

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative McClure offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:
6 Section 1. Paragraph (b) of subsection (11) of section
7 320.08058, Florida Statutes, is amended to read:

8 320.08058 Specialty license plates.—

9 (11) INVEST IN CHILDREN LICENSE PLATES.—

10 (b) The proceeds of the Invest in Children license plate
11 annual use fee must be deposited into the Juvenile Crime
12 Prevention and Early Intervention Trust Fund within the
13 Department of Juvenile Justice. Based on the recommendations of
14 the juvenile justice councils, the department shall use the
15 proceeds of the fee to fund programs and services that are
16 designed to prevent juvenile delinquency. ~~The department shall~~

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17 ~~allocate moneys for programs and services within each county~~
18 ~~based on that county's proportionate share of the license plate~~
19 ~~annual use fee collected by the county.~~

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

22 985.03 Definitions.—As used in this chapter, the term:

23 (18) "Detention care" means the temporary care of a child
24 in secure or supervised release ~~nonsecure~~ detention, pending a
25 court adjudication or disposition or execution of a court order.

26 There are two types of detention care, as follows:

27 (b) "Supervised release ~~Nonsecure~~ detention" means
28 temporary, nonsecure custody of the child while the child is
29 released to the custody of the parent, guardian, or custodian in
30 a physically nonrestrictive environment under the supervision of
31 the department staff pending adjudication, or disposition,
32 through programs that include ~~or placement. Forms of nonsecure~~
33 ~~detention include~~, but are not limited to, ~~home detention,~~
34 electronic monitoring, day reporting centers, evening reporting
35 centers, and nonsecure shelters. Supervised release ~~Nonsecure~~
36 detention may include other requirements imposed by the court.

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

39 985.037 Punishment for contempt of court; alternative
40 sanctions.—

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41 (5) ALTERNATIVE SANCTIONS COORDINATOR.—There is created
42 the position of alternative sanctions coordinator within each
43 judicial circuit, pursuant to subsection (3). Each alternative
44 sanctions coordinator shall serve under the direction of the
45 chief administrative judge of the juvenile division as directed
46 by the chief judge of the circuit. The alternative sanctions
47 coordinator shall act as the liaison between the judiciary,
48 local department officials, district school board employees, and
49 local law enforcement agencies. The alternative sanctions
50 coordinator shall coordinate within the circuit community-based
51 alternative sanctions, including supervised release ~~nonsecure~~
52 detention programs, community service projects, and other
53 juvenile sanctions, in conjunction with the circuit plan
54 implemented in accordance with s. 790.22(4)(c).

55 Section 4. Effective July 1, 2019, paragraph (a) of
56 subsection (1) of section 985.039, Florida Statutes, is amended
57 to read:

58 985.039 Cost of supervision; cost of care.—

59 (1) Except as provided in subsection (3) or subsection
60 (4):

61 (a) When any child is placed into supervised release
62 ~~nonsecure~~ detention, probation, or other supervision status with
63 the department, or is committed to the minimum-risk
64 nonresidential restrictiveness level, the court shall order the
65 parent of such child to pay to the department a fee for the cost

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66 of the supervision of such child in the amount of \$1 per day for
67 each day that the child is in such status.

68 Section 5. Effective July 1, 2019, subsections (2), (4),
69 and (5) of section 985.24, Florida Statutes, are amended to
70 read:

71 985.24 Use of detention; prohibitions.—

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

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

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

80 (c) To facilitate further interrogation or investigation.

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

82 ~~(4) The department may, within its existing resources,~~
83 ~~develop nonsecure, nonresidential evening reporting centers as~~
84 ~~an alternative to placing a child in secure detention. Evening~~
85 ~~reporting centers may be collocated with a juvenile assessment~~
86 ~~center. If established, evening reporting centers shall serve~~
87 ~~children and families who are awaiting a child's court hearing~~
88 ~~and, at a minimum, operate during the afternoon and evening~~
89 ~~hours to provide a highly structured program of supervision.~~

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90 ~~Evening reporting centers may also provide academic tutoring,~~
91 ~~counseling, family engagement programs, and other activities.~~

92 (5) The department shall continue to identify and develop
93 supervised release detention options ~~alternatives to secure~~
94 ~~detention care and shall develop such alternatives~~ and annually
95 submit them to the Legislature for authorization and
96 appropriation.

