

CHAPTER 2014-162

Committee Substitute for Committee Substitute for House Bill No. 7055

An act relating to juvenile justice; amending ss. 985.01 and 985.02, F.S.; revising legislative purposes and intent; amending s. 985.03, F.S.; revising definitions; amending s. 985.0301, F.S.; clarifying jurisdictional age restrictions for children in the juvenile justice system; restricting when cases may be transferred to a different jurisdiction; amending s. 985.037, F.S.; providing for the placement of a child in a secure detention facility for contempt of court; providing due process to a child accused of direct contempt; revising the procedure for reviewing a child's placement in secure detention for contempt of court; amending ss. 985.039, 985.045, and 985.101, F.S.; conforming provisions; repealing s. 985.105, F.S., relating to the creation, duties, and qualifications of the youth custody officers in the Department of Juvenile Justice; amending s. 985.11, F.S.; revising when fingerprints must be submitted to the Department of Law Enforcement; amending s. 985.14, F.S.; revising the intake process; amending s. 985.145, F.S.; substituting "Department of Juvenile Justice" for references to "juvenile probation officer"; creating s. 985.17, F.S.; providing legislative intent; requiring the department to provide specialized services to minimize the likelihood that youth will enter the juvenile justice system; providing for the department to promote the Invest in Children license plate to help fund prevention programs and services; providing for the department to monitor state-funded programs, grants, contracts, appropriations, and activities designed to prevent juvenile crime and report annually on these measures; limiting expenditure of funds to those prevention services that are consistent with the law and maximize public accountability; amending s. 985.24, F.S.; revising factors to determine if the use of detention care is appropriate; authorizing the department to establish nonsecure, nonresidential evening reporting centers; conforming provisions; amending s. 985.245, F.S.; conforming provisions; amending s. 985.25, F.S.; requiring a child to be held in secure detention under certain circumstances; clarifying procedures for releasing a child before the child's detention hearing; conforming provisions; amending s. 985.255, F.S.; providing that a child shall be given a detention hearing within 24 hours after being taken into custody; clarifying when a court may order continued detention care; revising specified factors for ordering continued detention care; clarifying when a child charged with domestic violence can be held in secure detention; revising written findings required to retain a child charged with domestic violence in secure detention; deleting obsolete provisions; amending s. 985.26, F.S.; conforming terminology; amending s. 985.265, F.S.; revising procedures for transferring a child to another detention status; providing new notification requirements for when a child is released or transferred from secure detention; revising the frequency of physical observation checks for children detained in jail facilities; amending s. 985.27, F.S.; requiring a child to be held in secure detention pending

placement in a high-risk or maximum-risk residential program; conforming provisions; amending s. 985.275, F.S.; requiring the department to notify specified parties when a child absconds from a commitment program; requiring the department to make every reasonable effort to locate the absconded child; amending s. 985.433, F.S.; revising the content of a predisposition report; conforming terminology; amending s. 985.435, F.S.; authorizing a probation program to include an alternative consequence component that may be used to address noncompliance with the technical conditions of probation; requiring the department to identify a child's risk of reoffending if the child is being placed on probation or postcommitment probation; amending s. 985.439, F.S.; authorizing the department to establish alternative sanctions for violations of probation or postcommitment probation; conforming terminology; amending s. 985.441, F.S.; providing that a child on probation for certain offenses may not be committed for a probation violation that is technical in nature; conforming terminology; amending s. 985.46, F.S.; revising the definition of the term "conditional release"; revising terminology; amending s. 985.461, F.S.; expanding the opportunity for transition-to-adulthood services to all children; revising provisions that the department may use to support participation in transition-to-adulthood services; conforming terminology; amending ss. 985.481 and 985.4815, F.S.; deleting obsolete provisions; amending s. 985.514, F.S.; conforming provisions; amending s. 985.601, F.S.; requiring the department's programs to include trauma-informed care, family engagement resources and programs, and gender-specific programming; authorizing the department to pay the expenses of programs and activities that address the needs and well-being of children in its care or under its supervision; conforming terminology; repealing ss. 985.605, 985.606, and 985.61, F.S.; deleting provisions relating to prevention services programs and providers and early delinquency intervention programs; amending s. 985.632, F.S.; providing for the establishment of a performance accountability system for contract providers; revising definitions; providing for the development of a Comprehensive Accountability Report; requiring the department to prepare and submit the report annually to the Governor and Legislature; specifying content that must be included in the report; revising provisions relating to the cost-effectiveness model and quality improvement; amending s. 985.644, F.S.; clarifying an exemption for specified certified law enforcement, correctional, and correctional probation officers relating to a requirement to submit to level 2 background screenings; creating s. 985.6441, F.S.; providing definitions; limiting the amount that the department may pay a hospital or health care provider for health care services based on a percentage of the Medicare allowable rate; providing applicability; amending s. 985.66, F.S.; revising specified juvenile justice staff development and training procedures; expanding application of training requirements to contract providers who care for children in the department's custody; amending s. 985.664, F.S.; deleting obsolete provisions relating to the initial selection of the juvenile justice circuit advisory board chairs; revising procedures for appointing juvenile justice circuit advisory board chairs; providing that chairs serve at the pleasure of the secretary;

