

CS/CS/SB 364 by CJ, CU, Brandes; (Similar to CS/CS/H 0641) Computer Crimes

142650	A	S		ACJ, Bradley	Delete L.61 - 285:	03/18 07:45 AM
756322	A	S	WD	ACJ, Flores	Delete L.76 - 181:	03/18 08:05 AM

CS/SB 700 by JU, Bradley (CO-INTRODUCERS) Deter; (Similar to H 7055) Department of Juvenile Justice

478698	D	S		ACJ, Bradley	Delete everything after	03/18 08:05 AM
452128	AA	S		ACJ, Bradley	Delete L.2760:	03/18 03:05 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND
CIVIL JUSTICE
Senator Bradley, Chair
Senator Joyner, Vice Chair

MEETING DATE: Wednesday, March 19, 2014
TIME: 8:30 —10:30 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 364 Criminal Justice / Communications, Energy, and Public Utilities / Brandes (Similar CS/CS/H 641, Compare CS/CS/H 643, Link S 366)	Computer Crimes; Providing that a person who willfully, knowingly, and without authorization accesses a computer network or electronic device, disrupts the ability to transmit data to or from a computer network or electronic device, damages a computer network or electronic device, or engages in the audio or video surveillance of an individual without the individual's authorization by accessing a computer network or electronic device commits an offense against the users of computer networks and electronic devices, etc.	CU 02/04/2014 Fav/CS CJ 02/17/2014 Fav/CS ACJ 03/12/2014 Temporarily Postponed ACJ 03/19/2014 AP
2	CS/SB 700 Judiciary / Bradley (Similar H 7055)	Department of Juvenile Justice; Allowing a child who has been detained to be transferred to the detention center or facility in the circuit in which the child resides or will reside at the time of detention; requiring the court to hold a hearing if a child is charged with direct contempt of court and to afford the child due process at such hearing; providing goals for the department's prevention services; prohibiting an employee from willfully and maliciously neglecting a juvenile offender, etc.	CJ 02/17/2014 Favorable JU 03/04/2014 Fav/CS ACJ 03/12/2014 Temporarily Postponed ACJ 03/19/2014 AP
3	Review and Discussion of Fiscal Year 2014-2015 Budget Issues relating to:		

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Criminal and Civil Justice
Wednesday, March 19, 2014, 8:30 —10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		<p>Department of Legal Affairs Department of Corrections Department of Law Enforcement Parole Commission Department of Juvenile Justice Supreme Court District Court of Appeal Trial Courts Judicial Qualifications Commission Justice Administrative Commission Guardian Ad Litem Clerks of Court State Attorneys Public Defenders Appellate Public Defenders Capital Collateral Regional Counsel Regional Conflict Counsels</p>	
		<p>Other Related Meeting Documents</p>	

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/CS/SB 364

INTRODUCER: Criminal Justice Committee; Communications, Energy, and Public Utilities Committee;
and Senator Brandes

SUBJECT: Computer Crimes

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Telotte/Wiehle	Caldwell	CU	Fav/CS
2.	Cellon	Cannon	CJ	Fav/CS
3.	Clodfelter	Sadberry	ACJ	Pre-meeting
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 364 recognizes that advancements in technology have led to an increase in computer related crimes while greatly extending their reach. CS/CS/SB 364 addresses this increase in computer crimes by updating and expanding terminology used to define these crimes and creating additional offenses.

Three crimes are added to “offenses against users of computer networks and electronic devices”¹ including:

- Audio and video surveillance of an individual without that individual’s knowledge by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device²;
- Intentionally interrupting the transmittal of data to or from, or gaining unauthorized access to a computer, computer system, computer network, or electronic device belonging to a mode of public or private transit;³ and

¹ s. 815.06, F.S.

² Punishable as a third degree felony which could result in 5 years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, F.S.

³ A second degree felony punishable by up to 15 years imprisonment and a \$15,000 fine. ss. 775.082, 775.083, F.S.

- Disrupting a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.⁴

“Offenses against public utilities” are created in the bill and two additional crimes are created, including:

- Gaining access to a computer, computer system, computer network, or electronic device owned, operated, or used by a public utility while knowing that such access is unauthorized, a third degree felony; and
- Physically tampering with, inserting software into, or otherwise transmitting commands or electronic communications to a computer, computer system, computer network, or electronic device which cause a disruption in any service delivered by a public utility, a second degree felony.

The Criminal Justice Impact Conference has determined the bill will have an insignificant impact on the need for prison beds.

II. Present Situation:

Offenses against intellectual property

Section 815.04, F.S., provides that a person commits an offense against intellectual property, punishable as a third degree felony, if he does one of the following:

- Willfully, knowingly, and without authorization modifies or destroys data, programs, or supporting documentation residing or existing internal or external to a computer, computer system, or computer network; or
- Willfully, knowingly, and without authorization discloses or takes data, programs, or supporting documentation which is a trade secret as defined in s. 812.081, F.S., or is confidential as provided by law, residing or existing internal or external to a computer, computer system, or computer network.

If the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the offense is elevated to a second degree felony.

Offenses against computer users

Section 815.06, F.S., provides that it is an offense against computer users, punishable as a third degree felony, to willfully, knowingly, and without authorization:

- Access or cause to be accessed any computer, computer system, or computer network; or
- Disrupt or deny or cause denial of computer system services to an authorized user of such computer system services, which, in whole or part, is owned by, under contract to, or operated for, on behalf of, or in conjunction with another; or
- Destroy, take, injure, or damage equipment or supplies used or intended to be used in a computer, computer system, or computer network; or
- Destroy, injure, or damage any computer, computer system, or computer network; or

⁴ A first degree felony punishable by up to 30 years imprisonment and a fine of \$10,000. ss. 775.082, 775.083, F.S.

- Introduce any computer contaminant into any computer, computer system, or computer network.

It is a second degree felony to commit an offense against computer users and additionally do any of the following:

- Damage a computer, computer equipment, a computer system, or a computer network and the monetary damage or loss incurred as a result of the violation is \$5,000 or greater;
- Commit an offense for the purpose of devising or executing any scheme or artifice to defraud or obtain property; or
- Interrupt or impair a governmental operation or public communication, transportation, or supply of water, gas, or other public service.

Committing an offense against computer users in any manner which endangers a human life is punishable as a first degree felony.

III. Effect of Proposed Changes:

Section 1 amends s. 815.02, F.S., to add a statement of legislative intent to recognize “The proliferation of new technology has led to the integration of computer systems in most sectors of the marketplace through the creation of computer networks, greatly extending the reach of computer crime.”

Section 2 expands s. 815.03, F.S., to define the term “electronic devices” and include the devices in the definition of a “computer network.” A computer network is a system that provides a medium for communication between one or more computer systems or electronic devices, including communication with an input or output device such as a display terminal, printer, or other electronic equipment that is connected to the computer system or electronic devices by physical or wireless telecommunication facilities.

An “electronic device” is defined by the bill as a device that is capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data. These changes allow for devices other than the standard computer to be considered capable of being used to commit an offense.

Section 3 amends s. 815.04, F.S., to include the term “electronic devices” in the existing definition of offenses against intellectual property.

SB 366, a linked bill, amends the existing public records exemption regarding trade secrets in s. 815.04, F.S., and takes effect the same day as SB 364 if the bill is passed during the same legislative session and becomes law.

Section 4 amends s. 815.06, F.S., and renames these offenses “offenses against users of computer networks and electronic devices.”

The definition of the term “person” is expanded for use in this section, to include:

- An individual;

- A partnership, corporation, association, or other entity doing business in this state, or an officer, agent, or employee of such entity; or
- An officer, employee, or agent of the state or a county, municipality, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, a department, division, bureau, commission, authority, district, or agency thereof.

The bill creates a new third degree felony where a person willfully, knowingly, and without authorization engages in audio or video surveillance of an individual without the individual's authorization by accessing any inherent feature or component of a computer, computer system, computer network, or electronic device, including accessing the data or information of a computer, computer system, computer network, or electronic device that is stored by a third party.

Additionally, if a person commits an offense against users of computer networks and electronic devices and intentionally interrupts the transmittal of data to or from, or gains unauthorized access to, a computer, computer system, computer network, or electronic device belonging to any mode of public or private transit, as defined in s. 341.031, F.S., it is punishable as a second degree felony.

The bill also provides that it is a first degree felony for a person to commit an offense against users of a computer network and electronic devices and disrupt a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

As amended by the bill, revised s. 815.06, F.S., does not apply to a person who has acted pursuant to a search warrant or to an exception to a search warrant authorized by law or when acting within the scope of his or her employment.

Under s. 815.06, F.S., as amended by the bill, providers of the following services are exempt from liability:

- Interactive computer service;⁵
- Information service;⁶
- Communications services where the provider provides transmission, storage, or caching of electronic communications or messages of others;⁷

⁵ As defined in 47 U.S.C. 230(f)(2): The term "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

⁶ The term "information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service. 47 U.S.C. 153(24).

⁷ "Communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is

- Other related telecommunications or commercial mobile radio service; or
- Content provided by another person.

Section 5 creates s. 815.061, F.S., to define offenses against public utilities.

The term “public utility” in this section means:

- Each public utility and electric utility as those terms are defined in s. 366.02, F.S.;
- Each water and wastewater utility as defined in s. 367.021, F.S.;
- Each natural gas transmission company as defined in s. 368.103, F.S.;
- Each person, corporation, partnership, association, public agency, municipality, cooperative, gas district, or other legal entity and their lessees, trustees, or receivers, now or hereafter owning, operating, managing, or controlling gas transmission or distribution facilities or any other facility supplying or storing natural or manufactured gas or liquefied gas with air admixture or any similar gaseous substances by pipeline to or for the public within this state; and
- Any separate legal entity created under s. 163.01, F.S., and composed of any of the entities described in this subsection for the purpose of providing utility services in this state, including wholesale power and electric transmission services.

