



Criminal Justice Subcommittee

Tuesday November 1st, 2011

2:00 PM

404 HOB

Action Packet

**Dean Cannon
Speaker**

**Gayle Harrell
Chair**

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

11/1/2011 2:00:00PM

Location: 404 HOB

Summary:

Criminal Justice Subcommittee

Tuesday November 01, 2011 02:00 pm

HB 173 Favorable With Committee Substitute

Yeas: 13 Nays: 0

Amendment 179145 Withdrawn

Amendment 865365 Adopted Without Objection

Committee meeting was reported out: Tuesday, November 01, 2011 5:18:08PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

11/1/2011 2:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gayle Harrell (Chair)	X		
Dwight Bullard			X
Daphne Campbell			X
Jose Diaz	X		
Richard Glorioso	X		
James Grant	X		
John Julien	X		
Charles McBurney	X		
W. Keith Perry	X		
Ray Pilon	X		
Irving Slosberg	X		
Carlos Trujillo	X		
Charles Van Zant	X		
Barbara Watson	X		
Dana Young	X		
Totals:	13	0	2

Committee meeting was reported out: Tuesday, November 01, 2011 5:18:08PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

11/1/2011 2:00:00PM

Location: 404 HOB

HB 173 : Department of Juvenile Justice

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dwight Bullard			X		
Daphne Campbell			X		
Jose Diaz	X				
Richard Glorioso	X				
James Grant	X				
John Julien	X				
Charles McBurney	X				
W. Keith Perry	X				
Ray Pilon	X				
Irving Slosberg	X				
Carlos Trujillo	X				
Charles Van Zant	X				
Barbara Watson	X				
Dana Young	X				
Gayle Harrell (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 173 Amendments

Amendment 179145

Withdrawn

Amendment 865365

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Proponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: (727) 897-9291

Committee meeting was reported out: Tuesday, November 01, 2011 5:18:08PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	—	(Y/N)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

WITHDRAWN
11/01/11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Pilon offered the following:

Amendment (with title amendment)

Remove lines 112-179 and insert:

7 Section 4. Subsection (3) of section 985.601, Florida
8 Statutes, is amended and subsection (11) is added to section
9 985.601, Florida Statutes, to read:

10 985.601 Administering the juvenile justice continuum.—

11 (3)(a) The department shall develop or contract for
12 diversified and innovative programs to provide rehabilitative
13 treatment, including early intervention and prevention,
14 diversion, comprehensive intake, case management, diagnostic and
15 classification assessments, individual and family counseling,
16 shelter care, diversified detention care emphasizing
17 alternatives to secure detention, diversified probation, halfway
18 houses, foster homes, community-based substance abuse treatment
19 services, community-based mental health treatment services,

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20 community-based residential and nonresidential programs, and
21 environmental programs, ~~and programs for serious or habitual~~
22 ~~juvenile offenders~~. Each program shall place particular emphasis
23 on reintegration and conditional release for all children in the
24 program.

25 (11) At the secretary's discretion, the department is
26 authorized to pay up to \$5,000 toward the basic funeral expenses
27 for a youth who dies while in the custody of the department and
28 whose parents or guardians are indigent and unable to pay such
29 expenses and for which there is no other source of funding
30 available.

31 Section 5. Paragraphs (a), (b), (c), (d), (e), and (g) of
32 subsection (5) of section 985.0301, Florida Statutes, are
33 amended to read:

34 985.0301 Jurisdiction.—

35 (5)(a) Notwithstanding ss. 743.07, 985.43, 985.433,
36 985.435, 985.439, and 985.441, and except as provided in ss.
37 985.461 ~~and~~, 985.465, ~~and 985.47~~ and paragraph (f), when the
38 jurisdiction of any child who is alleged to have committed a
39 delinquent act or violation of law is obtained, the court shall
40 retain jurisdiction, unless relinquished by its order, until the
41 child reaches 19 years of age, with the same power over the
42 child which the court had before the child became an adult. For
43 the purposes of s. 985.461, the court may retain jurisdiction
44 for an additional 365 days following the child's 19th birthday
45 if the child is participating in transition-to-adulthood
46 services. The additional services do not extend involuntary

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47 court-sanctioned residential commitment and therefore require
48 voluntary participation by the affected youth.

49 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
50 ~~as provided in s. 985.47~~, the term of any order placing a child
51 in a probation program must be until the child's 19th birthday
52 unless he or she is released by the court on the motion of an
53 interested party or on his or her own motion.

