008 County funding of court-related functions.—

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.037 ~~985.216~~.

Section 106. Subsection (17) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.—

(17) Pursuant to s. 985.682 ~~985.41~~, the Department of Juvenile Justice is responsible for obtaining appraisals and entering into option agreements and agreements for the purchase of state juvenile justice facility sites. An option agreement or agreement for purchase is not binding upon the state until it is approved by the Board of Trustees of the Internal Improvement Trust Fund. The provisions of paragraphs (6)(b), (c), and (d) and (7)(b), (c), and (d) apply to all appraisals, offers, and counteroffers of the Department of Juvenile Justice for state juvenile justice facility sites.

Section 107. Subsection (1) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(1) One dollar from every civil penalty shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund for child welfare training purposes pursuant to s. 402.40. One dollar from every civil penalty shall be remitted to the Department of Revenue for deposit into the Juvenile Justice Training Trust Fund for juvenile justice purposes pursuant to s. 985.66 ~~985.406~~.

Section 108. Subsection (3) of section 397.334, Florida Statutes, is amended to read:

397.334 Treatment-based drug court programs.—

(3) Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345 ~~985.306~~.

Section 109. Subsection (3) of section 400.953, Florida Statutes, is amended to read:

400.953 Background screening of home medical equipment provider personnel.—The agency shall require employment screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home medical equipment provider personnel.

(3) Proof of compliance with the screening requirements of s. 110.1127, s. 393.0655, s. 394.4572, s. 397.451, s. 402.305, s. 402.313, s. 409.175, s. 464.008, or s. 985.644 ~~985.407~~ or this part must be accepted in lieu of the requirements of this section if the person has been continuously employed in the same type of occupation for which he or she is seeking employment without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened by the Department of Law Enforcement. An employer or contractor shall directly provide proof of compliance to another employer or contractor, and a potential employer or contractor may not accept any proof of compliance directly from the person requiring screening. Proof of compliance with the screening requirements of this section shall be provided, upon request, to the person screened by the home medical equipment provider.

Section 110. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(d) "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063; a

nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03~~(8)~~.

Section 111. Paragraphs (tt) and (uu) of subsection (2) of section 435.04, Florida Statutes, are amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that no persons subject to the provisions of this section have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

(tt) Section 985.701 ~~985.4045~~, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711 ~~985.4046~~, relating to contraband introduced into detention facilities.

Section 112. Subsection (4) of section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—

(4) Notwithstanding s. 985.24 ~~985.213~~, s. 985.245 ~~985.214~~, or s. 985.25(1) ~~985.215(1)~~, any minor under 18 years of age who is charged under this section with possessing or discharging a firearm on school property shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention for a period of 21 days, during which time the minor shall receive medical, psychiatric, psychological, or substance abuse examinations pursuant to s. 985.18 ~~985.224~~, and a written report shall be completed.

Section 113. Subsections (8) and (9) of section 790.22, Florida Statutes, are amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(8) Notwithstanding s. 985.24 ~~985.213~~ or s. 985.25(1) ~~985.215(1)~~, if a minor under 18 years of age is charged with an offense that involves the use or possession of a firearm, as defined in s. 790.001, including a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention in accordance with the applicable time periods specified in s.

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985.26(1)-(5) ~~985.215(5)~~, if the court finds that the minor meets the criteria specified in s. 985.255 ~~985.215(2)~~, or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. The Department of Juvenile Justice shall prepare a form for all minors charged under this subsection that states the period of detention and the relevant demographic information, including, but not limited to, the sex, age, and race of the minor; whether or not the minor was represented by private counsel or a public defender; the current offense; and the minor's complete prior record, including any pending cases. The form shall be provided to the judge to be considered when determining whether the minor should be continued in secure detention under this subsection. An order placing a minor in secure detention because the minor is a clear and present danger to himself or herself or the community must be in writing, must specify the need for detention and the benefits derived by the minor or the community by placing the minor in secure detention, and must include a copy of the form provided by the department. The Department of Juvenile Justice must send the form, including a copy of any order, without client-identifying information, to the Office of Economic and Demographic Research.