A person may not willfully, knowingly, and without authorization:

- Gain access to a computer network or other defined device owned, operated, or used by a public utility while knowing that such access is unauthorized, which is punishable as a third degree felony; or
- Physically tamper with, insert software into, or otherwise transmit commands or electronic communications to a computer, computer system, computer network, or electronic device which causes a disruption in any service delivered by a public utility, which is punishable as a second degree felony.

Technical and conforming changes are made throughout the bill.

Section 6 states that the bill takes effect October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

classified by the Federal Communications Commission as enhanced or value-added. The term does not include: information services; installation or maintenance of wiring or equipment on a customer's premises; the sale or rental of tangible personal property; the sale of advertising, including, but not limited to, directory advertising; bad check charges; late payment charges; billing and collection services; or internet access service, electronic mail service, electronic bulletin board service, or similar online computer services. s. 202.11, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/CS/SB 364 may provide better protection against economic loss to owners and users of computers, computer systems, and electronic devices as well as the providers of services related to these devices.

C. Government Sector Impact:

The Criminal Justice Impact Conference has determined that the bill will have an insignificant impact on the need for prison beds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 815.06(2)(f), F.S., created in Section 4 of the bill, appears to be intended to prohibit a person from secretly surveilling another person by gaining control of cameras or other features of a computer or electronic device that is not their own. However, the provision could be construed to prevent private property owners from conducting surveillance on and around their property without first obtaining the authorization of any individual who is on the property. Although it is possible that authorization would be inferred from a person's presence in a location, this may not always be the case. For example, signs are posted in many retail establishments to notify persons that they are under surveillance while inside the store or even in the parking lot. Authorization may be inferred from the fact that the business owner gave notification of the surveillance and the customer chose to remain at the business. However, signs are not posted in every place where a person is under surveillance. For example, a homeowner who has a security camera to surveil his property may not post a sign to disclose that fact. If there is no notice to make a person who is on the property aware of the surveillance, it may be difficult to infer authorization simply by the person's presence on the property.

VIII. Statutes Affected:

CS/CS/SB 364 substantially amends the following sections of the Florida Statutes: 815.02, 815.03, 815.04, and 815.06.

This bill creates section 815.061 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Criminal Justice on February 17, 2014:

CS/CS/SB 364 amends s. 815.06, F.S., to exempt the providers of listed services from liability under any construction of the bill. It also requires a person's authorization, rather than knowledge, for audio or video surveillance of the person using the systems and devices listed in the bill.

CS by Communications, Energy, and Public Utilities on February 04, 2014:

The CS/SB 364 provides that the term "public utility" is not limited to the definition found in s. 366.02, F.S., but also includes additional types of utilities such as water and wastewater utilities, natural gas pipelines, natural gas storage, and supply facilities, or utilities under the direction of a governmental owned authority (Facilities that serve a public purpose and are necessary for the security and wellbeing of the public).

- B. Amendments:

None.



142650

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 61 - 285

and insert:

transmit data; or in some other fashion usurp or interfere with
the normal operation of the computer, computer system, or
computer network.

(4) "Computer network" means a system that provides a
medium for communication between one or more computer systems or
electronic devices, including communication with an input or



142650

11 output device such as a display terminal, printer, or other
12 electronic equipment that is connected to the computer systems
13 or electronic devices by physical or wireless telecommunication
14 facilities ~~any system that provides communications between one~~
15 ~~or more computer systems and its input or output devices,~~
16 ~~including, but not limited to, display terminals and printers~~
17 ~~that are connected by telecommunication facilities.~~

18 (5) "Computer program or computer software" means a set of
19 instructions or statements and related data which, when executed
20 in actual or modified form, cause a computer, computer system,
21 or computer network to perform specified functions.

22 (6) "Computer services" include, but are not limited to,
23 computer time; data processing or storage functions; or other
24 uses of a computer, computer system, or computer network.

25 (7) "Computer system" means a device or collection of
26 devices, including support devices, one or more of which contain
27 computer programs, electronic instructions, or input data and
28 output data, and which perform functions, including, but not
29 limited to, logic, arithmetic, data storage, retrieval,
30 communication, or control. The term does not include calculators
31 that are not programmable and that are not capable of being used
32 in conjunction with external files.

33 (8) "Data" means a representation of information,
34 knowledge, facts, concepts, computer software, computer
35 programs, or instructions. Data may be in any form, in storage
36 media or stored in the memory of the computer, or in transit or
37 presented on a display device.

38 (9) "Electronic device" means a device or a portion of a
39 device that is designed for and capable of communicating across



142650

40 a computer network with other computers or devices for the
41 purpose of transmitting, receiving, or storing data, including,
42 but not limited to, a cellular telephone, tablet, or other
43 portable device designed for and capable of communicating with
44 or across a computer network and that is actually used for such
45 purpose.

46 (10)~~(9)~~ "Financial instrument" means any check, draft,
47 money order, certificate of deposit, letter of credit, bill of
48 exchange, credit card, or marketable security.

49 (11)~~(10)~~ "Intellectual property" means data, including
50 programs.

51 (12)~~(11)~~ "Property" means anything of value as defined in
52 s. 812.012 and includes, but is not limited to, financial
53 instruments, information, including electronically produced data
54 and computer software and programs in ~~either~~ machine-readable or
55 human-readable form, and any other tangible or intangible item
56 of value.

57 Section 3. Section 815.04, Florida Statutes, is amended to
58 read:

59 815.04 Offenses against intellectual property; public
60 records exemption.—

61 (1) A person who ~~Whoever~~ willfully, knowingly, and without
62 authorization introduces a computer contaminant or modifies or
63 renders unavailable data, programs, or supporting documentation
64 residing or existing internal or external to a computer,
65 computer system, ~~or~~ computer network, or electronic device
66 commits an offense against intellectual property.

67 (2) A person who ~~Whoever~~ willfully, knowingly, and without
68 authorization destroys data, programs, or supporting



142650

69 documentation residing or existing internal or external to a
70 computer, computer system, ~~or~~ computer network, or electronic
71 device commits an offense against intellectual property.

72 (3) (a) Data, programs, or supporting documentation which is
73 a trade secret as defined in s. 812.081 which resides or exists
74 internal or external to a computer, computer system, or computer
75 network which is held by an agency as defined in chapter 119 is
76 confidential and exempt from the provisions of s. 119.07(1) and
77 s. 24(a), Art. I of the State Constitution.

78 (b) A person who ~~Whoever~~ willfully, knowingly, and without
79 authorization discloses or takes data, programs, or supporting
80 documentation which is a trade secret as defined in s. 812.081
81 or is confidential as provided by law residing or existing
82 internal or external to a computer, computer system, or computer
83 network commits an offense against intellectual property.

84 (4) (a) Except as otherwise provided in this subsection, an
85 offense against intellectual property is a felony of the third
86 degree, punishable as provided in s. 775.082, s. 775.083, or s.
87 775.084.

88 (b) If the offense is committed for the purpose of devising
89 or executing any scheme or artifice to defraud or to obtain any
90 property, ~~then the~~ person commits ~~offender is guilty of~~ a felony
91 of the second degree, punishable as provided in s. 775.082, s.
92 775.083, or s. 775.084.

93 Section 4. Section 815.06, Florida Statutes, is amended to
94 read:

95 815.06 Offenses against ~~computer~~ users of computer networks
96 and electronic devices.-

97 (1) As used in this section, the term "user" means a person



142650

98 with the authority to operate or maintain a computer network or
99 electronic device.

100 (2) A person commits an offense against users of computer
101 networks or electronic devices if he or she ~~whoever~~ willfully,
102 knowingly, and without authorization:

103 (a) Accesses or causes to be accessed any computer,
104 computer system, ~~or~~ computer network, or electronic device with
105 the knowledge that such access is unauthorized;

106 (b) Disrupts or denies or causes the denial of the ability
107 to transmit data ~~computer system services~~ to or from an
108 authorized user of such computer system or computer network
109 services, which, in whole or in part, is owned by, under
110 contract to, or operated for, on behalf of, or in conjunction
111 with another;

112 (c) Destroys, takes, injures, or damages equipment or
113 supplies used or intended to be used in a computer, computer
114 system, ~~or~~ computer network, or electronic device;

115 (d) Destroys, injures, or damages any computer, computer
116 system, ~~or~~ computer network, or electronic device; ~~or~~

117 (e) Introduces any computer contaminant into any computer,
118 computer system, ~~or~~ computer network, or electronic device; or

119 (f) Engages in audio or video surveillance of an individual
120 without that individual's authorization by accessing any
121 inherent feature or component of a computer, computer system,
122 computer network, or electronic device, including accessing the
123 data or information of a computer, computer system, computer
124 network, or electronic device that is stored by a third party.

