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# **Criminal Justice Subcommittee**

**November 1<sup>st</sup>, 2011**

**2:00 PM**

**404 HOB**

**Dean Cannon  
Speaker**

**Gayle Harrell  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Criminal Justice Subcommittee

**Start Date and Time:** Tuesday, November 01, 2011 02:00 pm  
**End Date and Time:** Tuesday, November 01, 2011 03:00 pm  
**Location:** 404 HOB  
**Duration:** 1.00 hrs

**Consideration of the following bill(s):**

HB 173 Department of Juvenile Justice by Pilon

Presentation by the Office of Economic and Demographic Research on prison admission trends.

**NOTICE FINALIZED on 10/25/2011 16:09 by hudson.jessica**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 173 Department of Juvenile Justice

**SPONSOR(S):** Pilon and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 504

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee		Williams	Cunningham
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

During the 2011 Legislative Session, CS/SB 618 passed the legislature which repealed numerous provisions relating to serious or habitual juvenile offenders and serious or habitual offender programs (SHOPs). According to the Department of Juvenile Justice, SHOPs had a long history of being underutilized, and the changes made by CS/SB 618 more accurately reflected the practices of the department.

The bill amends numerous sections of statute in chapters 984 and 985, F.S., to delete references to serious or habitual juvenile offenders and SHOPs. These changes conform the statutes to the repeals made by CS/SB 618.

In addition, the bill:

- Authorizes the court to commit a child who has been adjudicated delinquent to Department of Juvenile Justice for placement in a mother-infant program; and
- Provides authority for the Department of Juvenile Justice, at the secretary's discretion, to pay up to \$5,000 towards the basic funeral expenses for a youth who dies while in custody of the department and whose parents or guardians are indigent and unable to pay for such expenses.

The bill does not appear to have a fiscal impact and is effective July 1, 2012.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Serious or Habitual Juvenile Offenders and Programs**

During the 2011 Legislative Session, CS/SB 618 passed the legislature<sup>1</sup> which repealed numerous provisions relating to serious or habitual juvenile offenders and serious or habitual offender programs (SHOPs). According to the Department of Juvenile Justice (DJJ), SHOPs had a long history of being underutilized, and the changes made by CS/SB 618 more accurately reflected the practices of DJJ.<sup>2</sup>

#### *Effect of the Bill*

The bill amends the following sections of statute to delete references to serious or habitual juvenile offenders and SHOPs:

- Section 984.03(48), F.S., (defining a SHOP);
- Section 985.14, F.S., (referring to assessment for placement in a SHOP);
- Section 985.441, F.S., (referring to juvenile placement in a SHOP); and
- Section 985.0301, F.S., (deleting references to SHOPs).

These changes conform the statutes to the repeals made by CS/SB 618.

#### **Commitment – Mother-Infant Programs**

Section 985.441, F.S., authorizes a court that has jurisdiction of an adjudicated delinquent child to commit the child to:

- A licensed child-caring agency willing to receive the child.
- DJJ at a restrictiveness level defined in s. 985.03, F.S.
- DJJ for placement in a program/facility for serious or habitual juvenile offenders.
- DJJ for placement in a program or facility for juvenile sexual offenders.

Currently, DJJ operates a 20-bed mother-infant program called Women in Need of Greater Strength for Life (WINGS) in Miami-Dade County.<sup>3</sup> The program serves pregnant and postpartum females ages 14-19 with the objective of:

- Providing a structured and supervised transition from residential placement to the community; and
- Closely monitoring the youth to ensure public safety.<sup>4</sup>

At this time, there is no statutory provision allowing a court to commit a child who has been adjudicated delinquent to a mother-infant program.

#### *Effect of the Bill*

The bill amends s. 985.441, F.S., to authorize the court to commit a child to DJJ for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents. The bill requires DJJ's mother-infant program to be licensed as a childcare facility under s. 402.308, F.S. The bill also requires the program to provide the services and support necessary to enable the committed juvenile mothers to provide for the needs of their infants. An infant, upon agreement of the mother, may accompany the mother in the program.

