

1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 320.08058, F.S.; allowing the Department of Highway
4 Safety and Motor Vehicles to distribute proceeds from
5 the Invest in Children license plate annual use fee on
6 a statewide basis; amending s. 985.03, F.S.; replacing
7 the term "nonsecure detention" with the term
8 "supervised release"; defining the term "supervised
9 release detention"; amending ss. 985.037, 985.039, and
10 985.101, F.S.; conforming provisions to changes made
11 by the act; amending s. 985.24, F.S.; deleting
12 authorization to develop evening reporting centers;
13 conforming provisions to changes made by the act;
14 amending s. 985.245, F.S.; revising risk assessment
15 instrument considerations; conforming provisions to
16 changes made by the act; amending s. 985.25, F.S.;
17 repealing mandatory detention for children taken into
18 custody three times in a 60-day period; amending s.
19 985.255, F.S.; revising the circumstances under which
20 a continued detention status may be ordered; amending
21 s. 985.26, F.S.; requiring the Department of Juvenile
22 Justice to hold a prolific juvenile offender in secure
23 detention pending a detention hearing following a
24 violation of nonsecure detention; amending s. 985.26,
25 F.S.; revising the definition of the term

26 "disposition"; conforming provisions to changes made
 27 by the act; amending ss. 985.265 and 985.35, F.S.;
 28 conforming provisions to changes made by the act;
 29 amending s. 985.439, F.S.; deleting authorization for
 30 placement of a child in a consequence unit in certain
 31 circumstances; allowing a child who violates
 32 conditions of probation to be detained or released
 33 based on the results of the detention risk assessment
 34 instrument; conforming provisions to changes made by
 35 the act; amending s. 985.601, F.S.; conforming
 36 provisions to changes made by the act; amending s.
 37 985.672, F.S.; requiring the board of directors of the
 38 department's direct-support organization to be
 39 appointed according to the organization's bylaws;
 40 deleting the scheduled repeal of provisions governing
 41 a direct-support organization established by the
 42 department; providing effective dates.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Paragraph (b) of subsection (11) of section
 47 320.08058, Florida Statutes, is amended to read:

48 320.08058 Specialty license plates.—

49 (11) INVEST IN CHILDREN LICENSE PLATES.—

50 (b) The proceeds of the Invest in Children license plate

51 | annual use fee must be deposited into the Juvenile Crime
 52 | Prevention and Early Intervention Trust Fund within the
 53 | Department of Juvenile Justice. Based on the recommendations of
 54 | the juvenile justice councils, the department shall use the
 55 | proceeds of the fee to fund programs and services that are
 56 | designed to prevent juvenile delinquency. ~~The department shall~~
 57 | ~~allocate moneys for programs and services within each county~~
 58 | ~~based on that county's proportionate share of the license plate~~
 59 | ~~annual use fee collected by the county.~~

60 | Section 2. Effective July 1, 2019, subsection (18) of
 61 | section 985.03, Florida Statutes, is amended to read:

62 | 985.03 Definitions.—As used in this chapter, the term:

63 | (18) "Detention care" means the temporary care of a child
 64 | in secure or supervised release ~~nonsecure~~ detention, pending a
 65 | court adjudication or disposition or execution of a court order.
 66 | There are two types of detention care, as follows:

67 | (a) "Secure detention" means temporary custody of the
 68 | child while the child is under the physical restriction of a
 69 | secure detention center or facility pending adjudication,
 70 | disposition, or placement.

71 | (b) "Supervised release ~~Nonsecure~~ detention" means
 72 | temporary, nonsecure custody of the child while the child is
 73 | released to the custody of the parent, guardian, or custodian in
 74 | a physically nonrestrictive environment under the supervision of
 75 | the department staff pending adjudication, or disposition,

76 | through programs that ~~or placement. Forms of nonsecure detention~~
77 | include, but are not limited to, ~~home detention,~~ electronic
78 | monitoring, day reporting centers, ~~evening reporting centers,~~
79 | and nonsecure shelters. Supervised release ~~Nonsecure~~ detention
80 | may include other requirements imposed by the court.