125
126 This section does not apply to a person who has acted pursuant



142650

127 to a search warrant or to an exception to a search warrant
128 authorized by law or when acting within the scope of his or her
129 lawful employment and authorized security operations of a
130 government or business, and nothing in this act may be construed
131 to impose liability on a provider of an interactive computer
132 service as defined in 47 U.S.C. s. 230(f)(2), an information
133 service as defined in 47 U.S.C. s. 153(24), or communications
134 services as defined in s. 202.11 if the provider provides the
135 transmission, storage, or caching of electronic communications
136 or messages of others; other related telecommunications or
137 commercial mobile radio service; or content provided by another
138 person ~~commits an offense against computer users.~~

139 (3) ~~(2)~~ (a) Except as provided in paragraphs (b) and (c), a
140 person who ~~whoever~~ violates subsection (2) ~~(1)~~ commits a felony
141 of the third degree, punishable as provided in s. 775.082, s.
142 775.083, or s. 775.084.

143 (b) A person commits a felony of the second degree,
144 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
145 if he or she ~~whoever~~ violates subsection (2) ~~(1)~~ and:

146 1. Damages a computer, computer equipment or supplies,
147 ~~computer supplies,~~ a computer system, or a computer network, and
148 the ~~monetary~~ damage or loss ~~incurred as a result of the~~
149 ~~violation~~ is at least \$5,000 ~~or greater;~~

150 2. Commits the offense for the purpose of devising or
151 executing any scheme or artifice to defraud or obtain property;
152 ~~or~~

153 3. Interrupts or impairs a governmental operation or public
154 communication, transportation, or supply of water, gas, or other
155 public service; or



142650

156 4. Intentionally interrupts the transmittal of data to or
157 from, or gains unauthorized access to, a computer, computer
158 system, computer network, or electronic device belonging to any
159 mode of public or private transit, as defined in s. 341.031,

160
161 ~~commits a felony of the second degree, punishable as provided in~~
162 ~~s. 775.082, s. 775.083, or s. 775.084.~~

163 (c) A person who ~~Whoever~~ violates subsection (2) ~~(1)~~ and
164 ~~the violation endangers human life~~ commits a felony of the first
165 degree, punishable as provided in s. 775.082, s. 775.083, or s.
166 775.084, if the violation:

167 1. Endangers human life; or
168 2. Disrupts a computer, computer system, computer network,
169 or electronic device that affects medical equipment used in the
170 direct administration of medical care or treatment to a person.

171 ~~(4)(3)~~ A person who ~~Whoever~~ willfully, knowingly, and
172 without authorization modifies equipment or supplies used or
173 intended to be used in a computer, computer system, ~~or~~ computer
174 network, or electronic device commits a misdemeanor of the first
175 degree, punishable as provided in s. 775.082 or s. 775.083.

176 ~~(5)(4)~~(a) In addition to any other civil remedy available,
177 the owner or lessee of the computer, computer system, computer
178 network, computer program, computer equipment or supplies,
179 electronic device, computer supplies, or computer data may bring
180 a civil action against a ~~any~~ person convicted under this section
181 for compensatory damages.

182 (b) In an ~~any~~ action brought under this subsection, the
183 court may award reasonable attorney ~~attorney's~~ fees to the
184 prevailing party.



142650

185 ~~(6)-(5)~~ A ~~Any~~ computer, computer system, computer network,
186 computer software, ~~or~~ computer data, or electronic device owned
187 by a defendant which is used during the commission of a ~~any~~
188 violation of this section or a ~~any~~ computer or electronic device
189 owned by the defendant which is used as a repository for the
190 storage of software or data obtained in violation of this
191 section is subject to forfeiture as provided under ss. 932.701-
192 932.704.

193 ~~(7)-(6)~~ This section does not apply to a ~~any~~ person who
194 accesses his or her employer's computer system, computer
195 network, computer program, ~~or~~ computer data, or electronic
196 device when acting within the scope of his or her lawful
197 employment.

198 ~~(8)-(7)~~ For purposes of bringing a civil or criminal action
199 under this section, a person who causes, by any means, the
200 access to a computer, computer system, ~~or~~ computer network, or
201 electronic device in one jurisdiction from another jurisdiction
202 is deemed to have personally accessed the computer, computer
203 system, ~~or~~ computer network, or electronic device in both
204 jurisdictions.

205 Section 5. Section 815.061, Florida Statutes, is created to
206 read:

207 815.061 Offenses against public utilities.-

208 (1) As used in this section, the term "public utility"
209 includes each public utility and electric utility as those terms
210 are defined in s. 366.02; each utility as defined in s. 367.021;
211 each natural gas transmission company as defined in s. 368.103;
212 each person, corporation, partnership, association, public
213 agency, municipality, cooperative, gas district, or other legal



214 entity and their lessees, trustees, or receivers, now or
215 hereafter owning, operating, managing, or controlling gas
216 transmission or distribution facilities or any other facility
217 supplying or storing natural or manufactured gas or liquefied
218 gas with air admixture or any similar gaseous substances by
219 pipeline to or for the public within this state; and any
220 separate legal entity created under s. 163.01 and composed of
221 any of the entities described in this subsection for the purpose
222 of providing utility services in this state, including wholesale
223 power and electric transmission services.

224 (2) A person may not willfully, knowingly, and without
225 authorization:

226 (a) Gain access to a computer, computer system, computer
227 network, or electronic device owned, operated, or used by a
228 public utility while knowing that such access is unauthorized.

229 (b) Physically tamper with, insert a computer contaminant
230 into, or

231
232 ===== T I T L E A M E N D M E N T =====

233 And the title is amended as follows:

234 Delete lines 4 - 21

235 and insert:

236 s. 815.03, F.S.; defining and redefining terms;
237 amending s. 815.04, F.S.; providing that a person who
238 willfully, knowingly, and without authorization
239 introduces a computer contaminant or modifies or
240 destroys data, programs, or supporting documentation
241 residing or existing internal or external to a
242 computer, computer system, computer network, or



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243 electronic device commits an offense against
244 intellectual property; providing criminal penalties;
245 amending s. 815.06, F.S.; defining terms; providing
246 that a person who willfully, knowingly, and without
247 authorization accesses a computer, computer system,
248 computer network, or electronic device, disrupts the
249 ability to transmit data to or from a computer,
250 computer system, computer network, or electronic
251 device, damages a computer, computer system, computer
252 network, or electronic device, or engages in the audio
253 or video surveillance of an individual without the
254 individual's authorization by accessing a computer,
255 computer system, computer network, or electronic
256 device commits an offense against the users of
257 computer networks and electronic devices; providing



756322

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/18/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Flores) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete lines 76 - 181
4 and insert:
5 ~~or~~ computer network, or electronic device to perform specified
6 functions.

7 (6) "Computer services" include, but are not limited to,
8 computer time; data processing or storage functions; or other
9 uses of a computer, computer system, or computer network.



756322

10 (7) "Computer system" means a device or collection of
11 devices, including support devices and electronic devices, one
12 or more of which contain computer programs, electronic
13 instructions, or input data and output data, and which perform
14 functions, including, but not limited to, logic, arithmetic,
15 data storage, retrieval, communication, or control. The term
16 does not include calculators that are not programmable and that
17 are not capable of being used in conjunction with external
18 files.

19 (8) "Data" means a representation of information,
20 knowledge, facts, concepts, computer software, computer
21 programs, or instructions. Data may be in any form, in storage
22 media or stored in the memory of the computer, or in transit or
23 presented on a display device.

24 (9) "Electronic device" means a device that is capable of
25 communicating across a computer network with other computers or
26 devices for the purpose of transmitting, receiving, or storing
27 data, including, but not limited to, a cellular telephone,
28 tablet, or other portable device capable of communicating with
29 or across a computer network.

30 ~~(10)~~~~(9)~~ "Financial instrument" means any check, draft,
31 money order, certificate of deposit, letter of credit, bill of
32 exchange, credit card, or marketable security.

33 ~~(11)~~~~(10)~~ "Intellectual property" means data, including
34 programs.

35 ~~(12)~~~~(11)~~ "Property" means anything of value as defined in
36 s. 812.012 and includes, but is not limited to, financial
37 instruments, information, including electronically produced data
38 and computer software and programs in ~~either~~ machine-readable or



756322

39 human-readable form, and any other tangible or intangible item
40 of value.

41 Section 3. Section 815.04, Florida Statutes, is amended to
42 read:

43 815.04 Offenses against intellectual property; public
44 records exemption.—

45 (1) A person who ~~Whoever~~ willfully, knowingly, and without
46 authorization modifies data, programs, or supporting
47 documentation residing or existing internal or external to a
48 computer, computer system, ~~or~~ computer network, or electronic
49 device commits an offense against intellectual property.

50 (2) A person who ~~Whoever~~ willfully, knowingly, and without
51 authorization destroys data, programs, or supporting
52 documentation residing or existing internal or external to a
53 computer, computer system, ~~or~~ computer network, or electronic
54 device commits an offense against intellectual property.

55 (3) (a) Data, programs, or supporting documentation which is
56 a trade secret as defined in s. 812.081 which resides or exists
57 internal or external to a computer, computer system, ~~or~~ computer
58 network, or electronic device which is held by an agency as
59 defined in chapter 119 is confidential and exempt from the
60 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
61 Constitution.

62 (b) A person who ~~Whoever~~ willfully, knowingly, and without
63 authorization discloses or takes data, programs, or supporting
64 documentation which is a trade secret as defined in s. 812.081
65 or is confidential as provided by law residing or existing
66 internal or external to a computer, computer system, ~~or~~ computer
67 network, or electronic device commits an offense against



756322

68 intellectual property.

69 (4) (a) Except as otherwise provided in this subsection, an
70 offense against intellectual property is a felony of the third
71 degree, punishable as provided in s. 775.082, s. 775.083, or s.
72 775.084.