amending s. 985.672, F.S.; clarifying language concerning expenditures of the direct-support organization's funds; authorizing the direct-support organization to use department personnel services; defining the term "personnel services"; amending s. 985.682, F.S.; deleting obsolete provisions regarding a comprehensive study relating to the siting of facilities; amending s. 985.69, F.S.; providing for the use of specified funds for repair and maintenance; repealing s. 985.694, F.S.; deleting a provision relating to the Juvenile Care and Maintenance Trust Fund; amending s. 985.701, F.S.; defining the term "juvenile offender" for purposes of prohibiting sexual misconduct with juvenile offenders; creating s. 985.702, F.S.; providing definitions; providing for the imposition of criminal penalties against specified employees who inflict neglect upon juvenile offenders; providing enhanced penalties for such treatment that results in great bodily harm, permanent disability, or permanent disfigurement to a juvenile offender; specifying that such conduct constitutes sufficient cause for an employee's dismissal from employment; prohibiting such employee from future employment with the juvenile justice system; providing incident reporting requirements; prohibiting an employee who witnesses such an incident from knowingly or willfully failing to report such incident; prohibiting false reporting, preventing another from reporting, or coercing another to alter testimony or reports; providing criminal penalties; amending s. 985.721, F.S.; correcting a cross-reference; amending s. 943.0582, F.S.; clarifying that minors are not eligible for expunction if they have been charged by a state attorney for other crimes; repealing s. 945.75, F.S.; deleting a requirement that the Department of Corrections and counties develop programs under which a judge may order juveniles who have committed delinquent acts to tour correctional facilities; amending ss. 121.0515, 316.635, and 318.143, F.S.; conforming provisions and correcting cross-references; providing effective dates.

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

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

985.01 Purposes and intent.—

(1) The purposes of this chapter are:

(a) To increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen and reform the lives of children.

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

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

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

~~(e)(d)~~ To preserve and strengthen the child's family ties whenever possible, by providing for removal of the child from the physical custody of a parent ~~parental custody~~ only when his or her welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when the child is removed from his or her own family, to secure custody, care, and discipline for the child as nearly as possible equivalent to that which should have been given by the parents; ~~and to assure, in all cases in which a child must be permanently removed from parental custody, that the child be placed in an approved family home, adoptive home, independent living program, or other placement that provides the most stable and permanent living arrangement for the child, as determined by the court.~~

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

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

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

(h) To care for children in the least restrictive and most appropriate service environments to ensure that children assessed as low and moderate risk to reoffend are not committed to residential programs, unless the court deems such placement appropriate.

(i) To allocate resources for the most effective programs, services, and treatments to ensure that children, their families, and their community

support systems are connected with these programs at the points along the juvenile justice continuum where they will have the most impact.

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

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

985.02 Legislative intent for the juvenile justice system.—

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

(g) Access to prevention programs and preventive services.

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

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

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

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

(b) Develop and implement effective programs to prevent delinquency, to divert children from the traditional juvenile justice system, to intervene at

an early stage of delinquency, and to provide critically needed alternatives to institutionalization and deep-end commitment.

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

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

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

(4) DETENTION.—

(b) The Legislature intends that a juvenile found to have committed a delinquent act understands the consequences and the serious nature of such behavior. Therefore, the Legislature finds that secure detention is appropriate to provide punishment for children who pose a threat to public safety that discourages further delinquent behavior. The Legislature also finds that certain juveniles have committed a sufficient number of criminal acts, including acts involving violence to persons, to represent sufficient danger to the community to warrant sentencing and placement within the adult system. It is the intent of the Legislature to establish clear criteria in order to identify these juveniles and remove them from the juvenile justice system.

(5) SITING OF FACILITIES.—

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

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

(c) The Legislature further finds that such facilities must be located in areas of the state close to the home communities of the children they house in order to ensure the most effective rehabilitation efforts, and the most intensive postrelease supervision, and case management. The placement of facilities close to the home communities of the children they house is also intended to facilitate family involvement in the treatment process. Residential facilities shall have no more than ~~90~~ 165 beds each, including campus-style programs, unless those campus-style programs include more than one level of restrictiveness, provide multilevel education and treatment program programs using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property.

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

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

(7) GENDER-SPECIFIC PROGRAMMING.—

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

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

(8) TRAUMA-INFORMED CARE.—~~The Legislature finds that the department should use trauma-informed care as an approach to treating children with histories of trauma. Trauma-informed care assists service providers in recognizing the symptoms of trauma and acknowledges the role trauma has played in the child's life. Services for children should be based on an understanding of the vulnerabilities and triggers of trauma survivors that traditional service delivery approaches may exacerbate, so that these services and programs can be more supportive and avoid retraumatization. The department should use trauma-specific interventions that are designed to address the consequences of trauma in the child and to facilitate healing.~~

(9) FAMILY AND COMMUNITY ENGAGEMENT.—~~The Legislature finds that families and community support systems are critical to the success of children and to ensure they are nondelinquent. Therefore, when appropriate, children who can safely be held accountable when served and treated in their homes and communities should be diverted from more~~

restrictive placements within the juvenile justice system. There should be an emphasis on strengthening the family and immersing the family members in their community support system. The department should develop customized plans that acknowledge the importance of family and community support systems. The customized plans should recognize a child's individual needs, capitalize on their strengths, reduce their risks, and prepare them for a successful transition to, and unification with, their family and community support system. The child's family must be considered in the department's process of assessing the needs, services and treatment, and community connections of the children who are involved in the juvenile justice system or in danger of becoming involved in the system.

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

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

(1) “Abscond” means to hide, conceal, or absent oneself from the jurisdiction of the court or supervision of the department to avoid prosecution or supervision.

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

~~(3)~~(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 in delinquency cases.