54 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
55 ~~as provided in s. 985.47~~, the term of the commitment must be
56 until the child is discharged by the department or until he or
57 she reaches the age of 21 years. Notwithstanding ss. 743.07,
58 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
59 except as provided in this section ~~and s. 985.47~~, a child may
60 not be held under a commitment from a court under s. 985.439, s.
61 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
62 age.

63 (d) The court may retain jurisdiction over a child
64 committed to the department for placement in a juvenile prison
65 or in a high-risk or maximum-risk residential commitment program
66 to allow the child to participate in a juvenile conditional
67 release program pursuant to s. 985.46. The jurisdiction of the
68 court may not be retained after ~~beyond~~ the child's 22nd
69 birthday. However, if the child is not successful in the
70 conditional release program, the department may use the transfer
71 procedure under s. 985.441(4).

72 (e) The court may retain jurisdiction over a child
73 committed to the department for placement in an intensive
74 residential treatment program for 10-year-old to 13-year-old

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75 offenders, in the residential commitment program in a juvenile
76 prison or in a residential sex offender program, ~~or in a~~
77 ~~program for serious or habitual juvenile offenders as provided~~
78 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
79 21. If the court exercises this jurisdiction retention, it shall
80 do so solely for the purpose of the child completing the
81 intensive residential treatment program for 10-year-old to 13-
82 year-old offenders, in the residential commitment program in a
83 juvenile prison, or in a residential sex offender program, ~~or~~
84 ~~the program for serious or habitual juvenile offenders~~. Such
85 jurisdiction retention does not apply for other programs, other
86 purposes, or new offenses.

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

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

99 Section 6. Subsection (2) of section 985.688, Florida
100 Statutes, is amended to read:

101 985.688 Administering county and municipal delinquency
102 programs and facilities.-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 1

103 (2) A county or municipal government may develop or
104 contract for innovative programs that provide rehabilitative
105 treatment with particular emphasis on reintegration and
106 conditional release for all children in the program, including
107 halfway houses and community-based substance abuse treatment
108 services, mental health treatment services, residential and
109 nonresidential programs, and environmental programs, ~~and~~
110 ~~programs for serious or habitual juvenile offenders.~~
111
112

113 -----

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

115 Remove lines 10-17 and insert:
116 985.601, F.S.; deleting obsolete references; authorizing the
117 department, at the secretary's discretion, to pay up to a
118 specified amount toward the basic funeral expenses for a youth
119 who dies while in the custody of the department and whose
120 parents or guardians are indigent and for which no other funding
121 is available; amending s. 985.0301, F.S.; conforming a cross-
122 reference; deleting obsolete references; amending s. 985.688,
123 F.S.; deleting obsolete references; providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

FAVORABLE
11 | 0 | 11

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Pilon offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (49) through (56) of section
8 984.03, Florida Statutes, are renumbered as subsections (48)
9 through (55), respectively, and the present subsection (48) of
10 that section is amended to read:

11 984.03 Definitions.—When used in this chapter, the term:

12 ~~(48) "Serious or habitual juvenile offender program" means~~
13 ~~the program established in s. 985.47.~~

14 Section 2. Subsection (29) of section 985.03, Florida
15 Statutes is amended, and subsections (37) through (57) of that
16 section are renumbered as subsections (38) through (58),
17 respectively, and a new subsection (37) is added to that section
18 to read:

19 985.03 Definitions.—As used in this chapter, the term:

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 2

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

37 (37) "Mother-infant program" means a residential program
38 designed to serve the needs of juvenile mothers or expectant
39 juvenile mothers who are committed as delinquents, which is
40 operated or contracted by the department. Mother-infant program
41 facilities must be licensed as a child care facility under s.
42 402.308 and must provide the services and support necessary to
43 enable the committed juvenile mothers to provide for the needs
44 of their infants who, upon agreement of the mother, may
45 accompany them in the program.