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<sup>1</sup> Chapter 2011-70, L.O.F.

<sup>2</sup> Department of Juvenile Justice 2011 Agency Proposal (on file with the House Criminal Justice Subcommittee staff).

<sup>3</sup> Department of Juvenile Justice, WINGS for Life.

[http://www.djj.state.fl.us/Residential/Facilities/south\\_facilities/WINGS\\_FOR\\_LIFE.html](http://www.djj.state.fl.us/Residential/Facilities/south_facilities/WINGS_FOR_LIFE.html) (last visited on October 11, 2011).

<sup>4</sup> *Id.*

## Juvenile Funeral Expenses

On July 10, 2011, Eric Perez died while in the care of DJJ at a state detention facility in West Palm Beach.<sup>5</sup> At the time, DJJ had an internal policy authorizing DJJ to pay up to \$5,000 in funeral expenses when a youth died in their custody and the parents or guardians were indigent and unable to pay such expenses.<sup>6</sup> Citing this policy, DJJ sought to pay for a portion of Eric Perez's funeral expenses. However, according to DJJ, the Department of Financial Services (DFS) would not process the payment based on DFS's determination that there was no statutory authority which allowed DJJ to make such payment.<sup>7</sup>

According to DJJ, when a state agency is responsible for the safety and welfare of youth, under some circumstances, it may be beneficial to both community relations and in the context of potential litigation, to offer financial assistance to indigent parents or guardians to assist with the burial expenses of a youth.<sup>8</sup> Other states have authorized state agencies to pay for such expenses in similar instances.<sup>9</sup>

### *Effect of the Bill*

The bill amends s. 985.601, F.S., to authorize DJJ, at the secretary's discretion, to pay up to \$5,000 toward the basic funeral expenses for a youth who dies while in the custody of DJJ and whose parents or guardians are indigent and for which no other funding is available.

## B. SECTION DIRECTORY:

Section 1. Amends s. 984.03, F.S., relating to definitions.

Section 2. Amends s. 985.14, F.S., relating to intake and case management system.

Section 3. Amends s. 985.441, F.S., relating to commitment.

Section 4. Amends s. 985.601, F.S., relating to administering the juvenile justice continuum.

Section 5. Amends s. 985.0301, F.S., relating to jurisdiction.

Section 6. The bill is effective July 1, 2012.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues.

#### 2. Expenditures:

The bill authorizes DJJ, at the secretary's discretion, to pay up to \$5,000 toward the basic funeral expenses for a youth who dies while in the custody of DJJ and whose parents or guardians are indigent and for which no other funding is available. DJJ reports that this bill will not have a fiscal impact.<sup>10</sup>

<sup>5</sup> *Florida finance chief won't pay for funeral of teen who died in lockup*. The Miami Herald. July 29, 2011.

<http://www.miamiherald.com/2011/07/29/2337038/florida-finance-chief-wont-pay.html#storylink=misearch> (last visited on October 11, 2011).

<sup>6</sup> Phone conversation with Ana Maria Sanchez, Legislative Affairs Director, Department of Juvenile Justice. October 11, 2011. *See also*, DJJ Analysis HB 173, 2012. (On file with House Criminal Justice Subcommittee staff).

<sup>7</sup> *Id.*

<sup>8</sup> DJJ Analysis HB 173, 2012. (On file with House Criminal Justice Subcommittee staff).

<sup>9</sup> The state of Tennessee's Department of Children's Services Administrative Policies and Procedures provides that the department will provide for a funeral and burial for a child who dies in custody if the parent/guardian or next of kin cannot be located or cannot afford to pay. *See*, State of Tennessee, Department of Children's Services Administrative Policies and Procedures: 20.29. [www.tn.gov/youth/dcsguide/policies/chap20/20.29.pdf](http://www.tn.gov/youth/dcsguide/policies/chap20/20.29.pdf) (last visited on October 11, 2011).