~~(4)~~(3) “Adult” means any natural person other than a child.

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

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

~~(7)~~(6) “Child” or “juvenile” or “youth” means any ~~unmarried~~ person under the age of 18 who has not been emancipated by order of the court and who has been found or alleged to be dependent, in need of services, or from a family in need of services; or any ~~married or unmarried~~ person who is alleged to have committed charged with a violation of law occurring prior to the time that person reached the age of 18 years.

~~(8)~~(7) “Child in need of services” has the same meaning as provided in s. 984.03 means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending

~~referral alleging the child is delinquent; or no current supervision by the department or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, under this chapter, be found by the court:~~

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

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

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

~~(9)(8) "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.~~

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

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

~~(11) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a juvenile offender's or a child's physical, psychological, educational, career and technical education vocational, and social condition and family environment as they relate to the child's need for rehabilitative and treatment services, including substance abuse treatment services, mental health services, developmental services, literacy services, medical services, family services, and other specialized services, as appropriate.~~

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

(13) “Court,” ~~unless otherwise expressly stated,~~ means the circuit court assigned to exercise jurisdiction under this chapter, unless otherwise expressly stated.

(14) “Day treatment” means a nonresidential, community-based program designed to provide therapeutic intervention to youth who are served by the department, who are placed on probation or conditional release, or are committed to the minimum-risk nonresidential level. A day treatment program may provide educational and career and technical education ~~vocational~~ services and shall provide case management services; individual, group, and family counseling; training designed to address delinquency risk factors; and monitoring of a youth’s compliance with, and facilitation of a youth’s completion of, sanctions if ordered by the court. Program types may include, but are not limited to, career programs, marine programs, juvenile justice alternative schools, training and rehabilitation programs, and gender-specific programs.

(15)(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.

(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 criminal 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.~~

(16) “Department” means the Department of Juvenile Justice.

(17) “Designated facility” or “designated treatment facility” means any facility designated by the department to provide treatment to juvenile offenders.

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

(a) “Secure detention” means temporary custody of the child while the child is under the physical restriction of a secure detention center or facility pending adjudication, disposition, or placement.

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

~~(b)(e) “Nonsecure detention”~~ “Home detention” means temporary, non-secure custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of the department staff pending adjudication, disposition, or placement. Forms of nonsecure detention include, but are not limited to, home detention, electronic monitoring, day reporting centers, evening reporting centers, and nonsecure shelters. Nonsecure detention may include other requirements imposed by the court.

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

(20) “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 in delinquency cases.

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

(22) “Family” means a collective of persons, consisting of a child and a parent, guardian, adult custodian, or adult relative, in which:

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

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

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

Family Services for an adjudication of dependency or delinquency. The child must also have been referred to a law enforcement agency or the department for:

- ~~(a) Running away from parents or legal custodians;~~
 - ~~(b) Persistently disobeying reasonable and lawful demands of parents or legal custodians, and being beyond their control; or~~
 - ~~(c) Habitual truancy from school.~~
- ~~(24) "Foster care" means care provided a child in a foster family or boarding home, group home, agency boarding home, child care institution, or any combination thereof.~~

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

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

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

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

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

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

~~(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the department have worked with the child as described in s. 1003.27(3) shall be handled as prescribed in s. 1003.27.~~

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

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

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

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

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

~~(25)~~(28) “Judge” means the circuit judge exercising jurisdiction pursuant to this chapter.

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

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

~~(28)~~(31) “Legal custody or guardian” means a legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

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

~~(30)~~(33) “Licensed health care professional” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a nurse licensed under part I of chapter 464, a physician assistant licensed under chapter 458 or chapter 459, or a dentist licensed under chapter 466.

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

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

~~(33)~~(36) “Mediation” means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decisionmaking authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

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

~~(35)~~(38) “Necessary medical treatment” means care which is necessary within a reasonable degree of medical certainty to prevent the deterioration of a child’s condition or to alleviate immediate pain of a child.

~~(36)~~(39) “Next of kin” means an adult relative of a child who is the child’s brother, sister, grandparent, aunt, uncle, or first cousin.

~~(37)~~(40) “Ordinary medical care” means medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and do not involve hospitalization, surgery, the use of general anesthesia, or the provision of psychotropic medications.

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

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

~~(43)~~—“Preventive services” means social services and other supportive and rehabilitative services provided to the parent of the child, the legal guardian of the child, or the custodian of the child and to the child for the purpose of averting the removal of the child from the home or disruption of a family which will or could result in the placement of a child in foster care. Social services and other supportive and rehabilitative services shall promote the child’s need for a safe, continuous, stable living environment and shall promote family autonomy and shall strengthen family life as the first priority whenever possible.

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

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

(42)(45) “Relative” means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole or half blood, by affinity, or by adoption. The term does not include a stepparent.

(43)(47) “Respite” means a placement that is available for the care, custody, and placement of a youth charged with domestic violence as an alternative to secure detention or for placement of a youth when a shelter bed for a child in need of services or a family in need of services is unavailable.

(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 985.601(10) and 985.721 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. Residential facilities shall have no more than 165 beds each, including campus-style programs, unless those campus-style programs include more than one level of restrictiveness, provide multilevel education and treatment programs using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. 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.~~

~~(b)(e) Nonsecure 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 at this commitment level are either environmentally secure, staff secure, or are hardware-secure with walls, fencing, or locking doors. Residential facilities at this commitment level shall have no more than 90 ~~165~~ beds each, including campus-style programs, unless those campus-style programs include more than one level of restrictiveness, provide multilevel education and treatment program~~

programs using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level 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 low or 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.