46 Section 3. Paragraph (a) of subsection (3) of section
47 985.14, Florida Statutes, is amended to read:

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48 985.14 Intake and case management system.-

49 (3) The intake and case management system shall facilitate
50 consistency in the recommended placement of each child, and in
51 the assessment, classification, and placement process, with the
52 following purposes:

53 (a) An individualized, multidisciplinary assessment
54 process that identifies the priority needs of each individual
55 child for rehabilitation and treatment and identifies any needs
56 of the child's parents or guardians for services that would
57 enhance their ability to provide adequate support, guidance, and
58 supervision for the child. This process shall begin with the
59 detention risk assessment instrument and decision, shall include
60 the intake preliminary screening and comprehensive assessment
61 for substance abuse treatment services, mental health services,
62 retardation services, literacy services, and other educational
63 and treatment services as components, additional assessment of
64 the child's treatment needs, and classification regarding the
65 child's risks to the community ~~and, for a serious or habitual~~
66 ~~delinquent child, shall include the assessment for placement in~~
67 ~~a serious or habitual delinquent children program under s.~~
68 985.47. The completed multidisciplinary assessment process shall
69 result in the predisposition report.

70 Section 4. Subsection (1) of section 985.441, Florida
71 Statutes, is amended to read:

72 985.441 Commitment.-

73 (1) The court that has jurisdiction of an adjudicated
74 delinquent child may, by an order stating the facts upon which a

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75 determination of a sanction and rehabilitative program was made
76 at the disposition hearing:

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

81 (b) Commit the child to the department at a
82 restrictiveness level defined in s. 985.03. Such commitment must
83 be for the purpose of exercising active control over the child,
84 including, but not limited to, custody, care, training,
85 monitoring for substance abuse, electronic monitoring, and
86 treatment of the child and release of the child from residential
87 commitment into the community in a postcommitment nonresidential
88 conditional release program. If the child is not successful in
89 the conditional release program, the department may use the
90 transfer procedure under subsection (4).

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

94 ~~1. Following a delinquency adjudicatory hearing under s.~~
95 ~~985.35 and a delinquency disposition hearing under s. 985.433~~
96 ~~that results in a commitment determination, the court shall, on~~
97 ~~its own or upon request by the state or the department,~~
98 ~~determine whether the protection of the public requires that the~~
99 ~~child be placed in a program for serious or habitual juvenile~~
100 ~~offenders and whether the particular needs of the child would be~~
101 ~~best served by a program for serious or habitual juvenile~~

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102 | ~~offenders as provided in s. 985.47. The determination shall be~~
103 | ~~made under ss. 985.47(1) and 985.433(7).~~

104 | ~~2. Any commitment of a child to a program or facility for~~
105 | ~~serious or habitual juvenile offenders must be for an~~
106 | ~~indeterminate period of time, but the time may not exceed the~~
107 | ~~maximum term of imprisonment that an adult may serve for the~~
108 | ~~same offense.~~

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

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

116 | 2. Any commitment of a juvenile sexual offender to a
117 | program or facility for juvenile sexual offenders must be for an
118 | indeterminate period of time, but the time may not exceed the
119 | maximum term of imprisonment that an adult may serve for the
120 | same offense.

121 | Section 5. Subsection (3) of section 985.601, Florida
122 | Statutes, is amended and subsection (11) is added to section
123 | 985.601, Florida Statutes, to read:

124 | 985.601 Administering the juvenile justice continuum.—

125 | (3)(a) The department shall develop or contract for
126 | diversified and innovative programs to provide rehabilitative
127 | treatment, including early intervention and prevention,
128 | diversion, comprehensive intake, case management, diagnostic and
129 | classification assessments, individual and family counseling,

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130 shelter care, diversified detention care emphasizing
131 alternatives to secure detention, diversified probation, halfway
132 houses, foster homes, community-based substance abuse treatment
133 services, community-based mental health treatment services,
134 community-based residential and nonresidential programs, mother-
135 infant programs, and environmental programs, ~~and programs for~~
136 ~~serious or habitual juvenile offenders~~. Each program shall place
137 particular emphasis on reintegration and conditional release for
138 all children in the program.

139 (11) At the secretary's discretion, the department is
140 authorized to pay up to \$5,000 toward the basic funeral expenses
141 for a youth who dies while in the custody of the department and
142 whose parents or guardians are indigent and unable to pay such
143 expenses and for which there is no other source of funding
144 available.