<sup>10</sup> DJJ Analysis HB 173, 2012. (On file with House Criminal Justice Subcommittee staff).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require the counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties and municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Section 985.64, F.S., requires DJJ to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of ch. 985, F.S. The bill does not appear to create a need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

As drafted, the bill amends s. 985.0301(5)(a), (b), (c), (e), and (g)1., F.S., to delete references to serious or habitual juvenile offenders and SHOPS. However, the bill does not remove language in ss. 985.0301(5)(g)2., 985.601(3)(a), and 985.688(2), F.S., that refers to serious or habitual juvenile offenders and/or SHOPS. If the intent is to remove all references to serious and habitual juvenile offenders and SHOPS, these sections of statute should be amended accordingly.

The bill amends s. 985.441, F.S., to authorize the court to commit a child to DJJ for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents. The bill provides that such program must be licensed as a childcare facility under s. 402.308, F.S., and requires the program to provide the services and support necessary to enable the committed juvenile mothers to provide for the needs of the infants. However, the bill does not set forth any additional requirements or criteria that a mother-infant program must satisfy. Without further legislative directive, the structure and components of mother-infant programs could vary greatly.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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A bill to be entitled  
 An act relating to the Department of Juvenile Justice;  
 amending ss. 984.03 and 985.14, F.S.; deleting  
 obsolete references; amending s. 985.441, F.S.;  
 deleting an obsolete provision; authorizing the  
 department to place a juvenile adjudicated delinquent  
 in a mother-infant program designed to serve the needs  
 of juvenile mothers or expectant juvenile mothers;  
 providing requirements for such a program; amending s.  
 985.601, F.S.; authorizing the department, at the  
 secretary's discretion, to pay up to a specified  
 amount toward the basic funeral expenses for a youth  
 who dies while in the custody of the department and  
 whose parents or guardians are indigent and for which  
 no other funding is available; amending s. 985.0301,  
 F.S.; conforming a cross-reference; deleting obsolete  
 references; providing an effective date.

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

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

984.03 Definitions.—When used in this chapter, the term:  
~~(48) "Serious or habitual juvenile offender program" means~~  
~~the program established in s. 985.47.~~

Section 2. Paragraph (a) of subsection (3) of section



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29 | 985.14, Florida Statutes, is amended to read:

30 |       985.14 Intake and case management system.—

31 |       (3) The intake and case management system shall facilitate  
32 | consistency in the recommended placement of each child, and in  
33 | the assessment, classification, and placement process, with the  
34 | following purposes:

35 |       (a) An individualized, multidisciplinary assessment  
36 | process that identifies the priority needs of each individual  
37 | child for rehabilitation and treatment and identifies any needs  
38 | of the child's parents or guardians for services that would  
39 | enhance their ability to provide adequate support, guidance, and  
40 | supervision for the child. This process shall begin with the  
41 | detention risk assessment instrument and decision, shall include  
42 | the intake preliminary screening and comprehensive assessment  
43 | for substance abuse treatment services, mental health services,  
44 | retardation services, literacy services, and other educational  
45 | and treatment services as components, additional assessment of  
46 | the child's treatment needs, and classification regarding the  
47 | child's risks to the community ~~and, for a serious or habitual~~  
48 | ~~delinquent child, shall include the assessment for placement in~~  
49 | ~~a serious or habitual delinquent children program under s.~~

50 | ~~985.47.~~ The completed multidisciplinary assessment process shall  
51 | result in the predisposition report.

52 |       Section 3. Subsection (1) of section 985.441, Florida  
53 | Statutes, is amended to read:

54 |       985.441 Commitment.—

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

57 determination of a sanction and rehabilitative program was made  
 58 at the disposition hearing:

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

63 (b) Commit the child to the department at a  
 64 restrictiveness level defined in s. 985.03. Such commitment must  
 65 be for the purpose of exercising active control over the child,  
 66 including, but not limited to, custody, care, training,  
 67 monitoring for substance abuse, electronic monitoring, and  
 68 treatment of the child and release of the child from residential  
 69 commitment into the community in a postcommitment nonresidential  
 70 conditional release program. If the child is not successful in  
 71 the conditional release program, the department may use the  
 72 transfer procedure under subsection (4).