81 | Section 3. Effective July 1, 2019, subsection (5) of
82 | section 985.037, Florida Statutes, is amended to read:

83 | 985.037 Punishment for contempt of court; alternative
84 | sanctions.—

85 | (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
86 | the position of alternative sanctions coordinator within each
87 | judicial circuit, pursuant to subsection (3). Each alternative
88 | sanctions coordinator shall serve under the direction of the
89 | chief administrative judge of the juvenile division as directed
90 | by the chief judge of the circuit. The alternative sanctions
91 | coordinator shall act as the liaison between the judiciary,
92 | local department officials, district school board employees, and
93 | local law enforcement agencies. The alternative sanctions
94 | coordinator shall coordinate within the circuit community-based
95 | alternative sanctions, including supervised release ~~nonsecure~~
96 | detention programs, community service projects, and other
97 | juvenile sanctions, in conjunction with the circuit plan
98 | implemented in accordance with s. 790.22(4)(c).

99 | Section 4. Effective July 1, 2019, paragraph (a) of
100 | subsection (1) of section 985.039, Florida Statutes, is amended

101 to read:

102 985.039 Cost of supervision; cost of care.—

103 (1) Except as provided in subsection (3) or subsection
104 (4):

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

112 Section 5. Effective July 1, 2019, paragraph (d) of
113 subsection (1) of section 985.101, Florida Statutes, is amended
114 to read:

115 985.101 Taking a child into custody.—

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

118 (d) By a law enforcement officer who has probable cause to
119 believe that the child is in violation of the conditions of the
120 child's probation, supervised release ~~nonsecure~~ detention,
121 postcommitment probation, or conditional release supervision;
122 has absconded from nonresidential commitment; or has escaped
123 from residential commitment.

124
125 Nothing in this subsection shall be construed to allow the

126 detention of a child who does not meet the detention criteria in
 127 part V.

128 Section 6. Effective July 1, 2019, subsections (2), (4),
 129 and (5) of section 985.24, Florida Statutes, are amended to
 130 read:

131 985.24 Use of detention; prohibitions.—

132 (2) A child alleged to have committed a delinquent act or
 133 violation of law may not be placed into secure or supervised
 134 release ~~nonsecure~~ detention care for any of the following
 135 reasons:

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

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

140 (c) To facilitate further interrogation or investigation.

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

142 ~~(4) The department may, within its existing resources,~~
 143 ~~develop nonsecure, nonresidential evening reporting centers as~~
 144 ~~an alternative to placing a child in secure detention. Evening~~
 145 ~~reporting centers may be collocated with a juvenile assessment~~
 146 ~~center. If established, evening reporting centers shall serve~~
 147 ~~children and families who are awaiting a child's court hearing~~
 148 ~~and, at a minimum, operate during the afternoon and evening~~
 149 ~~hours to provide a highly structured program of supervision.~~
 150 ~~Evening reporting centers may also provide academic tutoring,~~

151 ~~counseling, family engagement programs, and other activities.~~

152 (4)~~(5)~~ The department shall continue to identify and
153 develop supervised release detention options ~~alternatives to~~
154 ~~secure detention care and shall develop such alternatives~~ and
155 annually submit them to the Legislature for authorization and
156 appropriation.

157 Section 7. Effective July 1, 2019, paragraph (b) of
158 subsection (2) and subsection (4) of section 985.245, Florida
159 Statutes, are amended to read:

160 985.245 Risk assessment instrument.—

161 (2)

162 (b) The risk assessment instrument shall take into
163 consideration, but need not be limited to, pending felony and
164 misdemeanor offenses, offenses committed pending adjudication,
165 prior offenses, unlawful possession of a firearm, prior history
166 of failure to appear, violations of supervision ~~prior offenses,~~
167 ~~offenses committed pending adjudication, any unlawful possession~~
168 ~~of a firearm, theft of a motor vehicle or possession of a stolen~~
169 ~~motor vehicle,~~ and supervision ~~probation~~ status at the time the
170 child is taken into custody. The risk assessment instrument
171 shall also take into consideration all statutory mandates for
172 detention care ~~appropriate aggravating and mitigating~~
173 ~~circumstances, and shall be designed to target a narrower~~
174 ~~population of children than s. 985.255.~~ The risk assessment
175 instrument shall also include any information concerning the

176 child's history of abuse and neglect. The risk assessment shall
177 indicate whether detention care is warranted, and, if detention
178 care is warranted, whether the child should be placed into
179 secure or supervised release ~~nonsecure~~ detention care.

180 (4) For a child who is under the supervision of the
181 department through probation, supervised release ~~nonsecure~~
182 detention, conditional release, postcommitment probation, or
183 commitment and who is charged with committing a new offense, the
184 risk assessment instrument may be completed and scored based on
185 the underlying charge for which the child was placed under the
186 supervision of the department ~~and the new offense~~.