145 Section 6. Paragraphs (a), (b), (c), (d), (e), and (g) of
146 subsection (5) of section 985.0301, Florida Statutes, are
147 amended to read:

148 985.0301 Jurisdiction.—

149 (5)(a) Notwithstanding ss. 743.07, 985.43, 985.433,
150 985.435, 985.439, and 985.441, and except as provided in ss.
151 985.461 ~~and~~, 985.465, ~~and 985.47~~ and paragraph (f), when the
152 jurisdiction of any child who is alleged to have committed a
153 delinquent act or violation of law is obtained, the court shall
154 retain jurisdiction, unless relinquished by its order, until the
155 child reaches 19 years of age, with the same power over the
156 child which the court had before the child became an adult. For
157 the purposes of s. 985.461, the court may retain jurisdiction

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158 for an additional 365 days following the child's 19th birthday
159 if the child is participating in transition-to-adulthood
160 services. The additional services do not extend involuntary
161 court-sanctioned residential commitment and therefore require
162 voluntary participation by the affected youth.

163 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
164 ~~as provided in s. 985.47~~, the term of any order placing a child
165 in a probation program must be until the child's 19th birthday
166 unless he or she is released by the court on the motion of an
167 interested party or on his or her own motion.

168 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~
169 ~~as provided in s. 985.47~~, the term of the commitment must be
170 until the child is discharged by the department or until he or
171 she reaches the age of 21 years. Notwithstanding ss. 743.07,
172 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and
173 except as provided in this section ~~and s. 985.47~~, a child may
174 not be held under a commitment from a court under s. 985.439, s.
175 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of
176 age.

177 (d) The court may retain jurisdiction over a child
178 committed to the department for placement in a juvenile prison
179 or in a high-risk or maximum-risk residential commitment program
180 to allow the child to participate in a juvenile conditional
181 release program pursuant to s. 985.46. The jurisdiction of the
182 court may not be retained after ~~beyond~~ the child's 22nd
183 birthday. However, if the child is not successful in the
184 conditional release program, the department may use the transfer
185 procedure under s. 985.441(4).

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Amendment No. 2

186 (e) The court may retain jurisdiction over a child
187 committed to the department for placement in an intensive
188 residential treatment program for 10-year-old to 13-year-old
189 offenders, in the residential commitment program in a juvenile
190 prison or, in a residential sex offender program, ~~or in a~~
191 ~~program for serious or habitual juvenile offenders as provided~~
192 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of
193 21. If the court exercises this jurisdiction retention, it shall
194 do so solely for the purpose of the child completing the
195 intensive residential treatment program for 10-year-old to 13-
196 year-old offenders, in the residential commitment program in a
197 juvenile prison, or in a residential sex offender program, ~~or~~
198 ~~the program for serious or habitual juvenile offenders~~. Such
199 jurisdiction retention does not apply for other programs, other
200 purposes, or new offenses.

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

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 2

213 Section 7. Subsection (2) of section 985.688, Florida
214 Statutes, is amended to read:

215 985.688 Administering county and municipal delinquency
216 programs and facilities.—

217 (2) A county or municipal government may develop or
218 contract for innovative programs that provide rehabilitative
219 treatment with particular emphasis on reintegration and
220 conditional release for all children in the program, including
221 halfway houses and community-based substance abuse treatment
222 services, mental health treatment services, residential and
223 nonresidential programs, and environmental programs, ~~and~~
224 ~~programs for serious or habitual juvenile offenders.~~

225 Section 8. This act shall take effect July 1, 2012.

226

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

227
228 Remove lines 3-17 and insert:
229 amending s. 984.03, F.S., deleting an obsolete reference;
230 amending s. 985.03, F.S., providing definitions; amending s.
231 985.14, F.S., deleting obsolete references; amending s. 985.441,
232 F.S.; deleting an obsolete provision; amending s. 985.601, F.S.;
233 deleting obsolete references; authorizing the department to
234 place a juvenile adjudicated delinquent in a mother-infant
235 program; authorizing the department, at the secretary's
236 discretion, to pay up to a specified amount toward the basic
237 funeral expenses for a youth who dies while in the custody of
238 the department and whose parents or guardians are indigent and
239 for which no other funding is available; amending s. 985.0301,
240 F.S.; conforming a cross-reference; deleting obsolete

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No. 2

241 references; amending s. 985.688, F.S.; deleting obsolete
242 references; providing an effective date.

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

11/1/2011 2:00:00PM

Location: 404 HOB

Presentation/Workshop/Other Business Appearances:

Criminal Justice Estimating Conference Trends

McCharen, Kathy (State Employee) (At Request Of Chair) (General Public) - Proponent

Economist, Economic and Demographic Research

111 W. Madison Suite 574

Tallahassee FL undefined

Phone: (850) 487-8273

Committee meeting was reported out: Tuesday, November 01, 2011 5:18:08PM