(c)(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 career and technical education 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. Residential facilities at this commitment level shall have no more than 90 ~~165~~ beds each, including campus-style programs, unless those campus-style programs include more than one level of restrictiveness, ~~provide multilevel education and treatment program~~ programs using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level shall provide 24-hour awake supervision, custody, care, and treatment of residents. Youth assessed and classified for this 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, except that youth may be housed together during prerelease transition.

(d)(e) Maximum-risk residential.—Programs or program models at this commitment level include juvenile correctional facilities and juvenile prisons. The programs at this commitment level are long-term residential and do not allow youth to have access to the community. Facilities at this commitment level are maximum-custody, hardware-secure with perimeter security fencing and locking doors. Residential facilities at this commitment level shall have no more than 90 ~~165~~ beds each, including campus-style programs, unless those campus-style programs include more than one level of restrictiveness, ~~provide multilevel education and treatment program~~ programs using different treatment protocols, and have facilities that coexist separately in distinct locations on the same property. Facilities at this commitment level 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. Facilities at this

commitment level 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.

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

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

~~(50)~~ “Shelter hearing” means a hearing provided for under s. 984.14 in family-in-need-of-services cases or child-in-need-of-services cases.

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

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

~~(48)~~(53) “Taken into custody” means the status of a child immediately when temporary physical control over the child is attained by a person authorized by law, pending the child’s release, detention, placement, or other disposition as authorized by law.

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

~~(50)~~(55) “Temporary release” means the terms and conditions under which a child is temporarily released from a residential commitment facility or allowed home visits. If the temporary release is from a nonsecure moderate-risk residential facility, a high-risk residential facility, or a maximum-risk residential facility, the terms and conditions of the temporary release must be approved by the child, the court, and the facility. ~~The term~~

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

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

- (a) Assessment of the youth’s ability and readiness for adult life.
- (b) A plan for the youth to acquire the knowledge, information, and counseling necessary to make a successful transition to adulthood.
- (c) Services that have proven effective toward achieving the transition to adulthood.

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

(53)(57) “Violation of law” or “delinquent act” means a violation of any law of this state, the United States, or any other state which is a misdemeanor or a felony or a violation of a county or municipal ordinance which would be punishable by incarceration if the violation were committed by an adult.

(54)(58) “Waiver hearing” means a hearing provided for under s. 985.556(4).

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

985.0301 Jurisdiction.—

(4)(a) Petitions alleging delinquency shall be filed in the county where the delinquent act or violation of law occurred. ~~The ,~~ 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 may shall be transferred to the appropriate detention center or facility in the circuit in which the child resides or will reside at the time of detention 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) 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)(a) Notwithstanding s. ss. 743.07, 985.43, 985.433, 985.435, 985.439, and 985.441, and except as provided in paragraph (b) ss. 985.461 and 985.465 and paragraph (f), 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 to dispose a case, unless relinquished by its order, until the child reaches 19 years of age, with the same power over the child which the court had before the child became an adult. For the purposes of s. 985.461, the court may retain jurisdiction for an additional 365 days following the child's 19th birthday if the child is participating in transition-to-adulthood services. The additional services do not extend involuntary court-sanctioned residential commitment and therefore require voluntary participation by the affected youth.~~

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

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

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

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

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

~~(d) 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. The jurisdiction~~

of the court may not be retained after 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(4).

~~(c) 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 or in a residential sex offender program 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, or in a residential sex offender program. 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) 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.~~

~~(d)(h)~~ 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 fees may also be due and owing. The terms of the restitution order are subject to s. 775.089(5).

~~(e)(i)~~ 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.

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

985.037 Punishment for contempt of court; alternative sanctions.—

(2) **PLACEMENT IN A SECURE DETENTION FACILITY.**—A child may be placed in a secure detention 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 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.

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

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

(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 s. 985.033.
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. Upon motion by the defense attorney or state attorney, 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.

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

(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 ~~driver’s~~ license or driving privilege. The court may order that a child’s driver ~~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 ~~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 ~~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.

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

985.039 Cost of supervision; cost of care.—

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

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

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

985.045 Court records.—

(5) This chapter does not prohibit a circuit court from providing a restitution order containing the information prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ 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 8. Paragraph (d) of subsection (1) and subsection (3) of section 985.101, Florida Statutes, are amended to read:

985.101 Taking a child into custody.—

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

(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, nonsecure

home detention, postcommitment 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.

(3) 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 the department ~~a juvenile probation officer~~ under ss. 985.14 and 985.145, whichever occurs first. If the child is delivered to the department ~~a juvenile probation officer~~ before the parent, guardian, or legal custodian is notified, the department ~~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 ~~driver's~~ license number or identification card number of the parent or guardian to the person taking the child into custody or the department ~~juvenile probation officer~~.

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

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

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a civil citation or is participating in a similar diversion program pursuant to s. 985.12, 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.
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. Neglect of a child, as defined in s. 827.03(1)(e).
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), 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 11. Subsection (2) of section 985.14, Florida Statutes, is amended to read:

985.14 Intake and case management system.—

(2) The intake process shall be performed by the department or juvenile assessment center personnel 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 consist of a preliminary screening and may be followed by a comprehensive assessment. The comprehensive assessment may consist of a full mental health, cognitive impairment, substance abuse, or psychosexual evaluation. 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 community public. The ~~department~~ 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 ~~department~~ 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.