187 Section 8. Effective July 1, 2019, paragraph (b) of
188 subsection (1) of section 985.25, Florida Statutes, is amended
189 to read:

190 985.25 Detention intake.—

191 (1) The department shall receive custody of a child who
192 has been taken into custody from the law enforcement agency or
193 court and shall review the facts in the law enforcement report
194 or probable cause affidavit and make such further inquiry as may
195 be necessary to determine whether detention care is appropriate.

196 (b) The department shall base the decision whether to
197 place the child into detention care on an assessment of risk in
198 accordance with the risk assessment instrument and procedures
199 developed by the department under s. 985.245, except that a
200 child shall be placed in secure detention care until the child's

201 detention hearing if the child meets the criteria specified in
202 s. 985.255(1)(f) or ~~985.255(1)(j)~~, is charged with possessing or
203 discharging a firearm on school property in violation of s.
204 790.115, ~~or has been taken into custody on three or more~~
205 ~~separate occasions within a 60-day period.~~

206
207 Under no circumstances shall the department or the state
208 attorney or law enforcement officer authorize the detention of
209 any child in a jail or other facility intended or used for the
210 detention of adults, without an order of the court.

211 Section 9. Effective July 1, 2019, subsection (1) and
212 paragraph (a) of subsection (3) of section 985.255, Florida
213 Statutes, are amended to read:

214 985.255 Detention criteria; detention hearing.—

215 (1) Subject to s. 985.25(1), a child taken into custody
216 and placed into detention care shall be given a hearing within
217 24 hours after being taken into custody. At the hearing, the
218 court may order a continued detention status if:

219 (a) The result of the risk assessment instrument pursuant
220 to s. 985.245 indicates secure or supervised release detention.

221 (b) The child is alleged to be an escapee from a
222 residential commitment program; or an absconder from a
223 nonresidential commitment program, a probation program, or
224 conditional release supervision; or is alleged to have escaped
225 while being lawfully transported to or from a residential

226 commitment program.

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

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

233 ~~(d) The child is charged with committing an offense of
234 domestic violence as defined in s. 741.28 and is detained as
235 provided in subsection (2).~~

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

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

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

249 ~~1. Has a record of failure to appear at court hearings
250 after being properly notified in accordance with the Rules of~~

251 ~~Juvenile Procedure;~~
 252 2. ~~Has a record of law violations prior to court hearings;~~
 253 3. ~~Has already been detained or has been released and is~~
 254 ~~awaiting final disposition of the case;~~
 255 4. ~~Has a record of violent conduct resulting in physical~~
 256 ~~injury to others; or~~
 257 5. ~~Is found to have been in possession of a firearm.~~
 258 ~~(h) The child is alleged to have violated the conditions~~
 259 ~~of the child's probation or conditional release supervision.~~
 260 ~~However, a child detained under this paragraph may be held only~~
 261 ~~in a consequence unit as provided in s. 985.439. If a~~
 262 ~~consequence unit is not available, the child shall be placed on~~
 263 ~~nonsecure detention with electronic monitoring.~~
 264 (e)-(i) The child is detained on a judicial order for
 265 failure to appear and has previously willfully failed to appear,
 266 after proper notice:
 267 1. For an adjudicatory hearing on the same case regardless
 268 of the results of the risk assessment instrument; or
 269 2. At two or more court hearings of any nature on the same
 270 case regardless of the results of the risk assessment
 271 instrument.
 272
 273 A child may be held in secure detention for up to 72 hours in
 274 advance of the next scheduled court hearing pursuant to this
 275 paragraph. The child's failure to keep the clerk of court and

276 defense counsel informed of a current and valid mailing address
277 where the child will receive notice to appear at court
278 proceedings does not provide an adequate ground for excusal of
279 the child's nonappearance at the hearings.

280 (f)~~(j)~~ The child is a prolific juvenile offender. A child
281 is a prolific juvenile offender if the child:

282 1. Is charged with a delinquent act that would be a felony
283 if committed by an adult;

284 2. Has been adjudicated or had adjudication withheld for a
285 felony offense, or delinquent act that would be a felony if
286 committed by an adult, before the charge under subparagraph 1.;
287 and

288 3. In addition to meeting the requirements of
289 subparagraphs 1. and 2., has five or more of any of the
290 following, at least three of which must have been for felony
291 offenses or delinquent acts that would have been felonies if
292 committed by an adult:

293 a. An arrest event for which a disposition, as defined in
294 s. 985.26, has not been entered;

295 b. An adjudication; or

296 c. An adjudication withheld.