(9) Notwithstanding s. 985.245 ~~985.214~~, if the minor is found to have committed an offense that involves the use or possession of a firearm, as defined in s. 790.001, other than a violation of subsection (3), or an offense during the commission of which the minor possessed a firearm, and the minor is not committed to a residential commitment program of the Department of Juvenile Justice, in addition to any other punishment provided by law, the court shall order:

(a) For a first offense, that the minor shall serve a minimum period of detention of 15 days in a secure detention facility; and

1. Perform 100 hours of community service; and may

2. Be placed on community control or in a nonresidential commitment program.

(b) For a second or subsequent offense, that the minor shall serve a mandatory period of detention of at least 21 days in a secure detention facility; and

1. Perform not less than 100 nor more than 250 hours of community service; and may

2. Be placed on community control or in a nonresidential commitment program.

The minor shall not receive credit for time served before adjudication. For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

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Section 114. 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
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(3) (d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

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Florida Statute	Felony Degree	Description
400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/ misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1) (a) & (b)	3rd	Representing an unauthorized insurer.
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.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 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.
817.234(8) (b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

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Florida Statute	Felony Degree	Description
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods as new.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15(3)	3rd	Overcharging for repairs and parts.
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)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

Florida Statute	Felony Degree	Description
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
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.
985.721 ~~985.3141~~	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

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

938.10 Additional court cost imposed in cases of certain crimes against minors.—

(1) If a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, any offense against a minor in violation of s. 784.085, chapter 787, chapter 794, s. 796.03, s. 800.04, chapter 827, s.

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847.0145, or s. 985.701 ~~985.4045~~, the court shall impose a court cost of $101 against the offender in addition to any other cost or penalty required by law.

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

943.053 Dissemination of criminal justice information; fees.—

(9) 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. 985.688 ~~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 117. Subsection (1) of section 943.0582, Florida Statutes, is amended to read:

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

(1) Notwithstanding any law dealing generally with the preservation and destruction of public records, the department may provide, by rule adopted pursuant to chapter 120, for the expunction of any nonjudicial record of the arrest of a minor who has successfully completed a prearrest or postarrest diversion program for minors as authorized by s. 985.125 ~~985.3065~~.

Section 118. Paragraph (a) of subsection (4) of section 943.0585, Florida Statutes, is amended to read:

943.0585 Court-ordered expunction of criminal history records.—The courts of this state have jurisdiction over their own procedures, including the maintenance, expunction, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to expunge the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to expunge a criminal history record until the person seeking to expunge a criminal history record has applied for and received a certificate of eligibility for expunction pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s.

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787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or a violation enumerated in s. 907.041 may not be expunged, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed, or pled guilty or nolo contendere to committing, the offense as a delinquent act. The court may only order expunction of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the expunction of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the expunction of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not expunge any record pertaining to such additional arrests if the order to expunge does not articulate the intention of the court to expunge a record pertaining to more than one arrest. This section does not prevent the court from ordering the expunction of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to expunction, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the expunction of any criminal history record, and any request for expunction of a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any criminal history record of a minor or an adult which is ordered expunged by a court of competent jurisdiction pursuant to this section must be physically destroyed or obliterated by any criminal justice agency having custody of such record; except that any criminal history record in the custody of the department must be retained in all cases. A criminal history record ordered expunged that is retained by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and not available to any person or entity except upon order of a court of competent jurisdiction. A criminal justice agency may retain a notation indicating compliance with an order to expunge.

(a) The person who is the subject of a criminal history record that is expunged under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the expunged record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.059;

4. Is a candidate for admission to The Florida Bar;

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5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 916.106(10) and (13), s. 985.644 ~~985.407~~, or chapter 400; or

6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities.

Section 119. Paragraph (a) of subsection (4) of section 943.059, Florida Statutes, is amended to read:

943.059 Court-ordered sealing of criminal history records.—The courts of this state shall continue to have jurisdiction over their own procedures, including the maintenance, sealing, and correction of judicial records containing criminal history information to the extent such procedures are not inconsistent with the conditions, responsibilities, and duties established by this section. Any court of competent jurisdiction may order a criminal justice agency to seal the criminal history record of a minor or an adult who complies with the requirements of this section. The court shall not order a criminal justice agency to seal a criminal history record until the person seeking to seal a criminal history record has applied for and received a certificate of eligibility for sealing pursuant to subsection (2). A criminal history record that relates to a violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s. 916.1075, or a violation enumerated in s. 907.041 may not be sealed, without regard to whether adjudication was withheld, if the defendant was found guilty of or pled guilty or nolo contendere to the offense, or if the defendant, as a minor, was found to have committed or pled guilty or nolo contendere to committing the offense as a delinquent act. The court may only order sealing of a criminal history record pertaining to one arrest or one incident of alleged criminal activity, except as provided in this section. The court may, at its sole discretion, order the sealing of a criminal history record pertaining to more than one arrest if the additional arrests directly relate to the original arrest. If the court intends to order the sealing of records pertaining to such additional arrests, such intent must be specified in the order. A criminal justice agency may not seal any record pertaining to such additional arrests if the order to seal does not articulate the intention of the court to seal records pertaining to more than one arrest. This section does not prevent the court from ordering the sealing of only a portion of a criminal history record pertaining to one arrest or one incident of alleged criminal activity. Notwithstanding any law to the contrary, a criminal justice agency may comply with laws, court orders, and official requests of other jurisdictions relating to sealing, correction, or confidential handling of criminal history records or information derived therefrom. This section does not confer any right to the sealing of any criminal history record, and any request for sealing a criminal history record may be denied at the sole discretion of the court.