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

76 ~~1. Following a delinquency adjudicatory hearing under s.~~  
 77 ~~985.35 and a delinquency disposition hearing under s. 985.433~~  
 78 ~~that results in a commitment determination, the court shall, on~~  
 79 ~~its own or upon request by the state or the department,~~  
 80 ~~determine whether the protection of the public requires that the~~  
 81 ~~child be placed in a program for serious or habitual juvenile~~  
 82 ~~offenders and whether the particular needs of the child would be~~  
 83 ~~best served by a program for serious or habitual juvenile~~  
 84 ~~offenders as provided in s. 985.47. The determination shall be~~

85 ~~made under ss. 985.47(1) and 985.433(7).~~

86 ~~2. Any commitment of a child to a program or facility for~~  
 87 ~~serious or habitual juvenile offenders must be for an~~  
 88 ~~indeterminate period of time, but the time may not exceed the~~  
 89 ~~maximum term of imprisonment that an adult may serve for the~~  
 90 ~~same offense.~~

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

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

98 2. Any commitment of a juvenile sexual offender to a  
 99 program or facility for juvenile sexual offenders must be for an  
 100 indeterminate period of time, but the time may not exceed the  
 101 maximum term of imprisonment that an adult may serve for the  
 102 same offense.

103 (d) Commit the child to the department for placement in a  
 104 mother-infant program designed to serve the needs of juvenile  
 105 mothers or expectant juvenile mothers who are committed as  
 106 delinquents. The department's mother-infant program must be  
 107 licensed as a child care facility in accordance with s. 402.308  
 108 and must provide the services and support necessary to enable  
 109 the committed juvenile mothers to provide for the needs of their  
 110 infants who, upon agreement of the mother, may accompany them in  
 111 the program.

112 Section 4. Subsection (11) is added to section 985.601,  
 113 Florida Statutes, to read:

114 985.601 Administering the juvenile justice continuum.—

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

121 Section 5. Paragraphs (a), (b), (c), (e), and (g) of  
 122 subsection (5) of section 985.0301, Florida Statutes, are  
 123 amended to read:

124 985.0301 Jurisdiction.—

125 (5) (a) Notwithstanding ss. 743.07, 985.43, 985.433,  
 126 985.435, 985.439, and 985.441, and except as provided in ss.  
 127 985.461 ~~and~~, 985.465, ~~and 985.47~~ and paragraph (f), when the  
 128 jurisdiction of any child who is alleged to have committed a  
 129 delinquent act or violation of law is obtained, the court shall  
 130 retain jurisdiction, unless relinquished by its order, until the  
 131 child reaches 19 years of age, with the same power over the  
 132 child which the court had before the child became an adult. For  
 133 the purposes of s. 985.461, the court may retain jurisdiction  
 134 for an additional 365 days following the child's 19th birthday  
 135 if the child is participating in transition-to-adulthood  
 136 services. The additional services do not extend involuntary  
 137 court-sanctioned residential commitment and therefore require  
 138 voluntary participation by the affected youth.

139 (b) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~

140 ~~as provided in s. 985.47,~~ the term of any order placing a child  
 141 in a probation program must be until the child's 19th birthday  
 142 unless he or she is released by the court on the motion of an  
 143 interested party or on his or her own motion.

144 (c) Notwithstanding ss. 743.07 and 985.455(3), ~~and except~~  
 145 ~~as provided in s. 985.47,~~ the term of the commitment must be  
 146 until the child is discharged by the department or until he or  
 147 she reaches the age of 21 years. Notwithstanding ss. 743.07,  
 148 985.435, 985.437, 985.439, 985.441, 985.455, and 985.513, and  
 149 except as provided in this section ~~and s. 985.47,~~ a child may  
 150 not be held under a commitment from a court under s. 985.439, s.  
 151 985.441(1)(a) or (b), or s. 985.455 after becoming 21 years of  
 152 age.