297

298 As used in this subparagraph, the term "arrest event" means an
299 arrest or referral for one or more criminal offenses or
300 delinquent acts arising out of the same episode, act, or

301 transaction.

302 (3) (a) The purpose of the detention hearing required under
 303 subsection (1) is to determine the existence of probable cause
 304 that the child has committed the delinquent act or violation of
 305 law that he or she is charged with and the need for continued
 306 detention. ~~Unless a child is detained under paragraph (1) (d) or~~
 307 ~~paragraph (1) (e),~~ The court shall use the results of the risk
 308 assessment performed by the department and, based on the
 309 criteria in subsection (1), shall determine the need for
 310 continued detention. If the child is a prolific juvenile
 311 offender who is detained under s. 985.26(2) (c), the court shall
 312 use the results of the risk assessment performed by the
 313 department and the criteria in subsection (1) or subsection (2)
 314 only to determine whether the prolific juvenile offender should
 315 be held in secure detention.

316 Section 10. Paragraph (d) of subsection (2) of section
 317 985.26, Florida Statutes, is created to read:

318 985.26 Length of detention.—

319 (2)

320 (d) A prolific juvenile offender under s. 985.255(1) (j)
 321 who is taken into custody for a violation of the conditions of
 322 his or her nonsecure detention must be held in secure detention
 323 until a detention hearing is held.

324 Section 11. Effective July 1, 2019, paragraphs (c) and (d)
 325 of subsection (2) and paragraph (b) of subsection (4) of section

326 985.26, Florida Statutes, as amended by this act, are amended to
 327 read:

328 985.26 Length of detention.—

329 (2)

330 (c) A prolific juvenile offender under s. 985.255(1)(f)
 331 ~~985.255(1)(j)~~ shall be placed on supervised release ~~nonsecure~~
 332 detention care with electronic monitoring or in secure detention
 333 care under a special detention order until disposition. If
 334 secure detention care is ordered by the court, it must be
 335 authorized under this part and may not exceed:

336 1. Twenty-one days unless an adjudicatory hearing for the
 337 case has been commenced in good faith by the court or the period
 338 is extended by the court pursuant to paragraph (b); or

339 2. Fifteen days after the entry of an order of
 340 adjudication.

341
 342 As used in this paragraph, the term "disposition" means a
 343 declination to file under s. 985.15(1)(h), the entry of nolle
 344 prosequi for the charges, the filing of an indictment under s.
 345 985.56 or an information under s. 985.557, a dismissal of the
 346 case, or an order of final disposition by the court.

347 (d) A prolific juvenile offender under s. 985.255(1)(f)
 348 ~~985.255(1)(j)~~ who is taken into custody for a violation of the
 349 conditions of his or her supervised release ~~nonsecure~~ detention
 350 must be held in secure detention until a detention hearing is

351 held.

352 (4)

353 (b) The period for supervised release ~~nonsecure~~ detention
354 care under this section is tolled on the date that the
355 department or a law enforcement officer alleges that the child
356 has violated a condition of the child's supervised release
357 ~~nonsecure~~ detention care until the court enters a ruling on the
358 violation. Notwithstanding the tolling of supervised release
359 ~~nonsecure~~ detention care, the court retains jurisdiction over
360 the child for a violation of a condition of supervised release
361 ~~nonsecure~~ detention care during the tolling period. If the court
362 finds that a child has violated his or her supervised release
363 ~~nonsecure~~ detention care, the number of days that the child
364 served in any type of detention care before commission of the
365 violation shall be excluded from the time limits under
366 subsections (2) and (3).

367 Section 12. Effective July 1, 2019, subsection (1),
368 paragraph (b) of subsection (3), and paragraph (a) of subsection
369 (4) of section 985.265, Florida Statutes, are amended to read:

370 985.265 Detention transfer and release; education; adult
371 jails.—

372 (1) If a child is detained under this part, the department
373 may transfer the child from supervised release ~~nonsecure~~
374 detention care to secure detention care only if significantly
375 changed circumstances warrant such transfer.