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

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

(1) The ~~department~~ 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 ~~Families~~ 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 ~~department~~ assigned juvenile probation officer shall be responsible for the following:

(a) Reviewing probable cause affidavit.—The ~~department~~ 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 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) Notification concerning apparent insufficiencies in probable cause affidavit.—In any case where the ~~department~~ 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 ~~department~~ 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 department 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 career and technical education ~~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 department 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 department 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 department 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 department juvenile probation officer shall coordinate 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, the department 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 department 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, intellectual disability services, literacy services, or other educational or treatment services.

2. If 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. If 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 department ~~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 interests of the child and the public will be best served, the department ~~juvenile probation officer~~ may recommend that a delinquency petition not be filed. If such a recommendation is made, the department ~~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 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 department ~~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 department 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 for each case in which a child is alleged to have committed a violation of law or delinquent act and is not detained. The report shall be submitted within 20 days after the date the child is taken into custody and include, including the original police report, complaint, or affidavit, or a copy thereof, and 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.

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

(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 department ~~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 interests of the child and the public will be best served, the department ~~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; intellectual disability 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. If 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 is 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 13. Section 985.17, Florida Statutes, is created to read:

985.17 Prevention services.—

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

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

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

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

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

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

(a) Focus on preventing initial or further involvement of such youth in the juvenile justice system by including services such as literacy services, gender-specific programming, recreational services, and after-school services, and should include targeted services to troubled, truant, ungovernable,

abused, trafficked, or runaway youth. To decrease the likelihood that a youth will commit a delinquent act, the department should use mentoring and may provide specialized services addressing the strengthening of families, job training, and substance abuse.

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

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

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

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

a. Encouraging youth to attend and succeed in 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.

b. Engaging youth in productive and wholesome activities during non-school hours that build positive character, instill positive values, and enhance educational experiences.

c. Encouraging youth to avoid the use of violence.

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

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

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

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

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

985.24 Use of detention; prohibitions.—

(1) All determinations and court orders regarding the use of ~~secure, nonsecure, or home~~ detention care 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, including the illegal possession of a firearm;
- (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.

(2) A child alleged to have committed a delinquent act or violation of law may not be placed into ~~secure or, 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) A child alleged to be dependent under chapter 39 may not, under any circumstances, be placed into secure detention care.

(4) The department may, within its existing resources, develop non-secure, nonresidential evening reporting centers as an alternative to placing a child in secure detention. Evening reporting centers may be collocated with a juvenile assessment center. If established, evening reporting centers shall serve children and families who are awaiting a child's court hearing and, at a minimum, operate during the afternoon and evening hours to provide a highly structured program of supervision. Evening reporting centers may also provide academic tutoring, counseling, family engagement programs, and other activities.

(5)(4) The department 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 15. Paragraph (b) of subsection (2) and subsection (4) of section 985.245, Florida Statutes, are amended to read:

985.245 Risk assessment instrument.—

(2)

(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. 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 or, nonsecure, ~~or home~~ detention care.

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

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

985.25 Detention intake.—

(1) The department ~~juvenile probation officer~~ shall receive custody of a child who has been taken into custody from the law enforcement agency or court 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 appropriate 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~~, or nonsecure detention care, ~~or home detention care~~ shall be made by the department ~~juvenile probation officer~~ under ss. 985.24 and 985.245(1).

(b) The department ~~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 under s. 985.245. 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. A child who has been taken into custody on three or more separate occasions within a 60-day period shall be placed in secure detention care until the child's detention hearing.

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

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

Under no circumstances shall the ~~department 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.

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

985.255 Detention criteria; detention hearing.—

(1) Subject to s. 985.25(1), a child taken into custody and placed into ~~secure or nonsecure or home~~ detention care shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order continued detention 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).

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

(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. If a consequence unit is not available, the child shall be placed on nonsecure home detention with electronic monitoring.

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

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

2. 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.

~~(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 that is classified as an act of domestic violence as defined in s. 741.28 and whose risk assessment instrument indicates secure detention is not appropriate 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 criteria in subsection (1) and who is ordered to be detained under that subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing required under subsection (1) is to determine the existence of probable cause that the child has committed the delinquent act or violation of law that 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 the results of the risk assessment performed by the department juvenile probation officer and, based on the criteria in 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.~~

(c) Except as provided in s. 790.22(8) or in s. 985.27, 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, 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). If the court order does not include a release date, the release date shall be requested from the court on the same date that the child is placed in detention care. If a subsequent hearing is needed to provide additional information to the court for safety planning, the initial order placing the child in detention care shall reflect the next detention review hearing, which shall be held within 3 calendar days after the child's initial detention placement.

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

985.26 Length of detention.—

(1) A child may not be placed into or held in secure ~~or~~, 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 s. 985.255. The order shall be a final order, reviewable by appeal under s. 985.534 and the Florida Rules of Appellate Procedure. Appeals of such orders shall take precedence over other appeals and other pending matters.

(2) A child may not be held in secure ~~or~~, 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) Except as provided in subsection (2), a child may not be held in secure ~~or~~, nonsecure, ~~or home~~ detention care for more than 15 days following the entry of an order of adjudication.