153 (e) The court may retain jurisdiction over a child  
 154 committed to the department for placement in an intensive  
 155 residential treatment program for 10-year-old to 13-year-old  
 156 offenders, in the residential commitment program in a juvenile  
 157 prison or, in a residential sex offender program, ~~or in a~~  
 158 ~~program for serious or habitual juvenile offenders as provided~~  
 159 ~~in s. 985.47 or s. 985.483~~ until the child reaches the age of  
 160 21. If the court exercises this jurisdiction retention, it shall  
 161 do so solely for the purpose of the child completing the  
 162 intensive residential treatment program for 10-year-old to 13-  
 163 year-old offenders, in the residential commitment program in a  
 164 juvenile prison, in a residential sex offender program, or the  
 165 program for serious or habitual juvenile offenders. Such  
 166 jurisdiction retention does not apply for other programs, other  
 167 purposes, or new offenses.

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

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

180 Section 6. This act shall take effect July 1, 2012.

## Prison Admission Trends

# Criminal Justice Estimating Conference Results and Trends

Prepared by the Florida Legislature, Office of Economic and Demographic Research for the House Judiciary Committee, Criminal Justice Subcommittee, November 1, 2011

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Criminal Justice Estimating Conference will typically meet three times a year to "develop official information relating to the criminal justice system, including forecasts of prison admissions and population...for the state planning and budgeting system."

Projections are usually based on current law/current administration.

Principals include staff from the House and Senate, the Governor's Office of Planning and Budgeting, and the Legislature's Office of Economic and Demographic Research.

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In addition, the Criminal Justice Impact Conference meets to determine the prison bed impact of proposed legislation.

Proposed legislation which creates new felony offenses or increases the penalty for existing offenses may impact the number of prison beds that are needed.

Alternatively, proposed legislation which creates diversion programs or reduces the penalty for existing offenses may impact the number of prison beds that are needed (fewer beds).

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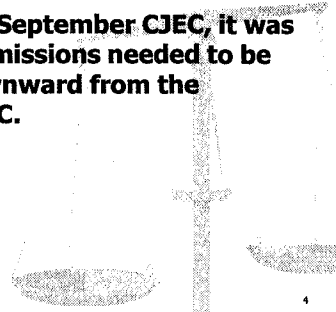
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Going into the September CJEC, it was clear that admissions needed to be adjusted downward from the February CJEC.



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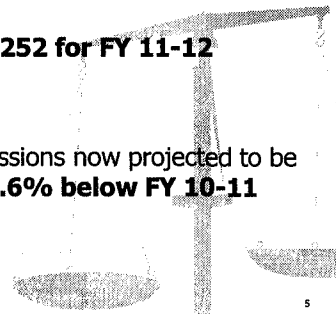
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September's CJEC projected prison admissions compared to February 2011 CJEC :

- **1,252 for FY 11-12**

FY 11-12 admissions now projected to be **32,907—7.6% below FY 10-11**



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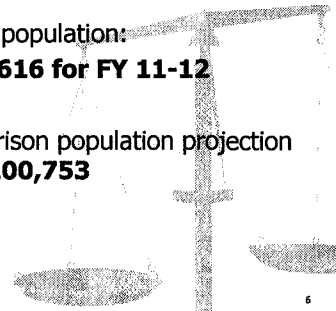
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September's CJEC projected prison population compared to February's CJEC:

June 30<sup>th</sup> prison population:

- **616 for FY 11-12**

June 30, 2012 prison population projection **100,753**



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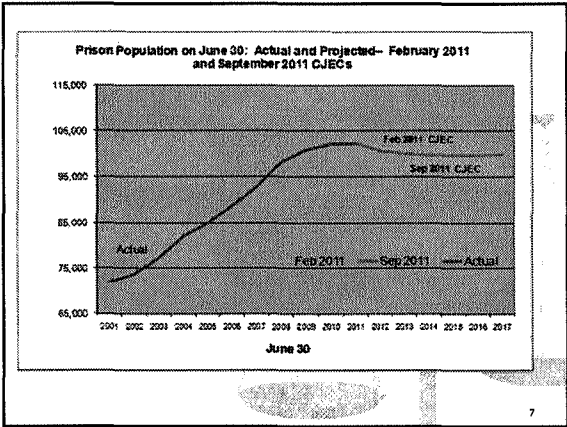
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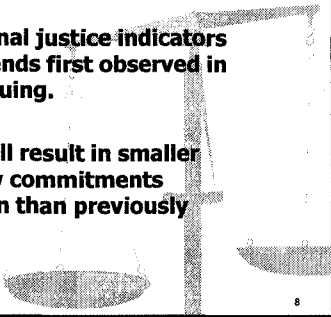
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**Why were projections lowered in September?**

Review of criminal justice indicators suggest that trends first observed in 2008 are continuing.

These trends will result in smaller numbers of new commitments coming to prison than previously anticipated.




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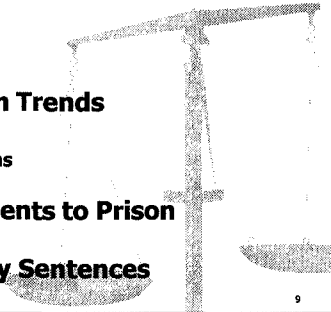
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- Two-Year Declines**
- **Crime Trends**
    - Index crimes
    - Crime rate
    - Arrests
  - **Judicial System Trends**
    - Felony filings
    - Guilty dispositions
  - **New Commitments to Prison**
  - **Year-and-a Day Sentences**




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**Indicator 1 -- Crime Trends**

**TOTAL INDEX CRIMES**

Year	Total Index Crimes	Change from prior year
2001	911,292	1.7%
2002	900,155	-1.2%
2003	881,615	-2.1%
2004	850,490	-3.5%
2005	838,063	-1.5%
2006	849,926	1.4%
2007	876,981	3.2%
2008	883,905	0.8%
2009	824,559	-6.7%
2010	770,518	-6.6%

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**Crime Trends by Type of Crime**

**VIOLENT INDEX CRIMES**

**NON-VIOLENT INDEX CRIMES**

Year	Violent Index Crimes	Change from prior year	Non-Violent Index Crimes	Change from prior year
2001	130,323	1.8%	780,969	1.7%
2002	127,905	-1.9%	772,250	-1.1%
2003	124,236	-2.9%	757,379	-1.9%
2004	123,697	-0.4%	726,793	-4.0%
2005	125,825	1.7%	712,236	-2.0%
2006	129,501	2.9%	720,425	1.1%
2007	131,781	1.8%	745,200	3.4%
2008	126,072	-4.3%	757,833	1.7%
2009	113,415	-10.0%	711,144	-6.2%
2010	101,905	-10.1%	668,612	-8.0%

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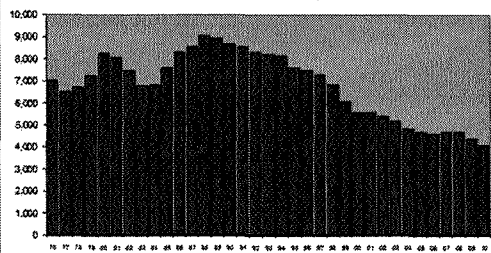
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**CRIME RATE**

Index Crimes per 100,000 Population



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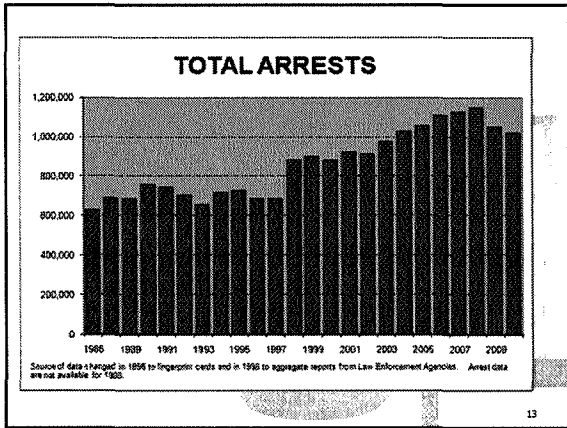
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### Additional Crime Data Just Released