73 (b) If the offense is committed for the purpose of devising
74 or executing any scheme or artifice to defraud or to obtain any
75 property or personal information, ~~then~~ the person commits
76 ~~offender is guilty of~~ a felony of the second degree, punishable
77 as provided in s. 775.082, s. 775.083, or s. 775.084.

78 Section 4. Section 815.06, Florida Statutes, is amended to
79 read:

80 815.06 Offenses against ~~computer~~ users of computer networks
81 and electronic devices.—

82 (1) As used in this section, the term "person" means:

83 (a) An individual;

84 (b) A partnership, corporation, association, or other
85 entity doing business in this state, or an officer, agent, or
86 employee of such an entity; or

87 (c) An officer, employee, or agent of the state or a
88 county, municipality, special district, or other political
89 subdivision whether executive, judicial, or legislative,
90 including, but not limited to, a department, division, bureau,
91 commission, authority, district, or agency thereof.

92 (2) A person commits an offense against users of computer
93 networks or electronic devices if he or she ~~whoever~~ willfully,
94 knowingly, and without authorization:

95 (a) Accesses or causes to be accessed any computer,
96 computer system, ~~or~~ computer network, or electronic device with



756322

97 knowledge that such access is unauthorized;

98 (b) Disrupts or denies or causes the denial of the ability
99 to transmit data ~~computer system services~~ to or from an
100 authorized user of such computer system, computer network, or
101 electronic device services, which, in whole or in part, is owned
102 by, under contract to, or operated for, on behalf of, or in
103 conjunction with another;

104 (c) Destroys, takes, injures, or damages equipment or
105 supplies used or intended to be used in a computer, computer
106 system, ~~or~~ computer network, or electronic device;

107 (d) Destroys, injures, or damages any computer, computer
108 system, ~~or~~ computer network, or electronic device; ~~or~~

109 (e) Introduces any computer contaminant into any computer,
110 computer system, ~~or~~ computer network, or electronic device; or

111 (f) Gains unauthorized access to any inherent feature or
112 component of a computer, computer system, computer network, or
113 electronic device, including accessing the data or information
114 of a computer, computer system, computer network, or electronic
115 device which is stored by a third party, in order to engage in
116 audio, video, or other surveillance of an individual. This
117 paragraph does not apply to an employer who monitors employee
118 use of a business computer, computer system, computer network,
119 or electronic device or a parent who monitors his or her minor
120 child's use of a computer, computer system, computer network, or
121 electronic device.

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete lines 4 - 20



756322

126 and insert:
127 s. 815.03, F.S.; defining and redefining terms;
128 amending s. 815.04, F.S.; providing that a person who
129 willfully, knowingly, and without authorization
130 modifies or destroys data, programs, or supporting
131 documentation residing or existing internal or
132 external to an electronic device commits an offense
133 against intellectual property; providing that a person
134 who willfully, knowingly, and without authorization
135 discloses or takes data, programs, or supporting
136 documentation that is a trade secret or is
137 confidential and that is residing or existing internal
138 or external to an electronic device commits an offense
139 against intellectual property; providing criminal
140 penalties; providing that specified data, programs, or
141 supporting documentation that resides or exists
142 internal or external to an electronic device is
143 confidential and exempt from public records
144 requirements; providing a criminal penalty for
145 devising or executing a scheme to defraud or obtain
146 property or personal information; amending s. 815.06,
147 F.S.; defining terms; providing that a person who
148 willfully, knowingly, and without authorization
149 accesses a computer, computer system, computer
150 network, or electronic device, disrupts the ability to
151 transmit data to or from a computer, computer system,
152 computer network, or electronic device, damages a
153 computer, computer system, computer network, or
154 electronic device, or gains unauthorized access to a



756322

155 computer, computer system, computer network, or
156 electronic device in order to engage in specified
157 surveillance of an individual commits an offense
158 against the users

By the Committees on Criminal Justice; and Communications,
Energy, and Public Utilities; and Senator Brandes

591-01838-14

2014364c2

1 A bill to be entitled
2 An act relating to computer crimes; amending s.
3 815.02, F.S.; revising legislative findings; amending
4 s. 815.03, F.S.; defining terms; amending s. 815.04,
5 F.S.; providing that a person who willfully,
6 knowingly, and without authorization modifies or
7 destroys data, programs, or supporting documentation
8 residing or existing internal or external to a
9 computer network or electronic device commits an
10 offense against intellectual property; providing
11 criminal penalties; amending s. 815.06, F.S.; defining
12 terms; providing that a person who willfully,
13 knowingly, and without authorization accesses a
14 computer network or electronic device, disrupts the
15 ability to transmit data to or from a computer network
16 or electronic device, damages a computer network or
17 electronic device, or engages in the audio or video
18 surveillance of an individual without the individual's
19 authorization by accessing a computer network or
20 electronic device commits an offense against the users
21 of computer networks and electronic devices; providing
22 exceptions; providing applicability; providing
23 criminal penalties; creating s. 815.061, F.S.;
24 defining the term "public utility"; prohibiting a
25 person from willfully, knowingly, and without
26 authorization engaging in specified activities against
27 a computer, computer system, computer network, or
28 electronic device owned, operated, or used by a public
29 utility; providing criminal penalties; providing an

Page 1 of 11

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591-01838-14

2014364c2

30 effective date.
31
32 Be It Enacted by the Legislature of the State of Florida:
33
34 Section 1. Present subsection (4) of section 815.02,
35 Florida Statutes, is redesignated as subsection (5), and a new
36 subsection (4) is added to that section, to read:
37 815.02 Legislative intent.—The Legislature finds and
38 declares that:
39 (4) The proliferation of new technology has led to the
40 integration of computer systems in most sectors of the
41 marketplace through the creation of computer networks, greatly
42 extending the reach of computer crime.
43 Section 2. Section 815.03, Florida Statutes, is amended to
44 read:
45 815.03 Definitions.—As used in this chapter, unless the
46 context clearly indicates otherwise:
47 (1) "Access" means to approach, instruct, communicate with,
48 store data in, retrieve data from, or otherwise make use of any
49 resources of a computer, computer system, or computer network.
50 (2) "Computer" means an internally programmed, automatic
51 device that performs data processing.
52 (3) "Computer contaminant" means any set of computer
53 instructions designed to modify, damage, destroy, record, or
54 transmit information within a computer, computer system, or
55 computer network without the intent or permission of the owner
56 of the information. The term includes, but is not limited to, a
57 group of computer instructions, commonly called viruses or
58 worms, which are self-replicating or self-propagating and which

Page 2 of 11

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591-01838-14

2014364c2

59 are designed to contaminate other computer programs or computer
60 data; consume computer resources; modify, destroy, record, or
61 transmit data; or in some other fashion usurp the normal
62 operation of the computer, computer system, or computer network.

63 (4) "Computer network" means a system that provides a
64 medium for communication between one or more computer systems or
65 electronic devices, including communication with an input or
66 output device such as a display terminal, printer, or other
67 electronic equipment that is connected to the computer systems
68 or electronic devices by physical or wireless telecommunication
69 facilities any system that provides communications between one
70 or more computer systems and its input or output devices,
71 including, but not limited to, display terminals and printers
72 that are connected by telecommunication facilities.

73 (5) "Computer program or computer software" means a set of
74 instructions or statements and related data which, when executed
75 in actual or modified form, cause a computer, computer system,
76 or computer network to perform specified functions.

77 (6) "Computer services" include, but are not limited to,
78 computer time; data processing or storage functions; or other
79 uses of a computer, computer system, or computer network.

80 (7) "Computer system" means a device or collection of
81 devices, including support devices, one or more of which contain
82 computer programs, electronic instructions, or input data and
83 output data, and which perform functions, including, but not
84 limited to, logic, arithmetic, data storage, retrieval,
85 communication, or control. The term does not include calculators
86 that are not programmable and that are not capable of being used
87 in conjunction with external files.

591-01838-14

2014364c2

88 (8) "Data" means a representation of information,
89 knowledge, facts, concepts, computer software, computer
90 programs, or instructions. Data may be in any form, in storage
91 media or stored in the memory of the computer, or in transit or
92 presented on a display device.

93 (9) "Electronic device" means a device that is capable of
94 communicating across a computer network with other computers or
95 devices for the purpose of transmitting, receiving, or storing
96 data.

97 (10)~~(9)~~ "Financial instrument" means any check, draft,
98 money order, certificate of deposit, letter of credit, bill of
99 exchange, credit card, or marketable security.

100 (11)~~(10)~~ "Intellectual property" means data, including
101 programs.

102 (12)~~(11)~~ "Property" means anything of value as defined in
103 s. 812.012 and includes, but is not limited to, financial
104 instruments, information, including electronically produced data
105 and computer software and programs in ~~either~~ machine-readable or
106 human-readable form, and any other tangible or intangible item
107 of value.

108 Section 3. Section 815.04, Florida Statutes, is amended to
109 read:

110 815.04 Offenses against intellectual property; public
111 records exemption.-

112 (1) A person who ~~Whoever~~ willfully, knowingly, and without
113 authorization modifies data, programs, or supporting
114 documentation residing or existing internal or external to a
115 computer, computer system, ~~or~~ computer network, or electronic
116 device commits an offense against intellectual property.

591-01838-14

2014364c2

117 (2) A person who ~~Whoever~~ willfully, knowingly, and without
 118 authorization destroys data, programs, or supporting
 119 documentation residing or existing internal or external to a
 120 computer, computer system, ~~or~~ computer network, or electronic
 121 device commits an offense against intellectual property.