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

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

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

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

(3)(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 this subsection,~~ is released from secure detention or transferred to ~~home detention or~~ nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency, ~~and school personnel, and victim if the juvenile is~~

charged with committing any of the following offenses or attempting to commit any of the following offenses:

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

(4)(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) 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 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 or s. 985.557 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 10 ~~15~~ minutes. This subsection 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 20. Section 985.27, Florida Statutes, is amended to read:

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

(1) 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. 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 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.~~

~~(a)(b)~~ A child who is awaiting placement in a nonsecure 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 nonsecure residential 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)(e)~~ If the child is committed to a high-risk residential program, the child must be held in secure detention care until placement or commitment is accomplished.

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

(2) 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 21. Subsection (1) of section 985.275, Florida Statutes, is amended to read:

985.275 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 shall notify law enforcement and, if the offense would require notification under chapter 960, notify the victim. The agent shall make every reasonable effort as permitted within existing resources provided to the department to locate the delinquent child and the child may be returned to the facility ~~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. 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.

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

985.433 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:

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

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

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

(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 career vocational ~~career 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 courses ~~course(s)~~.

3. Successful completion of career and technical education courses ~~or vocational course(s)~~.
4. Successful attendance and completion of the child's current grade or recovery of credits of classes the child previously failed, if enrolled in school.
5. Enrollment in an apprenticeship or a similar program.

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.

(7) 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 gang.

(a) The ~~department 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 commitment is recommended. If the court has determined that the child was a member of a criminal gang, that determination shall be given great weight in identifying the most appropriate restrictiveness level for the child. The court shall consider the department's recommendation in making its commitment decision.

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

985.435 Probation and postcommitment probation; community service.

(3) A probation program must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in a school or career and technical education ~~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. 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 probation program may also include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation, but has not committed any new violations of law. The alternative consequence component is designed to

provide swift and appropriate consequences to any noncompliance with technical conditions of probation. If the probation program includes this component, specific consequences that apply to noncompliance with specific technical conditions of probation must be detailed in the disposition order.

~~(5)(4)~~ An identification of the child's risk of reoffending ~~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, and shall be designed to encourage the child toward acceptable and functional social behavior.

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

985.439 Violation of probation or postcommitment probation.—

(1)(a) This section is applicable when the court has jurisdiction over a child on probation or postcommitment probation, regardless of adjudication ~~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. A ~~Any~~ child who violates the conditions of probation or postcommitment probation must be brought before the court if sanctions are sought.

(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 in nonsecure ~~on home~~ detention with electronic monitoring. However, this sanction may be used only if a residential consequence unit is not available.

(c) If the violation of probation is technical in nature and not a new violation of law, place the child in an alternative consequence program

designed to provide swift and appropriate consequences to any further violations of probation.

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

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

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

(d)(e) Modify or continue the child’s probation program or postcommitment probation program.

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

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

985.441 Commitment.—

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

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

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

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

(d) The court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement. Such finding must be in writing.

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

985.46 Conditional release.—

(1) The Legislature finds that:

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

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

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

985.461 Transition to adulthood.—

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

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

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

(4) As part of the child’s treatment plan, the department may provide transition-to-adulthood services to children released from residential commitment. To support participation in transition-to-adulthood services and subject to appropriation, the department may:

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

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

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

(d) Request parental or guardian permission for the youth to participate in transition-to-adulthood services. Upon such consent, age-appropriate activities shall be incorporated into the youth’s written case plan. This plan may include specific goals and objectives and shall be reviewed and updated at least quarterly. If the parent or guardian is cooperative, the plan may not interfere with the parent’s or guardian’s rights to nurture and train his or her child in ways that are otherwise in compliance with the law and court order.

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

(f) Assist the child in building a portfolio of educational and vocational accomplishments, necessary identification, resumes, and cover letters in an effort to enhance the child’s employability.

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

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

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

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

(3)

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

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

985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.—

(5) In addition to notification and transmittal requirements imposed by any other provision of law, the department shall compile information on any sexual offender and provide the information to the Department of Law Enforcement. ~~No later than November 1, 2007~~, The department must make the information available electronically to the Department of Law Enforcement in its database in a format that is compatible with the requirements of the Florida Crime Information Center.

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

985.514 Responsibility for cost of care; fees.—

(1) When any child is placed into secure or nonsecure 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.

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

985.601 Administering the juvenile justice continuum.—

(3)(a) The department shall develop or contract for diversified and innovative programs to provide rehabilitative treatment, including early intervention and prevention, diversion, comprehensive intake, case management, diagnostic and classification assessments, trauma-informed care, individual and family counseling, family engagement resources and programs, gender-specific programming, shelter care, diversified detention care emphasizing alternatives to secure detention, diversified probation, halfway houses, foster homes, community-based substance abuse treatment services, community-based mental health treatment services, community-based residential and nonresidential programs, mother-infant programs, and environmental programs. The department may pay expenses in support of innovative programs and activities that address identified needs and the well-being of children in the department's care or under its supervision, subject to the requirements of chapters 215, 216, and 287. Each program shall place particular emphasis on reintegration and conditional release for all children in the program.

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

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

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

985.632 Quality improvement assurance and cost-effectiveness; Comprehensive Accountability Report.—

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

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

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

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

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

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

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

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

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

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

~~(a) “Client” means any person who is being provided treatment or services by the department or by a provider under contract with the department.~~

(a) “Program” means any facility or service for youth that is operated by the department or by a provider under contract with the department.

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

~~(c) “Program effectiveness” means the ability of the program to achieve desired client outcomes, goals, and objectives.~~

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

(3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in consultation with contract service providers, shall develop and use a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes for each program and program group. The standard methodology must:

(a) Include common terminology and operational definitions for measuring the performance of system and program administration, program outputs, and program outcomes.