#### Reported Index Crimes from the Six-Month Uniform Crime Report – January through June

Year	Index Crimes	Change from prior year
2002	442,604	0.7%
2003	436,882	-1.3%
2004	426,702	-2.3%
2005	412,743	-3.3%
2006	411,608	-0.3%
2007	427,646	3.9%
2008	434,563	1.6%
2009	400,065	-7.9%
2010	381,050	-4.8%
2011	373,340	-2.0%

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### Crime Trends by Type of Crime

#### Six Month Uniform Crime Report: January - June

Year	VIOLENT INDEX CRIMES		NON-VIOLENT INDEX CRIMES	
	Index Crimes	Change from prior year	Index Crimes	Change from prior year
2002	62,770	-1.6%	379,834	1.1%
2003	61,699	-1.7%	375,183	-1.2%
2004	61,345	-0.6%	365,357	-2.6%
2005	61,737	0.6%	351,006	-3.9%
2006	63,712	3.2%	347,896	-0.9%
2007	65,011	2.0%	362,635	4.2%
2008	63,421	-2.4%	371,142	2.3%
2009	57,253	-9.7%	342,814	-7.6%
2010	51,113	-10.7%	329,937	-3.8%
2011	49,489	-3.2%	323,851	-1.8%

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### Arrests

Six Month Uniform Crime Report: January - June

Year	Arrests	Change from prior year
2002	453,756	-0.9%
2003	481,605	6.1%
2004	509,894	5.9%
2005	519,041	1.8%
2006	515,620	-0.7%
2007	550,450	6.8%
2008	572,116	3.9%
2009	537,824	-6.0%
2010	509,058	-5.3%
2011	499,157	-1.9%

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## Indicator 2 Judicial System Trends

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### RECENT TRENDS IN FELONY FILINGS AND GUILTY DISPOSITIONS

Year	Felony Filings		Guilty Dispositions	
	Number	Percent Change	Number	Percent Change
2001	184,571	-0.8%	142,907	2.5%
2002	184,295	-0.1%	143,253	0.2%
2003	187,379	1.7%	147,707	3.3%
2004	194,866	4.0%	151,544	2.6%
2005	206,590	7.0%	159,008	4.9%
2006	220,757	5.9%	171,087	7.6%
2007	230,822	4.6%	183,939	7.5%
2008	224,420	-2.8%	165,950	-1.3%
2009	204,479	-8.9%	159,764	-4.3%
2010	197,826	-3.2%	145,394	-8.4%
Jan-Jun 2010 <sup>1</sup>	98,124		75,677	
Jan-Jun 2011 <sup>2</sup>	96,833	-0.7%	79,335	-3.3%

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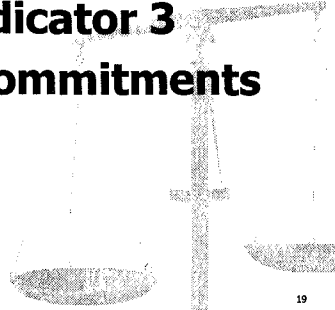
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### Indicator 3 New Commitments



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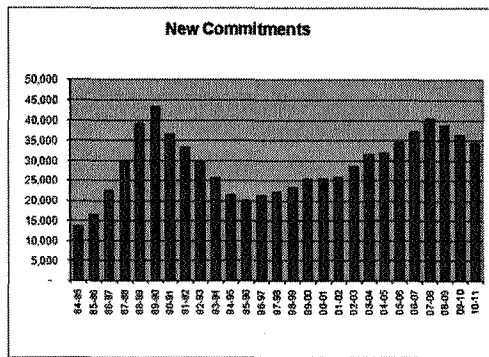
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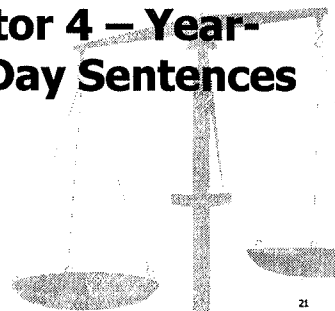
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### Indicator 4 – Year- and-a-Day Sentences