(4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal history record of a minor or an adult which is ordered sealed by a court of competent jurisdiction pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is available only to the person who is the subject of the record, to the subject's attorney, to criminal justice agencies for their respective criminal justice purposes, or to those entities set forth in subparagraphs (a)1., 4., 5., and 6. for their respective licensing and employment purposes.

(a) The subject of a criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

1. Is a candidate for employment with a criminal justice agency;

2. Is a defendant in a criminal prosecution;

3. Concurrently or subsequently petitions for relief under this section or s. 943.0585;

4. Is a candidate for admission to The Florida Bar;

5. Is seeking to be employed or licensed by or to contract with the Department of Children and Family Services or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the developmentally disabled, the aged, or the elderly as provided in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s. 415.103, s. 916.106(10) and (13), s. <u>985.644</u> ~~985.407~~, or chapter 400; or

6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities.

Section 120. Subsection (2) of section 948.51, Florida Statutes, is amended to read:

948.51 Community corrections assistance to counties or county consortiums.—

(2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A county, or a consortium of two or more counties, may contract with the Department of Corrections for community corrections funds as provided in this section. In order to enter into a community corrections partnership contract, a county or county consortium must have a public safety coordinating council established under s. 951.26 and must designate a county officer or agency to be responsible for administering community corrections funds received from the state. The public safety coordinating council shall prepare, develop, and implement a comprehensive public safety plan for the county, or the geographic area represented by the county consortium, and shall

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submit an annual report to the Department of Corrections concerning the status of the program. In preparing the comprehensive public safety plan, the public safety coordinating council shall cooperate with the juvenile justice circuit board and the juvenile justice county council, established under s. 985.664 ~~985.4135~~, in order to include programs and services for juveniles in the plan. To be eligible for community corrections funds under the contract, the initial public safety plan must be approved by the governing board of the county, or the governing board of each county within the consortium, and the Secretary of Corrections based on the requirements of this section. If one or more other counties develop a unified public safety plan, the public safety coordinating council shall submit a single application to the department for funding. Continued contract funding shall be pursuant to subsection (5). The plan for a county or county consortium must cover at least a 5-year period and must include:

(a) A description of programs offered for the job placement and treatment of offenders in the community.

(b) A specification of community-based intermediate sentencing options to be offered and the types and number of offenders to be included in each program.

(c) Specific goals and objectives for reducing the projected percentage of commitments to the state prison system of persons with low total sentencing scores pursuant to the Criminal Punishment Code.

(d) Specific evidence of the population status of all programs which are part of the plan, which evidence establishes that such programs do not include offenders who otherwise would have been on a less intensive form of community supervision.

(e) The assessment of population status by the public safety coordinating council of all correctional facilities owned or contracted for by the county or by each county within the consortium.

(f) The assessment of bed space that is available for substance abuse intervention and treatment programs and the assessment of offenders in need of treatment who are committed to each correctional facility owned or contracted for by the county or by each county within the consortium.

(g) A description of program costs and sources of funds for each community corrections program, including community corrections funds, loans, state assistance, and other financial assistance.

Section 121. Section 958.046, Florida Statutes, is amended to read:

958.046 Placement in county-operated boot camp programs for youthful offenders.—In counties where there are county-operated youthful offender boot camp programs, other than boot camps described in s. 958.04 or s. 985.489 ~~985.309~~, the court may sentence a youthful offender to such a boot camp. In county-operated youthful offender boot camp programs, juvenile offenders shall not be commingled with youthful offenders.

Section 122. Paragraphs (b) and (j) of subsection (1) of section 960.001, Florida Statutes, are amended to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.—In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of kin of the victim or other designated contact may choose not to complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the victim or other designated contact waives the option to complete the victim notification card, a copy of the victim notification card must be filed with the incident report or warrant in the sheriff's office of the jurisdiction in which the incident report or warrant originated. The notification card shall, at a minimum, consist of:

a. The name, address, and phone number of the victim; or

b. The name, address, and phone number of the appropriate next of kin of the victim; or

c. The name, address, and phone number of a designated contact other than the victim or appropriate next of kin of the victim; and

d. Any relevant identification or case numbers assigned to the case.