97 Section 6. Effective July 1, 2019, paragraph (b) of
98 subsection (2) and subsection (4) of section 985.245, Florida
99 Statutes, are amended to read:

100 985.245 Risk assessment instrument.—

101 (2)

102 (b) The risk assessment instrument shall take into
103 consideration, but need not be limited to, pending felony and
104 misdemeanor offenses, offenses committed pending adjudication,
105 prior offenses, unlawful possession of a firearm, prior history
106 of failure to appear, violations of supervision ~~prior offenses,~~
107 ~~offenses committed pending adjudication, any unlawful possession~~
108 ~~of a firearm, theft of a motor vehicle or possession of a stolen~~
109 ~~motor vehicle, and supervision~~ probation status at the time the
110 child is taken into custody. The risk assessment instrument
111 shall also take into consideration all statutory mandates for
112 detention care ~~appropriate aggravating and mitigating~~
113 ~~circumstances, and shall be designed to target a narrower~~
114 ~~population of children than s. 985.255.~~ The risk assessment

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115 instrument shall also include any information concerning the
116 child's history of abuse and neglect. The risk assessment shall
117 indicate whether detention care is warranted, and, if detention
118 care is warranted, whether the child should be placed into
119 secure or supervised release ~~nonsecure~~ detention care.

120 (4) For a child who is under the supervision of the
121 department through probation, supervised release ~~nonsecure~~
122 detention, conditional release, postcommitment probation, or
123 commitment and who is charged with committing a new offense, the
124 risk assessment instrument may be completed and scored based on
125 the underlying charge for which the child was placed under the
126 supervision of the department ~~and the new offense~~.

127 Section 7. Effective July 1, 2019, paragraph (b) of
128 subsection (1) of section 985.25, Florida Statutes, is amended
129 to read:

130 985.25 Detention intake.—

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

136 (b) The department shall base the decision whether to
137 place the child into detention care on an assessment of risk in
138 accordance with the risk assessment instrument and procedures
139 developed by the department under s. 985.245, except that a

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140 child shall be placed in secure detention care until the child's
141 detention hearing if the child meets the criteria specified in
142 s. 985.255(1)(j) ~~or~~ or is charged with possessing or discharging a
143 firearm on school property in violation of s. 790.115, ~~or has~~
144 ~~been taken into custody on three or more separate occasions~~
145 ~~within a 60-day period.~~

146

147 Under no circumstances shall the department or the state
148 attorney or law enforcement officer authorize the detention of
149 any child in a jail or other facility intended or used for the
150 detention of adults, without an order of the court.

151 Section 8. Effective July 1, 2019, subsection (1) of
152 section 985.255, Florida Statutes, is amended to read:

153 985.255 Detention criteria; detention hearing.—

154 (1) Subject to s. 985.25(1), a child taken into custody
155 and placed into detention care shall be given a hearing within
156 24 hours after being taken into custody. At the hearing, the
157 court may order a continued detention status if:

158 (a) The result of the risk assessment instrument as
159 defined in s. 985.245 indicates secure or supervised released
160 detention.

161 (b) The child is alleged to be an escapee from a
162 residential commitment program; or an absconder from a
163 nonresidential commitment program, a probation program, or
164 conditional release supervision; or is alleged to have escaped

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165 while being lawfully transported to or from a residential
166 commitment program.

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

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

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

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

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

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

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

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

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

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

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

198 ~~(h) The child is alleged to have violated the conditions~~
199 ~~of the child's probation or conditional release supervision.~~
200 ~~However, a child detained under this paragraph may be held only~~
201 ~~in a consequence unit as provided in s. 985.439. If a~~
202 ~~consequence unit is not available, the child shall be placed on~~
203 ~~nonsecure detention with electronic monitoring.~~

204 ~~(e)(i)~~ The child is detained on a judicial order for
205 failure to appear and has previously willfully failed to appear,
206 after proper notice:

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

209 2. At two or more court hearings of any nature on the same
210 case regardless of the results of the risk assessment
211 instrument.