(b) Specify program outputs for each program and for each program group within the juvenile justice continuum.

~~(c) Specify desired child outcomes and methods by which to measure child outcomes for each program and program group annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(19).~~

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

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

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

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

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

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

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

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

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

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

(5) QUALITY IMPROVEMENT.—The department shall:

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

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

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

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

(e) Develop a quality improvement assurance manual of specific, standardized terminology and procedures to be followed by each program.

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

1. Contracting out for the services provided in the program;
2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum standards thresholds;
3. Redesigning the program; or
4. Realigning the program.

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

(7)(6) ONGOING EVALUATIONS; REPORTS.—The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.

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

985.644 Departmental contracting powers; personnel standards and investigation screening.—

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

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

(3)

(b) ~~Except for Law enforcement, correctional, and correctional probation officers, certified pursuant to s. 943.13, are not required to submit to level 2 screenings as long as they are currently employed by a law enforcement agency or correctional facility. to whom s. 943.13(5) applies,~~ The department shall electronically submit to the Department of Law Enforcement:

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

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

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

985.6441 Health care services.—

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

(a) “Health care provider” has the same meaning as provided in s. 766.105.

(b) “Hospital” means a hospital licensed under chapter 395.

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

(a) Payments to a hospital or a health care provider may not exceed 110 percent of the Medicare allowable rate for any health care services provided if

there is no contract between the department and the hospital or the health care provider providing services at a hospital.

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

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

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

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

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

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

(1) LEGISLATIVE PURPOSE.—In order to enable the state to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff that will meet the needs of such persons in their discharge of duties while at the same time meeting the requirements for the American Correction Association accreditation by the Commission on Accreditation for Corrections, it is the purpose of the Legislature to require the department to establish, maintain, and oversee the operation of juvenile justice training, programs, and courses academies in the state. The purpose of the Legislature in establishing staff development and training programs is to provide employees of the department, any private or public entity, or contract providers who provide services or care for children under the responsibility of the department with the knowledge and skills needed to appropriately interact with children and provide such care and services foster better staff morale and reduce mistreatment and aggressive and abusive behavior in delinquency programs; to positively impact the recidivism of children in the juvenile justice system; and to afford greater protection of the public through an improved level of services delivered by a professionally trained juvenile justice program staff to children who are alleged to be or who have been found to be delinquent.

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

(a) Designate the number and location of the training programs and courses; assess, design, academies; develop, implement, evaluate, maintain, and update the curriculum to be used in the training of juvenile justice program staff; establish timeframes for participation in and completion of training by juvenile justice program staff; develop, implement, score, analyze, maintain, and update job-related examinations; develop, implement, analyze, and update the types and frequencies for of evaluations of the training programs, courses, and instructors academies; and manage approve, modify, or disapprove the budget and contracts for all the training deliverables academies, and the contractor to be selected to organize and operate the training academies and to provide the training curriculum.

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

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

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

(3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall establish a certifiable program for juvenile justice training pursuant to this section, and all department 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 department-approved program of training pertinent to their areas of responsibility. Judges, state attorneys, and public defenders, law enforcement officers, and school district personnel, and employees of contract providers who provide services or care for children under the responsibility of the department may participate in such training program. For the juvenile justice program staff, the department 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 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 department.

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 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) 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.

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

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

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

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

985.664 Juvenile justice circuit advisory boards.—

~~(5)(a) To form the initial juvenile justice circuit advisory board, the Secretary of Juvenile Justice, in consultation with the juvenile justice county councils in existence on October 1, 2013, shall appoint the chair of the board, who must meet the board membership requirements in subsection (4). Within 45 days after being appointed, the chair shall appoint the remaining~~

~~members to the juvenile justice circuit advisory board and submit the appointments to the department for approval.~~

~~(b) Thereafter, When a vacancy in the office of the chair occurs, the Secretary of Juvenile Justice, in consultation with the juvenile justice circuit advisory board, shall appoint a new chair, who must meet the board membership requirements in subsection (4). The chair shall appoint members to vacant seats within 45 days after the vacancy and submit the appointments to the department for approval. The chair shall serve at the pleasure of the Secretary of Juvenile Justice.~~

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

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

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

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

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

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

Expenditures of the organization shall be expressly used for the prevention to prevent and amelioration of ameliorate juvenile delinquency. The expenditures of the direct-support organization may not be used for the purpose of lobbying as defined in s. 11.045.

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

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

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

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

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

985.682 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 this chapter.~~

~~(2) The study shall assess, rank, and designate appropriate sites, and shall be reflective of the different purposes and uses for all facilities, based upon the following criteria:~~

~~(a) Current and future estimates of children originating from each county;~~

~~(b) Current and future estimates of types of delinquent acts committed in each county;~~

~~(c) Geographic location of existing facilities;~~

~~(d) Availability of personnel within the local labor market;~~

~~(e) Current capacity of facilities in the area;~~

~~(f) Total usable and developable acreage of various sites based upon the use and purpose of the facility;~~

~~(g) Accessibility of each site to existing utility, transportation, law enforcement, health care, fire protection, refuse collection, water, and sewage disposal services;~~

~~(h) Susceptibility of each site to flooding hazards or other adverse natural environmental consequences;~~

~~(i) Site location in relation to desirable and undesirable proximity to other public facilities, including schools;~~