122 (3) (a) Data, programs, or supporting documentation which is
 123 a trade secret as defined in s. 812.081 which resides or exists
 124 internal or external to a computer, computer system, or computer
 125 network which is held by an agency as defined in chapter 119 is
 126 confidential and exempt from the provisions of s. 119.07(1) and
 127 s. 24(a), Art. I of the State Constitution.

128 (b) A person who ~~Whoever~~ willfully, knowingly, and without
 129 authorization discloses or takes data, programs, or supporting
 130 documentation which is a trade secret as defined in s. 812.081
 131 or is confidential as provided by law residing or existing
 132 internal or external to a computer, computer system, or computer
 133 network commits an offense against intellectual property.

134 (4) (a) Except as otherwise provided in this subsection, an
 135 offense against intellectual property is a felony of the third
 136 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 137 775.084.

138 (b) If the offense is committed for the purpose of devising
 139 or executing any scheme or artifice to defraud or to obtain any
 140 property, ~~then the person commits~~ offender is guilty of a felony
 141 of the second degree, punishable as provided in s. 775.082, s.
 142 775.083, or s. 775.084.

143 Section 4. Section 815.06, Florida Statutes, is amended to
 144 read:

145 815.06 Offenses against ~~computer~~ users of computer networks

Page 5 of 11

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591-01838-14

2014364c2

146 and electronic devices.-

147 (1) As used in this section, the term "person" means:

148 (a) An individual;

149 (b) A partnership, corporation, association, or other
 150 entity doing business in this state, or an officer, agent, or
 151 employee of such an entity; or

152 (c) An officer, employee, or agent of the state or a
 153 county, municipality, special district, or other political
 154 subdivision whether executive, judicial, or legislative,
 155 including, but not limited to, a department, division, bureau,
 156 commission, authority, district, or agency thereof.

157 (2) A person commits an offense against users of computer
 158 networks or electronic devices if he ~~Whoever~~ willfully,
 159 knowingly, and without authorization:

160 (a) Accesses or causes to be accessed any computer,
 161 computer system, ~~or~~ computer network, or electronic device with
 162 knowledge that such access is unauthorized;

163 (b) Disrupts or denies or causes the denial of the ability
 164 to transmit data ~~computer system services~~ to or from an
 165 authorized user of such computer system or computer network
 166 services, which, in whole or in part, is owned by, under
 167 contract to, or operated for, on behalf of, or in conjunction
 168 with another;

169 (c) Destroys, takes, injures, or damages equipment or
 170 supplies used or intended to be used in a computer, computer
 171 system, ~~or~~ computer network, or electronic device;

172 (d) Destroys, injures, or damages any computer, computer
 173 system, ~~or~~ computer network, or electronic device; ~~or~~

174 (e) Introduces any computer contaminant into any computer,

Page 6 of 11

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591-01838-14

2014364c2

175 computer system, ~~or~~ computer network, or electronic device; or
 176 (f) Engages in audio or video surveillance of an individual
 177 without that individual's authorization by accessing any
 178 inherent feature or component of a computer, computer system,
 179 computer network, or electronic device, including accessing the
 180 data or information of a computer, computer system, computer
 181 network, or electronic device that is stored by a third party.

183 This section does not apply to a person who has acted pursuant
 184 to a search warrant or to an exception to a search warrant
 185 authorized by law or when acting within the scope of his or her
 186 lawful employment, and nothing in this act may be construed to
 187 impose liability on a provider of an interactive computer
 188 service as defined in 47 U.S.C. 230(f)(2), an information
 189 service as defined in 47 U.S.C. 153(24), or communications
 190 services as defined in s. 202.11 if the provider provides the
 191 transmission, storage, or caching of electronic communications
 192 or messages of others; other related telecommunications or
 193 commercial mobile radio service; or content provided by another
 194 person commits an offense against computer users.

195 (3)(2)(a) Except as provided in paragraphs (b) and (c), a
 196 person who ~~whoever~~ violates subsection (2) (1) commits a felony
 197 of the third degree, punishable as provided in s. 775.082, s.
 198 775.083, or s. 775.084.

199 (b) A person commits a felony of the second degree,
 200 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 201 if he or she ~~whoever~~ violates subsection (2) (1) and:

202 1. Damages a computer, computer equipment or supplies,
 203 ~~computer supplies,~~ a computer system, or a computer network, and

Page 7 of 11

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591-01838-14

2014364c2

204 the ~~monetary~~ damage or loss ~~incurred as a result of the~~
 205 ~~violation is at least \$5,000 or greater;~~

206 2. Commits the offense for the purpose of devising or
 207 executing any scheme or artifice to defraud or obtain property;

208 ~~or~~
 209 3. Interrupts or impairs a governmental operation or public
 210 communication, transportation, or supply of water, gas, or other
 211 public service; or

212 4. Intentionally interrupts the transmittal of data to or
 213 from, or gains unauthorized access to, a computer, computer
 214 system, computer network, or electronic device belonging to any
 215 mode of public or private transit, as defined in s. 341.031,

216 ~~commits a felony of the second degree, punishable as provided in~~
 217 ~~s. 775.082, s. 775.083, or s. 775.084.~~

219 (c) A person who ~~whoever~~ violates subsection (2) (1) and
 220 the violation endangers human life commits a felony of the first
 221 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 222 775.084, if the violation:

223 1. Endangers human life; or

224 2. Disrupts a computer, computer system, computer network,
 225 or electronic device that affects medical equipment used in the
 226 direct administration of medical care or treatment to a person.

227 (4)(3) A person who ~~whoever~~ willfully, knowingly, and
 228 without authorization modifies equipment or supplies used or
 229 intended to be used in a computer, computer system, ~~or~~ computer
 230 network, or electronic device commits a misdemeanor of the first
 231 degree, punishable as provided in s. 775.082 or s. 775.083.

232 (5)(4)(a) In addition to any other civil remedy available,

Page 8 of 11

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591-01838-14 2014364c2

233 the owner or lessee of the computer, computer system, computer
 234 network, computer program, computer equipment or supplies,
 235 electronic device, ~~computer supplies,~~ or computer data may bring
 236 a civil action against a ~~any~~ person convicted under this section
 237 for compensatory damages.

238 (b) In ~~an any~~ action brought under this subsection, the
 239 court may award reasonable attorney ~~attorney's~~ fees to the
 240 prevailing party.

241 ~~(6)(5)~~ A ~~Any~~ computer, computer system, computer network,
 242 computer software, ~~or~~ computer data, or electronic device owned
 243 by a defendant which is used during the commission of a ~~any~~
 244 violation of this section or a ~~any~~ computer or electronic device
 245 owned by the defendant which is used as a repository for the
 246 storage of software or data obtained in violation of this
 247 section is subject to forfeiture as provided under ss. 932.701-
 248 932.704.

249 ~~(7)(6)~~ This section does not apply to a ~~any~~ person who
 250 accesses his or her employer's computer system, computer
 251 network, computer program, ~~or~~ computer data, or electronic
 252 device when acting within the scope of his or her lawful
 253 employment.

254 ~~(8)(7)~~ For purposes of bringing a civil or criminal action
 255 under this section, a person who causes, by any means, the
 256 access to a computer, computer system, ~~or~~ computer network, or
 257 electronic device in one jurisdiction from another jurisdiction
 258 is deemed to have personally accessed the computer, computer
 259 system, ~~or~~ computer network, or electronic device in both
 260 jurisdictions.

261 Section 5. Section 815.061, Florida Statutes, is created to

591-01838-14 2014364c2

262 read:

263 815.061 Offenses against public utilities.—

264 (1) As used in this section, the term "public utility"
 265 includes each public utility and electric utility as those terms
 266 are defined in s. 366.02; each utility as defined in s. 367.021;
 267 each natural gas transmission company as defined in s. 368.103;
 268 each person, corporation, partnership, association, public
 269 agency, municipality, cooperative, gas district, or other legal
 270 entity and their lessees, trustees, or receivers, now or
 271 hereafter owning, operating, managing, or controlling gas
 272 transmission or distribution facilities or any other facility
 273 supplying or storing natural or manufactured gas or liquefied
 274 gas with air admixture or any similar gaseous substances by
 275 pipeline to or for the public within this state; and any
 276 separate legal entity created under s. 163.01 and composed of
 277 any of the entities described in this subsection for the purpose
 278 of providing utility services in this state, including wholesale
 279 power and electric transmission services.

280 (2) A person may not willfully, knowingly, and without
 281 authorization:

282 (a) Gain access to a computer, computer system, computer
 283 network, or electronic device owned, operated, or used by a
 284 public utility while knowing that such access is unauthorized.

285 (b) Physically tamper with, insert software into, or
 286 otherwise transmit commands or electronic communications to a
 287 computer, computer system, computer network, or electronic
 288 device which cause a disruption in any service delivered by a
 289 public utility.

290 (3) (a) A person who violates paragraph (2) (a) commits a

591-01838-14

2014364c2

291 felony of the third degree, punishable as provided in s.
292 775.082, s. 775.083, or s. 775.084.

293 (b) A person who violates paragraph (2) (b) commits a felony
294 of the second degree, punishable as provided in s. 775.082, s.
295 775.083, or s. 775.084.

296 Section 6. This act shall take effect October 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 700

INTRODUCER: Judiciary Committee and Senator Bradley and others

SUBJECT: Department of Juvenile Justice

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Favorable
2.	Brown	Cibula	JU	Fav/CS
3.	Clodfelter	Sadberry	ACJ	Pre-meeting
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 700 amends chapter 985, F.S., which provides a framework for the juvenile justice system in Florida and delineates duties and responsibilities of the Department of Juvenile Justice (DJJ or department). Specifically, the bill enhances the state's focus on serious juvenile offenders, adopts measures to reduce recidivism, and increases care of juvenile offenders in the department's custody.