376 (3)
 377 (b) When a juvenile is released from secure detention or
 378 transferred to supervised release ~~nonsecure~~ detention, detention
 379 staff shall immediately notify the appropriate law enforcement
 380 agency, school personnel, and victim if the juvenile is charged
 381 with committing any of the following offenses or attempting to
 382 commit any of the following offenses:

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

387 (4) (a) While a child who is currently enrolled in school
 388 is in supervised release ~~nonsecure~~ detention care, the child
 389 shall continue to attend school unless otherwise ordered by the
 390 court.

391 Section 13. Effective July 1, 2019, paragraph (b) of
 392 subsection (1) of section 985.35, Florida Statutes, is amended
 393 to read:

394 985.35 Adjudicatory hearings; withheld adjudications;
 395 orders of adjudication.—

396 (1)

397 (b) If the child is a prolific juvenile offender under s.
 398 985.255(1)(f) ~~985.255(1)(j)~~, the adjudicatory hearing must be
 399 held within 45 days after the child is taken into custody unless
 400 a delay is requested by the child.

401 Section 14. Effective July 1, 2019, subsections (2) and
402 (4) of section 985.439, Florida Statutes, are amended to read:

403 985.439 Violation of probation or postcommitment
404 probation.—

405 (2) A child taken into custody under s. 985.101 for
406 violating the conditions of probation shall be screened and
407 detained or released based on his or her risk assessment
408 instrument score ~~or postcommitment probation shall be held in a~~
409 ~~consequence unit if such a unit is available. The child shall be~~
410 ~~afforded a hearing within 24 hours after being taken into~~
411 ~~custody to determine the existence of probable cause that the~~
412 ~~child violated the conditions of probation or postcommitment~~
413 ~~probation. A consequence unit is a secure facility specifically~~
414 ~~designated by the department for children who are taken into~~
415 ~~custody under s. 985.101 for violating probation or~~
416 ~~postcommitment probation, or who have been found by the court to~~
417 ~~have violated the conditions of probation or postcommitment~~
418 ~~probation. If the violation involves a new charge of~~
419 ~~delinquency, the child may be detained under part V in a~~
420 ~~facility other than a consequence unit. If the child is not~~
421 ~~eligible for detention for the new charge of delinquency, the~~
422 ~~child may be held in the consequence unit pending a hearing and~~
423 ~~is subject to the time limitations specified in part V.~~

424 (4) Upon the child's admission, or if the court finds
425 after a hearing that the child has violated the conditions of

426 probation or postcommitment probation, the court shall enter an
427 order revoking, modifying, or continuing probation or
428 postcommitment probation. In each such case, the court shall
429 enter a new disposition order and, in addition to the sanctions
430 set forth in this section, may impose any sanction the court
431 could have imposed at the original disposition hearing. If the
432 child is found to have violated the conditions of probation or
433 postcommitment probation, the court may:

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

437 (a) ~~(b)~~ Place the child in supervised release nonsecure
438 detention with electronic monitoring. ~~However, this sanction may~~
439 ~~be used only if a residential consequence unit is not available.~~

440 (b) ~~(e)~~ If the violation of probation is technical in nature
441 and not a new violation of law, place the child in an
442 alternative consequence program designed to provide swift and
443 appropriate consequences to any further violations of probation.

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

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

451 entity selected by the department.

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

455 (c)~~(d)~~ Modify or continue the child's probation program or
 456 postcommitment probation program.

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

459 Section 15. Effective July 1, 2019, paragraph (a) of
 460 subsection (9) of section 985.601, Florida Statutes, is amended
 461 to read:

462 985.601 Administering the juvenile justice continuum.—

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

474 Section 16. Subsections (3) and (7) of section 985.672,
 475 Florida Statutes, are amended to read:

476 985.672 Direct-support organization; definition; use of
477 property; board of directors; audit.—

478 (3) BOARD OF DIRECTORS.—The Secretary of Juvenile Justice
479 shall appoint a board of directors of the direct-support
480 organization. The board members shall be appointed according to
481 the organization's bylaws ~~Members of the organization must~~
482 ~~include representatives from businesses, representatives from~~
483 ~~each of the juvenile justice service districts, and one~~
484 ~~representative appointed at large.~~

485 ~~(7) REPEAL. This section is repealed October 1, 2018,~~
486 ~~unless reviewed and saved from repeal by the Legislature.~~

487 Section 17. Except as otherwise expressly provided in this
488 act, this act shall take effect July 1, 2018.