3. The chief administrator, or a person designated by the chief administrator, of a county jail, municipal jail, juvenile detention facility, or residential commitment facility shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact within 4 hours following the release of the defendant on bail

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or, in the case of a juvenile offender, upon the release from residential detention or commitment. If the chief administrator, or designee, is unable to contact the alleged victim or appropriate next of kin of the alleged victim or other designated contact by telephone, the chief administrator, or designee, must send to the alleged victim or appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant's release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 ~~985.207~~ in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101 ~~985.207~~, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.

(j) Notification of right to request restitution.—Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 775.089 or s. 985.437 ~~985.231(1)(a)1.~~, and of the victim's rights of enforcement under ss. 775.089(6) and 985.0301 ~~985.201~~ in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered. If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerks shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment.

Section 123. Subsection (48) of section 984.03, Florida Statutes, is amended to read:

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

(48) "Serious or habitual juvenile offender program" means the program established in s. 985.47 ~~985.31~~.

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Section 124. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by State Board of Education and Department of Juvenile Justice.—The Department of Juvenile Justice and the State Board of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. 984.03(27), 985.03(25)~~(26)~~, and 1003.27.

Section 125. Paragraph (b) of subsection (4) of section 984.09, Florida Statutes, is amended to read:

984.09 Punishment for contempt of court; alternative sanctions.—

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

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

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

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

3. Right to legal counsel and the right to have legal counsel appointed by the court if the juvenile is indigent, pursuant to s. 985.033 ~~985.203~~.

4. Right to confront witnesses.

5. Right to present witnesses.

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

7. Right to appeal to an appropriate court.

The child's parent or guardian may address the court regarding the due process rights of the child. The court shall review the placement of the child every 72 hours to determine whether it is appropriate for the child to remain in the facility.

Section 126. Subsections (2) and (6) of section 984.226, Florida Statutes, are amended to read:

984.226 Physically secure setting.—

(2) When a petition is filed alleging that a child is a child in need of services, 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 being fully advised by the court of the nature of the proceedings and the dispositional alternatives available to the court under

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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. 985.033 ~~985.203~~. Nothing precludes the court from requesting reimbursement of attorney's fees and costs from the nonindigent parent or legal guardian.

(6) Prior to being ordered to a physically secure setting, the child must be afforded all rights of due process required under s. 985.037 ~~985.216~~. While in the physically secure setting, 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.

Section 127. Subsection (22) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.—

(22) The Department of Juvenile Justice and the Department of Education, in consultation with Workforce Florida, Inc., the statewide Workforce Development Youth Council, district school boards, community colleges, providers, and others, shall jointly develop a multiagency plan for career education which describes the funding, curriculum, transfer of credits, goals, and outcome measures for career education programming in juvenile commitment facilities, pursuant to s. 985.622 ~~985.3155~~. The plan must be reviewed annually.

Section 128. Subsection (2) of section 1006.08, Florida Statutes, is amended to read:

1006.08 District school superintendent duties relating to student discipline and school safety.—

(2) Notwithstanding the provisions of s. 985.04(7)~~(4)~~ or any other provision of law to the contrary, the court shall, within 48 hours of the finding, notify the appropriate district school superintendent of the name and address of any student found to have committed a delinquent act, or who has had adjudication of a delinquent act withheld which, if committed by an adult, would be a felony, or the name and address of any student found guilty of a felony. Notification shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

Section 129. Paragraph (a) of subsection (5) of section 1006.13, Florida Statutes, is amended to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(5)(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending public school is adjudicated guilty of or delinquent for, or is found to have committed,

regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of:

1. Chapter 782, relating to homicide;

2. Chapter 784, relating to assault, battery, and culpable negligence;

3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;

4. Chapter 794, relating to sexual battery;

5. Chapter 800, relating to lewdness and indecent exposure;

6. Chapter 827, relating to abuse of children;

7. Section 812.13, relating to robbery;

8. Section 812.131, relating to robbery by sudden snatching;

9. Section 812.133, relating to carjacking; or

10. Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements of this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under s. 985.455(2) ~~985.23(1)(d)~~. Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions of paragraph (b).

Section 130. Subsection (1) of section 1012.797, Florida Statutes, is amended to read:

1012.797 Notification of district school superintendent of certain charges against or convictions of employees.—

(1) Notwithstanding the provisions of s. 985.04(7)~~(4)~~ or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent of the name and address of any employee of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee of the school district was arrested. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university lab schools, and private elementary and secondary schools.

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Section 131. This act shall take effect January 1, 2007.

Approved by the Governor June 9, 2006.

Filed in Office Secretary of State June 9, 2006.

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