To provide an increased focus on serious cases and public safety, the bill:

- Requires the DJJ to notify a law enforcement agency and the victim of a juvenile offender who has escaped or absconded while in custody during commitment;
- Grants the court jurisdiction over a juvenile sex offender under THE DJJ supervision until he or she is 21 years old;
- Encourages the DJJ to develop evening-reporting centers to better support children in nonsecure detention;
- Authorizes the court to order juvenile offenders who commit technical violations of probation into a diversion program; and
- Waives fingerprinting requirements for children committing offenses that may only result in a civil citation.

To reduce recidivism through recognizing the special needs of children and the need for transitional services, the bill:

- Authorizes intake personnel to incorporate mental health, substance abuse, and psychosexual evaluations as part of the intake process;
- Establishes trauma-informed care as part of the DJJ model;
- Encourages placement of children in their home communities to facilitate family and community support;
- Enhances the transition-to-adult services offered and lifts the age restriction of youth clients eligible for service; and
- Requires the DJJ to focus on prevention services through providing academic and community support for at-risk youth.

To improve care to juveniles in the residential custody of the DJJ, the bill:

- Combines the commitment levels of low-risk and moderate-risk residential commitments into the newly-designated nonsecure residential commitment level and caps the number of beds authorized per facility at 90 beds, rather than the current cap of 165 beds;
- Creates a criminal offense of willful and malicious neglect, punishable as a third degree felony if the employee's lack of care does not result in harm to the juvenile offender in DJJ custody and as a second degree felony if great bodily harm results; and
- Allows for prosecution under the new criminal offense for any victim in commitment care, not just children under the age of 18.

To increase performance accountability, the bill requires the DJJ to adopt a system to measure performance based on recidivism rates of providers and programs, and to annually report findings to the Legislature.

The bill codifies a provision found in the 2013-2014 Implementing Bill for the General Appropriations Act which caps the allowable rate for hospital health services provided to juveniles at 110 percent of the Medicare allowable rate, with a cap of 125 percent in limited cases.

This bill grants the DJJ greater flexibility in the assessment process by allowing a DJJ employee other than a juvenile probation officer to participate in intake, screenings, and assessments.

The DJJ indicates that the bill will result in a small increase in costs which can be absorbed within existing resources. The Office of State Court Administrators also indicates it expects that it will not need additional resources for any increased workload in the court system. The new detention criteria may result in some children being held in secure detention who would not be held under current law, and some others being held for a longer period of time. This may have an indeterminate fiscal impact on local government expenditures for a share of detention costs.

II. Present Situation:

Department of Juvenile Justice/Department of Health and Human Services

In years past, the Department of Health and Rehabilitative Services (HRS) participated in all court proceedings relating to children, including dependency and delinquency cases.¹ In 1994, the Legislature created the Department of Juvenile Justice (DJJ), and assigned the DJJ responsibility for juvenile delinquency cases and children in need of services and families in need of services (CINS/FINS) cases. The HRS retained jurisdiction of dependency cases. Despite this bifurcation, laws governing delinquency and dependency remained together in ch. 39, F.S.²

In 1997, the Legislature transferred provisions relating to juvenile delinquency proceedings in ch. 39, F.S., into ch. 984, F.S., (relating to CINS/FINS) and ch. 985, F.S., (relating to juvenile delinquency cases).³ However, the legislation inadvertently included a handful of provisions relating to dependency in the transfer. Dependency duties are now the responsibility of the Department of Children and Families (DCF).⁴

Jurisdiction

Section 985.0301(1), F.S., provides that Florida's circuit courts have exclusive original jurisdiction in criminal proceedings in which a child is alleged to have committed a violation. Currently, the circuit court where the alleged violation occurred may transfer a case to the circuit court in which the child resides or will reside at the time of detention or placement.⁵ A child detainee must be transferred to the appropriate detention center or facility or other placement directed by the court receiving the case.⁶

The court retains jurisdiction over a child until the child:

- Is 19 years old, if the child's case has not been resolved;
- Is 19 years old, if the child is ordered to participate in a probation program, including participation in transition-to-adulthood services;
- Is 21 years old, if the child is committed to the DJJ;
- Is 22 years old, if the child is committed to the DJJ for placement in a juvenile prison or in a high-risk or maximum-risk residential commitment program;⁷
- Is 21 years old, if the child is committed to the DJJ for placement in an intensive residential treatment program for 10-13 year-old offenders, in the residential commitment program in a juvenile prison or in a residential sex offender program;
- Is 21 years old, if the child is committed to a juvenile correctional facility or a juvenile prison, specifically for the purpose of allowing the child to complete the program;

¹ Florida Department of Juvenile Justice, *History of the Juvenile Justice System in Florida*, <http://www.djj.state.fl.us/about-us/history> (last visited on February 21, 2014).

² *Id.*

³ *Id.*

⁴ Section 39.01(21), F.S.

⁵ Section 985.0301(4)(a), F.S.

⁶ *Id.*

⁷ This is solely for the child to complete a conditional release program. Section 985.0301(5)(d), F.S.

- Is 21 years old, if the child is a juvenile sexual offender who has been placed in a program or facility for juvenile sexual offenders, specifically to complete the program; or
- Completes payment of court-ordered restitution.⁸

Contempt of Court

Section 985.037, F.S., authorizes the court to punish a child for contempt for interfering with the court or court administration, or for violating a court order or ch. 985, F.S. Direct contempt results from conduct committed by the juvenile in the presence of the judge, while indirect contempt concerns conduct committed outside the judge's presence.⁹

A child charged with direct contempt may be sanctioned immediately.¹⁰ If a child is charged with indirect contempt, the court must hold a hearing within 24 hours to determine if the child committed indirect contempt.¹¹ In indirect contempt proceedings, the child is given specified due process rights.¹²

If a court finds that a child committed contempt of court, the court may order the child to serve an alternative sanction¹³ or order the placement of the child into a secure facility¹⁴ for a specified time.¹⁵ If a child is placed into a secure facility, the court must review the placement every 72 hours.¹⁶

Fingerprinting and Photographing

Section 985.11(1)(a), F.S., requires a child who is charged with or found to have committed specified offenses to be fingerprinted by the appropriate law enforcement agency, and requires the law enforcement agency to submit the fingerprints to the Florida Department of Law Enforcement (FDLE).

Intake Process

Every child under the age of 18 charged with a crime in Florida is referred to the DJJ.¹⁷ Intake and screening services for youth referred to the DJJ are performed at a Juvenile Assessment Center¹⁸ by a DJJ employee.¹⁹ Once brought into intake, the DJJ assigns the child a juvenile

⁸ Section 985.0301(5), F.S.

⁹ *Kelley v. Rice*, 800 So.2d 247, 251 (Fla. 2d DCA 2001); *E.T. v. State*, 587 So.2d 615, 616 (Fla. 1st DCA 1991).

¹⁰ Section 985.037(4)(a), F.S.

¹¹ Section 985.037(4)(b), F.S.

¹² *Id.*

¹³ Section 985.037(3), F.S. Each judicial circuit is required to have an alternative sanctions coordinator to coordinate and maintain a spectrum of contempt sanction alternatives. The alternative sanctions coordinator serves under the chief judge of the circuit. The court may immediately request that the alternative sanctions coordinator recommend the most appropriate sanctions placement.

¹⁴ A child may only be placed into a secure facility if alternative sanctions are unavailable or inappropriate. Section 985.037(1), F.S.

¹⁵ Five days for a first offense and 15 days for a second or subsequent offense of contempt. Section 985.037(2), F.S.

¹⁶ Section 985.037(4), F.S.

¹⁷ A referral is similar to an arrest in the adult criminal justice system.

¹⁸ Section 985.135(4), F.S.

¹⁹ Section 985.14(2), F.S.

probation officer, conducts an assessment, and recommends appropriate sanctions and services to the state attorney and the court.²⁰ The probation officer serves as the primary case manager responsible for managing, coordinating, and monitoring services provided to the child.²¹

Detention Care System

Detention care is the temporary care of children pursuant to an adjudication or order of the court.²² Children may be detained in one of three types of detention care: secure,²³ nonsecure,²⁴ and home detention²⁵ when specific statutory criteria are met.

Section 985.24, F.S., provides guidelines for the court to use in ordering detention care, including that the child:

- Presents a substantial risk of not appearing at a hearing;
- Presents a substantial risk of inflicting bodily harm on others as evidenced by recent behavior;
- Presents a history of committing a property offense prior to adjudication, disposition, or placement;
- Has committed contempt of court; or
- Requests protection from imminent bodily harm.

If a law enforcement agency takes a child into custody, the DJJ must accept custody of the child and review the facts in the arrest report to determine what, if any, detention care is necessary.²⁶ The probation officer makes an initial decision regarding detention care placement using the “Detention Risk Assessment Instrument.”²⁷ In certain instances, the probation officer does not have discretion and must place a child in secure detention (e.g., when a child is charged with possessing or discharging a firearm on school property).²⁸

A child may not be held in secure, nonsecure, or home detention for more than 24 hours without a detention hearing.²⁹ A detention hearing is conducted by a circuit judge who reviews the

²⁰ Section 985.14(1) and (2), F.S.

²¹ Section 985.145(1), F.S.

²² Section 985.03(18), F.S.