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213 A child may be held in secure detention for up to 72 hours in
214 advance of the next scheduled court hearing pursuant to this
215 paragraph. The child's failure to keep the clerk of court and
216 defense counsel informed of a current and valid mailing address
217 where the child will receive notice to appear at court
218 proceedings does not provide an adequate ground for excusal of
219 the child's nonappearance at the hearings.

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

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

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

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

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

235 b. An adjudication; or

236 c. An adjudication withheld.
237

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238 As used in this subparagraph, the term "arrest event" means an
239 arrest or referral for one or more criminal offenses or
240 delinquent acts arising out of the same episode, act, or
241 transaction.

242 Section 9. Effective July 1, 2019, paragraph (c) of
243 subsection (2) and paragraph (b) of subsection (4) of section
244 985.26, Florida Statutes, are amended to read:

245 985.26 Length of detention.—

246 (2)

247 (c) A prolific juvenile offender under s. 985.255(1)(j)
248 shall be placed on supervised release ~~nonsecure~~ detention care
249 with electronic monitoring or in secure detention care under a
250 special detention order until disposition. If secure detention
251 care is ordered by the court, it must be authorized under this
252 part and may not exceed:

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

256 2. Fifteen days after the entry of an order of
257 adjudication.

258

259 As used in this paragraph, the term "disposition" means a
260 declination to file under s. 985.15(1)(h), the entry of nolle
261 prosequi for the charges, the filing of an indictment under s.

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262 985.56 or an information under s. 985.557, a dismissal of the
263 case, or an order of final disposition by the court.

264 (4)

265 (b) The period for supervised release ~~nonsecure~~ detention
266 care under this section is tolled on the date that the
267 department or a law enforcement officer alleges that the child
268 has violated a condition of the child's supervised release
269 ~~nonsecure~~ detention care until the court enters a ruling on the
270 violation. Notwithstanding the tolling of supervised release
271 ~~nonsecure~~ detention care, the court retains jurisdiction over
272 the child for a violation of a condition of supervised release
273 ~~nonsecure~~ detention care during the tolling period. If the court
274 finds that a child has violated his or her supervised release
275 ~~nonsecure~~ detention care, the number of days that the child
276 served in any type of detention care before commission of the
277 violation shall be excluded from the time limits under
278 subsections (2) and (3).

279 Section 10. Paragraph (d) of subsection (2) of section
280 985.26, Florida Statutes, is created to read:

281 985.26 Length of detention.—

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

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286 Section 11. Effective July 1, 2019, subsection (1),
287 paragraph (b) of subsection (3), and paragraph (a) of subsection
288 (4) of section 985.265, Florida Statutes, are amended to read:

289 985.265 Detention transfer and release; education; adult
290 jails.—

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

295 (3)

296 (b) When a juvenile is released from secure detention or
297 transferred to supervised release ~~nonsecure~~ detention, detention
298 staff shall immediately notify the appropriate law enforcement
299 agency, school personnel, and victim if the juvenile is charged
300 with committing any of the following offenses or attempting to
301 commit any of the following offenses:

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

306 (4) (a) While a child who is currently enrolled in school
307 is in supervised release ~~nonsecure~~ detention care, the child
308 shall continue to attend school unless otherwise ordered by the
309 court.

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310 Section 12. Effective July 1, 2019, subsections (2) and (4)
311 of section 985.439, Florida Statutes, are amended to read:

312 985.439 Violation of probation or postcommitment
313 probation.—

314 (2) A child taken into custody under s. 985.101 for
315 violating the conditions of probation shall be screened and
316 detained or released based on his or her risk assessment
317 instrument score ~~or postcommitment probation shall be held in a~~
318 ~~consequence unit if such a unit is available. The child shall be~~
319 ~~afforded a hearing within 24 hours after being taken into~~
320 ~~custody to determine the existence of probable cause that the~~
321 ~~child violated the conditions of probation or postcommitment~~
322 ~~probation. A consequence unit is a secure facility specifically~~
323 ~~designated by the department for children who are taken into~~
324 ~~custody under s. 985.101 for violating probation or~~
325 ~~postcommitment probation, or who have been found by the court to~~
326 ~~have violated the conditions of probation or postcommitment~~
327 ~~probation. If the violation involves a new charge of~~
328 ~~delinquency, the child may be detained under part V in a~~
329 ~~facility other than a consequence unit. If the child is not~~
330 ~~eligible for detention for the new charge of delinquency, the~~
331 ~~child may be held in the consequence unit pending a hearing and~~
332 ~~is subject to the time limitations specified in part V.~~