- (j) ~~Patterns of residential growth and projected population growth; and~~
- (k) ~~Such other criteria as the department, in conjunction with local governments, deems appropriate.~~
- (3) ~~The department shall recommend certification of the study by the Governor and Cabinet within 2 months after its receipt.~~
- (4) ~~Upon certification of the study by the Governor and Cabinet, the department shall notify those counties designated as being in need of a facility.~~
- (5)(9) The Governor and Cabinet shall consider the following when determining whether to grant the appeal from the decision of the local government on the requested modification:

- (a) The record of the proceedings before the local government.
- (b) Reports and studies by any other agency relating to matters within the jurisdiction of such agency which may be potentially affected by the proposed site.
- (c) Existing ~~The statewide study, as established in subsection (1); other existing studies;~~ reports and information maintained by the department as the Governor and Cabinet may request addressing the feasibility and availability of alternative sites in the general area; and the need for a facility in the area based on the average number of petitions, commitments, and transfers into the criminal court from the county to state facilities for the most recent 3 calendar years.

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

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

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

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

985.701 Sexual misconduct prohibited; reporting required; penalties.—

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

- a. “Sexual misconduct” means fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal

penetration of another by any other object. The term does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of duty by an employee of the department or an employee of a provider under contract with the department.

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

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

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

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

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

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

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

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

985.702 Willful and malicious neglect of a juvenile offender prohibited; reporting required; penalties.—

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

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

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

(c) "Neglect" means:

1. An employee's failure or omission to provide a juvenile offender with the proper level of care, supervision, and services necessary to maintain the juvenile offender's physical and mental health, including, but not limited to,

adequate food, nutrition, clothing, shelter, supervision, medicine, and medical services; or

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

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

(b) An employee who willfully and maliciously neglects a juvenile offender and in so doing causes great bodily harm, permanent disability, or permanent disfigurement commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(4)(a) A person who is required to prepare a report under this section who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

(2) Any residential commitment facility described in s. ~~985.03(44)~~ ~~985.03(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 45. Paragraphs (c) and (f) of subsection (3) of section 943.0582, Florida Statutes, are amended to read:

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

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

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

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

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

Section 47. Paragraphs (h) through (k) of subsection (3) of section 121.0515, Florida Statutes, are redesignated as paragraphs (g) through (j), respectively, and paragraphs (e) through (i) of subsection (2), present paragraphs (g) and (k) of subsection (3), paragraph (b) of subsection (5), paragraph (d) of subsection (8), and paragraph (c) of subsection (10) of that section are amended to read:

121.0515 Special Risk Class.—

(2) MEMBERSHIP.—

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

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

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

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

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

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

~~(g)~~ Effective July 1, 2001, the member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community;

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

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

a. That this physical loss or loss of use is total and permanent, except if the loss of use is due to a physical injury to the member's brain, in which event the loss of use is permanent with at least 75 percent loss of motor function with respect to each arm or leg affected.

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

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

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

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

2. For the purposes of this paragraph, "qualifying injury" means an injury sustained in the line of duty, as certified by the member's employing agency, by a special risk member that does not result in total and permanent disability as defined in s. 121.091(4)(b). An injury is a qualifying injury if the injury is a physical injury to the member's physical body resulting in a physical loss, or loss of use, of at least two of the following: left arm, right arm, left leg, or right leg. Notwithstanding any other provision of this section, an injury that would otherwise qualify as a qualifying injury is not considered a qualifying injury if and when the member ceases employment with the employer for whom he or she was providing special risk services on the date the injury occurred.

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

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

(5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

(b) Any member who is a special risk member on July 1, 2008, and who became eligible to participate under paragraph ~~(3)(g)~~ ~~(3)(h)~~ but fails to meet the criteria for Special Risk Class membership established by paragraph ~~(3)(h)~~ ~~(3)(i)~~ or paragraph ~~(3)(i)~~ ~~(3)(j)~~ shall have his or her special risk designation removed and thereafter shall be a Regular Class member and earn only Regular Class membership credit. The department may review the special risk designation of members to determine whether or not those members continue to meet the criteria for Special Risk Class membership.

(8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

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

(10) CREDIT FOR UPGRADED SERVICE.—

(c) Any member of the Special Risk Class who has earned creditable service through June 30, 2008, in another membership class of the Florida Retirement System in a position with the Department of Law Enforcement or the Division of State Fire Marshal and became covered by the Special Risk Class as described in paragraph (3)(h) ~~(3)(i)~~, or with a local government law enforcement agency or medical examiner's office and became covered by the Special Risk Class as described in paragraph (3)(i) ~~(3)(j)~~, which service is within the purview of the Special Risk Class, and is employed in such position on or after July 1, 2008, may purchase additional retirement credit to upgrade such service to Special Risk Class service, to the extent of the percentages of the member's average final compensation provided in s. 121.091(1)(a)2. The cost for such credit must be an amount representing the actuarial accrued liability for the difference in accrual value during the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System Pension Plan liabilities in the most recent actuarial valuation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an enrolled actuary. The cost must be paid immediately upon notification by the division. The local government employer may purchase the upgraded service credit on behalf of the member if the member has been employed by that employer for at least 3 years.

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

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

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

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

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

318.143 Sanctions for infractions by minors.—

(2) Failure to comply with one or more of the sanctions imposed by the court constitutes contempt of court. Upon a finding by the court, after notice

and a hearing, that a minor is in contempt of court for failure to comply with court-ordered sanctions, the court may:

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

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

Approved by the Governor June 17, 2014.

Filed in Office Secretary of State June 17, 2014.