²³ Section 985.03(18)(a), F.S., defines “secure detention” as temporary custody of the child while the child is under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

²⁴ Section 985.03(18)(b), F.S., defines “nonsecure detention” as temporary custody of the child while the child is in a residential home in the community in a physically nonrestrictive environment under the supervision of the Department of Juvenile Justice pending adjudication, disposition, or placement. However, the DJJ reports that its current practice for detention is to only utilize secure or home detention; nonsecure detention has not been used for several years. Department of Juvenile Justice, *2014 Bill Analysis for SB 700* (2014) (on file with the Senate Judiciary Committee).

²⁵ Section 985.03(18)(c), F.S., defines “home detention” as temporary custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive environment under the supervision of department staff pending adjudication, disposition, or placement.

²⁶ Section 985.25(1), F.S.

²⁷ Sections 985.25(1)(b) and 985.245, F.S. Section 985.245, F.S., outlines with whom the Detention Risk Assessment Instrument must be developed, when and how it must be updated, and what factors the assessment instrument should identify when evaluating a child to determine whether detention placement is appropriate.

²⁸ Section 985.25(1)(b), F.S.

²⁹ Section 985.26(1), F.S. The child has the right to be represented at this hearing or can waive the right. Section 985.033, F.S.

assessment instrument to determine whether probable cause exists that the child committed the offense and the need for continued detention.³⁰ A court's detention order must include specific instructions for release of the child from detention (generally, a 21-day limit applies to secure, nonsecure, or home detention³¹).³²

If the child is a juvenile sex offender, detention staff must notify the appropriate law enforcement agency and school personnel of the child's release from secure detention or transfer to nonsecure detention.³³

Disposition

The state attorney formally charges a child with a criminal offense by filing a petition for delinquency.³⁴ Because a child may be detained if adjudicated delinquent, federal constitutional law requires many of the same due process safeguards afforded to adult criminal defendants³⁵ and that the case proceed to adjudicatory hearing (trial)³⁶ as quickly as possible. If the court finds that the child committed the violation of law, the court may either withhold adjudication of delinquency or adjudicate the child delinquent.³⁷

If the court finds that a child has committed an offense, the court must hold a disposition hearing to determine appropriate punishment. Before making a final disposition, the court reviews a pre-disposition report³⁸ prepared by the DJJ.³⁹ The pre-disposition report identifies appropriate educational and vocational goals, which include successful completion of vocational courses, and successful attendance and completion of the child's current grade. The court must then determine whether it is appropriate to commit the child to the DJJ or probation and community-based sanctions.⁴⁰

³⁰ Section 985.255(3), F.S.

³¹ Section 985.26(2), F.S. A child may be held up to 30 days if the child is charged with what would be, if committed by an adult, a capital felony, a life felony, a first degree felony, or a second degree felony offense.

³² Section 985.255(3)(c), F.S.

³³ Similarly, once a juvenile sex offender is released from a commitment program, the DJJ must notify the FDLE under ss. 985.481 and 985.4815, F.S. The DJJ has been required to provide this notification electronically since November 1, 2007.

³⁴ Section 985.318, F.S.

³⁵ Section 985.35(2)(a), (b), and (c), F.S., provides that the child is entitled to present evidence, cross examine witnesses, protect himself or herself from self-incrimination, and to not have evidence that was illegally seized or obtained presented to the court in the case against them. Facts must be established beyond a reasonable doubt and rules of evidence apply to the proceedings. Additionally, s. 985.033(1), F.S., provides that a child is entitled to legal counsel at all stages of any delinquency court proceeding.

³⁶ Section 985.03(2), F.S., defines an "adjudicatory hearing" as a hearing for the court to determine whether the facts support the allegations stated in the petition, as provided under s. 985.35, F.S. In an adjudicatory hearing, the judge decides both questions of fact and law. Section 985.35(2), F.S.

³⁷ Section 985.35, F.S. An adjudication of delinquency by a court is not considered a conviction.

³⁸ Section 985.433(6), F.S., requires the pre-disposition report to include a summary of the juvenile's present offense, a statement by the youth, background information regarding the familial and community environment, a narrative explaining the juvenile's employment or school history, psychological data, restitution information, criminal history, risk assessment, and the recommendations of DJJ concerning disposition of the case.

³⁹ Section 985.43, F.S.

⁴⁰ Section 985.433(6), F.S.

Probation or Postcommitment Probation (Probation)

A child's probation program must include both a penalty and a rehabilitative component.⁴¹ Each child is assigned a juvenile probation officer who monitors the child's compliance and helps the child connect with service providers.

If the child does not comply with terms of probation, the child may be brought before the court on a violation of probation. The violation may be a substantive violation for committing a new criminal offense or a technical violation for failure to comply with a condition of probation.⁴² If a child admits to the violation or is found by the court to have violated probation, the court must enter an order revoking, modifying, or continuing probation.⁴³ Specifically, the court may:

- Place the child into a consequence unit⁴⁴ for up to 15 days;
- Place the child on home detention with electronic monitoring;
- Modify or continue the child's probation; or
- Revoke probation and commit the child to the DJJ.⁴⁵

Commitment

The court may commit the child to a nonresidential or residential facility.⁴⁶ Commitment programs vary by "restrictiveness level," defined in s. 985.03(46), F.S., as "the level of programming and security provided by programs that service the supervision, custody, care, and treatment needs of committed children." Levels of commitment are:

- Minimum-risk nonresidential, a level 2 commitment program, where children remain in their community and participate at least 5 days a week in day treatment;
- Low-risk residential, a level 4 program, where children live in a residential program and have unsupervised access to their community;
- Moderate-risk residential, a level 6 program, where children are in a residential program and have supervised access to their community;
- High-risk residential, a level 8 program, where children are not allowed access to their community; and
- Maximum-risk residential, a level 10 long-term residential program, including juvenile correctional facilities or juvenile prisons that do not allow the children to have any access to their community.⁴⁷

Florida law caps the number of beds at residential facilities at 165 beds.⁴⁸

⁴¹ Section 985.435(2) and (3), F.S., give examples of what these components include.

⁴² See *Meeks v. State*, 754 So.2d 101, 103-104 (Fla. 1st DCA 2000); *Johnson v. State*, 678 So.2d 934, 934-935 (Fla. 3d DCA 1996).

⁴³ Section 985.439(4), F.S.

⁴⁴ Section 985.439(2), F.S., defines "consequence unit" as a secure facility specifically designated by the department for children who are taken into custody under s. 985.101, F.S., for violating probation or postcommitment probation, or who have been found by the court to have violated the conditions of probation or postcommitment probation.

⁴⁵ Section 985.439(4)(d), F.S.

⁴⁶ Section 985.441, F.S.

⁴⁷ Section 985.03(46)(e), F.S.

⁴⁸ Section 985.03(46), F.S.

If the court determines the child should be adjudicated delinquent and committed to the DJJ through court order,⁴⁹ the DJJ must recommend the restrictiveness level for the child. The court may commit the child at a different restrictiveness level but must set out findings for departure in the record based on a preponderance of the evidence.⁵⁰

Once the court enters a commitment order, the DJJ is responsible for determining placement in a specific residential program based on the child's identified risks and needs.⁵¹ Currently, the court must order a child to be placed in a specific restrictiveness level from level 2 through level 10 and the DJJ does not have the flexibility to move a child into a different restrictiveness level.

A child is committed to a residential program for an indeterminate length of time and must complete an individualized treatment plan.⁵² The goals of the plan are based on the child's rehabilitative needs and include educational and vocational service goals.⁵³ All residential programs provide medical, mental health, substance abuse, and developmental disability services.⁵⁴

Conditional Release and Transition-to-Adulthood Services

Conditional release is defined as the care, treatment, help, and supervision provided to a juvenile released from a residential commitment program. The purposes of conditional release are to protect the public, reduce recidivism, increase responsible productive behavior, and provide for a successful transition of the youth from the DJJ to the family.⁵⁵

The DJJ must assess each child placed into a residential commitment facility to determine the need for conditional release services upon release from the facility.⁵⁶ Children participating in conditional release services must participate in an educational program⁵⁷ if they are of compulsory school attendance age or noncompulsory school age and have not obtained a high school diploma or its equivalent.⁵⁸ A child who has received a diploma or equivalent, but is not employed, must attend college classes, other career education, or participate in workforce development.⁵⁹

The DJJ must also provide older⁶⁰ children with opportunities to participate in "transition-to-adulthood" services that build life skills and increase the ability to live independently and be

⁴⁹ Section 985.441(1), F.S.

⁵⁰ Section 985.441(2), F.S.

⁵¹ Department of Juvenile Justice, *Residential Services*, Comprehensive Accountability Report, Fiscal Year 2011-2012, <http://www.djj.state.fl.us/research/reports/car> (last visited February 24, 2014).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Section 985.03(12), F.S.

⁵⁶ Section 985.46(3), F.S.

⁵⁷ Pursuant to s. 1003.21(1)(a)1. and (2)(a), F.S.

⁵⁸ Section 985.46(5), F.S.

⁵⁹ *Id.*

⁶⁰ The term "older" in s. 985.461(2)(b), F.S., refers to children 17 years of age or older.

self-sufficient.⁶¹ The DJJ is authorized to engage in a variety of activities designed to support participation in transition-to-adulthood services.⁶²

Internal Agency Procedures

Administering the Juvenile Justice Continuum

Section 985.601, F.S., requires the Department of Juvenile Justice (DJJ) to develop or contract for diversified and innovative programs to provide rehabilitative treatment.