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

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335 probation or postcommitment probation, the court shall enter an
336 order revoking, modifying, or continuing probation or
337 postcommitment probation. In each such case, the court shall
338 enter a new disposition order and, in addition to the sanctions
339 set forth in this section, may impose any sanction the court
340 could have imposed at the original disposition hearing. If the
341 child is found to have violated the conditions of probation or
342 postcommitment probation, the court may:

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

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

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

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

357 2. Alternative consequence programs may be operated by an
358 entity such as a law enforcement agency, the department, a

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359 juvenile assessment center, a county or municipality, or another
360 entity selected by the department.

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

364 ~~(c)-(d)~~ Modify or continue the child's probation program or
365 postcommitment probation program.

366 ~~(d)-(e)~~ Revoke probation or postcommitment probation and
367 commit the child to the department.

368 Section 13. Effective July 1, 2019, paragraph (a) of
369 subsection (9) of section 985.601, Florida Statutes, is amended
370 to read:

371 985.601 Administering the juvenile justice continuum.—

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

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383 Section 14. Subsections (3) and (7) of section 985.672,
384 Florida Statutes, are amended to read:

385 985.672 Direct-support organization; definition; use of
386 property; board of directors; audit.-

387 (3) BOARD OF DIRECTORS.-The Secretary of Juvenile Justice
388 shall appoint a board of directors of the direct-support
389 organization. The board members shall be appointed according to
390 the organization's bylaws ~~Members of the organization must~~
391 ~~include representatives from businesses, representatives from~~
392 ~~each of the juvenile justice service districts, and one~~
393 ~~representative appointed at large.~~

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

396 Section 15. Except as otherwise provided, this act shall
397 take effect July 1, 2018.

398
399 -----

400 **T I T L E A M E N D M E N T**

401 Remove lines 6-17 and insert:

402 985.03, F.S.; replacing the term "nonsecure detention" with the
403 term "supervised release"; providing a definition for
404 "supervised release detention"; amending s. 985.037, F.S.;
405 replacing "nonsecure detention" with the term "supervised
406 release"; amending s. 985.039, F.S.; replacing "nonsecure
407 detention" with the term "supervised release"; amending s.

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408 985.24, F.S.; including definition of evening reporting centers
409 in definition of supervised release; replacing "nonsecure
410 detention" with the term "supervised release"; amending s.
411 985.245, F.S.; replacing "nonsecure detention" with the term
412 "supervised release"; amending s. 985.25, F.S.; repealing
413 mandatory detention for youth arrested three times in a sixty
414 day period; amending s. 985.255, F.S.; removing criteria no
415 longer applicable with the detention risk assessment instrument;
416 amending s. 985.26, F.S.; replacing "nonsecure detention" with
417 the term "supervised release"; requiring the department to hold
418 a prolific juvenile offender in secure detention pending a
419 detention hearing following a violation of nonsecure detention;
420 amending s. 985.265, F.S.; replacing "nonsecure detention" with
421 the term "supervised release"; amending s. 985.439, F.S.;
422 deleting consequence unit; allowing youth who violate conditions
423 of probation to be detained based on the detention risk
424 assessment instrument score; replacing "nonsecure detention"
425 with the term "supervised release"; amending s. 985.601, F.S.;
426 replacing "nonsecure detention" with the term "supervised
427 release"; amending s. 985.672, F.S.; requiring the board of
428 directors of the department's direct-support organization to be
429 appointed according to the organization's bylaws; deleting the
430 scheduled repeal of provisions governing a direct-support
431 organization established by the department; providing effective
432 dates.

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