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### Year-and-a-day New Commitments to Prison

	Number	Change	% Change
FY 01-02	2,263	(108)	-4.6%
FY 02-03	2,887	624	27.6%
FY 03-04	3,667	780	27.0%
FY 04-05	4,157	490	13.4%
FY 05-06	5,217	1,060	25.5%
FY 06-07	6,605	1,388	26.6%
FY 07-08	6,089	(516)	-7.8%
FY 08-09	4,777	(1,311)	-21.5%
FY 09-10	3,601	(1,176)	-24.6%
FY 10-11	2,878	(723)	-20.1%

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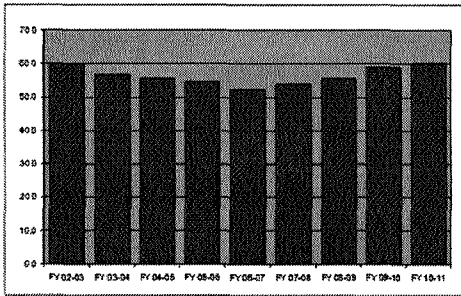
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### Sentence Length of New Commitments



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### Additional New Commitment Trends



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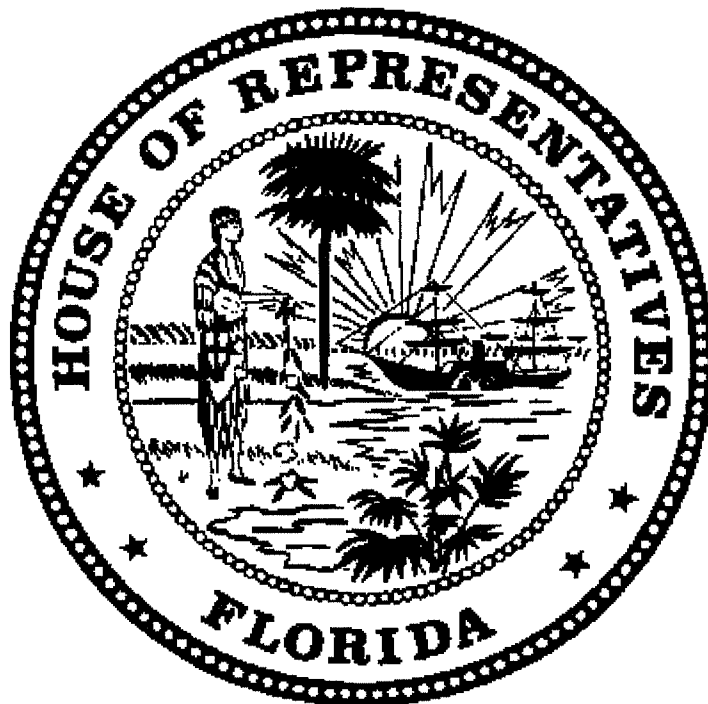
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# **Criminal Justice Subcommittee**

**Tuesday November 1<sup>st</sup>, 2011**

**2:00 PM**

**404 HOB**

**AMENDMENT PACKET**

**Dean Cannon  
Speaker**

**Gayle Harrell  
Chair**

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 \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Pilon offered the following:

4  
5 **Amendment (with title amendment)**

6 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,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 1

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

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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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

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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

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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	_____	

1 Committee/Subcommittee hearing bill: Criminal Justice  
2 Subcommittee

3 Representative Pilon offered the following:  
4

5 **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

Bill No. HB 173 (2012)

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:



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 2

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

Amendment No. 2

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~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

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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,

COMMITTEE/SUBCOMMITTEE AMENDMENT

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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

COMMITTEE/SUBCOMMITTEE AMENDMENT

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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).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 173 (2012)

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.

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

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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241 | references; amending s. 985.688, F.S.; deleting obsolete

242 | references; providing an effective date.