Quality Assurance and Cost-Effectiveness

Section 985.632, F.S., requires the DJJ to provide transparency to policy makers and the public about the costs and effectiveness of the programs that it operates. The DJJ is also required to develop an accountability system to assist in ensuring that children served receive the best services for their needs.

The DJJ is required to annually collect cost data for every program that it operates or contracts for and submit this data to the Legislature and the Governor.⁶³ The DJJ is also required to develop a cost-effectiveness model and apply the model to each commitment program. The cost-effectiveness model must compare program costs to client outcomes and program outputs, and include recidivism rates.⁶⁴ The DJJ must rank each commitment program based on the cost-effectiveness model and may terminate a program if the program has failed to achieve a minimum threshold of program effectiveness.

Departmental Contracting Powers; Personnel Standards and Screening

Section 985.644, F.S., requires DJJ employees and all personnel⁶⁵ of contract providers to complete a:

- Level 2 employment screening prior to employment (which requires fingerprinting);⁶⁶ and
- National criminal records check by the Federal Bureau of Investigation every 5 years following the date of the person's employment.

The DJJ must electronically submit fingerprint information of DJJ employees and contract personnel (other than law enforcement, correctional, and correctional probation officers) to the FDLE.

⁶¹ Section 985.461(1), F.S.

⁶² Section 985.461(4), F.S.

⁶³ Section 985.632(3), F.S.

⁶⁴ Section 985.632(4)(a), F.S.

⁶⁵ Section 985.644(3)(a), F.S., states that personnel includes all owners, operators, employees, persons who have access to confidential juvenile records, and volunteers of contract providers for any program for children.

⁶⁶ Section 435.04, F.S. Level 2 employment screenings require fingerprints to be processed through statewide criminal history records checks through FDLE and national criminal history records checks through the Federal Bureau of Investigation. The screenings may include local criminal records checks through local law enforcement agencies.

Juvenile Justice Training Academies

The DJJ is required to establish and oversee juvenile justice training academies.⁶⁷ The DJJ must develop, implement, and maintain the curriculum for the training academies, develop uniform minimum job-related training, and establish a certifiable program for juvenile justice training.⁶⁸

Section 985.66(3), F.S., requires the DJJ to provide specified components to the training programs for the juvenile justice program staff based upon a job-task analysis.⁶⁹ All department program staff and providers who deliver direct care services pursuant to contract with the DJJ must participate in and successfully complete the approved training programs relevant to their areas of employment.⁷⁰ Judges, state attorneys, public defenders, law enforcement officers, and school district personnel may also participate in these programs.

Juvenile Justice Circuit Advisory Boards

Section 985.664, F.S., authorizes juvenile justice circuit advisory boards (advisory boards) to be established in each of the 20 judicial circuits. The purpose of advisory boards is to advise the DJJ in the development and implementation of juvenile justice programs and policies related to at-risk youth.⁷¹ The duties of the advisory boards are enumerated in s. 985.664(2), F.S.

Direct-Support Organizations

Section 985.672, F.S., defines a direct support organization as a not-for-profit organization whose sole purpose is to support the juvenile justice system and which is:

- Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the DJJ or the juvenile justice system operated by a county commission or a circuit board; and
- Determined by the DJJ to be consistent with the goals of the juvenile justice system, in the best interest of the state, and in accordance with the DJJ's adopted goals and mission.

The DJJ may permit a direct support organization to use fixed property and facilities of the juvenile justice system free of charge.⁷²

⁶⁷ Section 985.66(1), F.S.

⁶⁸ Section 985.66(1), (2), and (3), F.S.

⁶⁹ These components include designing, implementing, maintaining, evaluating, and revising a basic training program for the purpose of providing specified minimum employment training qualifications for all juvenile justice personnel, including a competency-based examination; an advanced training program intended to enhance knowledge, skills, and abilities related to job performance with competency-based examinations for each training course; a career development training program intended to prepare personnel for promotion with competency-based examinations for each training course; and juvenile justice training courses, entering into contracts for training courses intended to further safety and well-being of both citizens and juvenile offenders. Section 985.66(3), F.S.

⁷⁰ Section 985.66(3), F.S.

⁷¹ Section 985.664(1), F.S.

⁷² Section 985.672(4), F.S.

Siting of Facilities

Section 985.682, F.S., establishes procedures that must be followed when proposing a site for a juvenile justice facility. Currently, the DJJ is required to conduct a detailed statewide comprehensive study to determine current and future needs for all facility types for children committed to the DJJ.⁷³ The study must assess, rank, and designate appropriate sites based upon these needs.⁷⁴

One-Time Startup Funding for Juvenile Justice Purposes

Section 985.69, F.S., authorizes the DJJ to use funds from juvenile justice appropriations as one-time startup funding for juvenile justice purposes that include remodeling or renovation of existing facilities, construction and leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs. The DJJ is currently funded for repair and maintenance of facilities through the General Appropriations Act.

Payment of Medical Expenses for Detained Youth

Medicare Rates

Medicare is the federal health insurance program for people who are 65 or older, certain younger people with disabilities, and people with End-Stage Renal Disease (permanent kidney failure requiring dialysis or a transplant).⁷⁵

Medicare reimburses providers based on the type of service they provide. The Centers for Medicare & Medicaid Services develops fee schedules for physicians, ambulance services, clinical laboratory services, and durable medical equipment, prosthetics, orthotics, and supplies.⁷⁶ Other Medicare providers are paid via a prospective payment system. The prospective payment system is a method of reimbursement in which Medicare payment is made based on a predetermined, fixed amount. The payment amount for a particular service is derived based on the classification system of that service (for example, diagnosis-related groups for inpatient hospital services).

The Department of Corrections and Medical Payment Caps

In 2008, the General Appropriations Implementing Bill⁷⁷ capped medical payment rates that the Department of Corrections (DOC) could pay to a hospital or a health care provider providing services at a hospital. Payments to providers for services were capped at 110 percent of the Medicare allowable rate for inmate medical care if no contract existed between the DOC and a hospital, or a provider providing services at a hospital. However, hospitals reporting an operating loss to the Agency for Health Care Administration (AHCA) were capped at 125 percent of the

⁷³ Section 985.682(1), F.S.

⁷⁴ Section 985.682(2), F.S.

⁷⁵ Centers for Medicare & Medicaid Services, *What is Medicare?*, <http://www.medicare.gov/sign-up-change-plans/decide-how-to-get-medicare/whats-medicare/what-is-medicare.html> (Last visited February 24, 2014).

⁷⁶ Centers for Medicare & Medicaid Services, *Fee Schedules – General Information*, <http://www.cms.gov/FeeScheduleGenInfo/> (Last visited on February 24, 2014).

⁷⁷ Section 11, Chapter 2008-153, L.O.F.

Medicare allowable rate. In 2009, s. 945.6041, F.S., codified the payment caps and made other medical service providers, defined in s. 766.105, F.S., and medical transportation services subject to the medical payment cap.⁷⁸

Similarly, the 2013 General Appropriations Implementing Bill capped medical payment rates that the DJJ could pay to a hospital or provider providing any health care services.⁷⁹

Offenses Committed Against Youth under the Jurisdiction of the DJJ

Sexual Misconduct by an Employee

Section 985.701, F.S., makes it a second degree felony⁸⁰ for a DJJ employee⁸¹ to engage in sexual misconduct⁸² with juvenile offenders “detained or supervised by, or committed to the custody, of the department.” The statute does not define the term “juvenile offender.”

Neglect of Youth Committed to the Department of Juvenile Justice

Section 985.02, F.S., provides that the children of the state must be provided with protection from abuse, neglect, and exploitation; as well as adequate nutrition, shelter, and clothing. In some instances, a DJJ employee has neglected or abused a juvenile offender resulting in harm to the juvenile offender.⁸³

Currently, ch. 985, F.S., does not provide sanctions against the neglect of a youth in the DJJ’s custody. As a result, prosecutors have looked outside of ch. 985, F.S., to prosecute cases involving abuse or neglect of a child in the care of the DJJ. One statute prosecutors have attempted to use to prosecute is s. 827.03, F.S., relating to criminal child neglect. However, the child neglect statute is not designed to prosecute neglect cases that arise within the unique framework of the juvenile justice environment, nor does it apply to youth in the DJJ’s custody who are 18 or older.⁸⁴

⁷⁸ Section 8, Chapter 2009-63, L.O.F.

⁷⁹ Section 12, Chapter 2013-41, L.O.F.

⁸⁰ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁸¹ Section 985.701(1)(a)1.b., F.S., defines “employee” as paid staff members, volunteers, and interns who work in a DJJ program or a program operated by a provider under a contract.

⁸² Section 985.701(1)(a)1.a., F.S., defines “sexual misconduct” as fondling the genital area, groin, inner thighs, buttocks, or breasts of a person; the oral, anal, or vaginal penetration by or union with the sexual organ of another; or the anal or vaginal penetration of another by any other object. The term does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of duty by an employee of the DJJ or an employee of a provider under contract with the DJJ.

⁸³ *DJJ supervisor thought Eric Perez was “faking” as he dies in juvie lockup, officer testifies*, BROWARD/PALM BEACH NEW TIMES, http://blogs.browardpalmbeach.com/pulp/2012/03/djj_eric_perez_death_grand_jury_report.php; *Parents of teen who died at Palm Beach County juvenile center say they’ll sue DJJ*, THE PALM BEACH POST, <http://www.palmbeachpost.com/news/news/crime-law/parents-of-teen-who-died-at-palm-beach-county-ju-1/nLhcN/>.

⁸⁴ Section 827.01, F.S., defines a child as “any person under the age of 18 years.” While the majority of youth in DJJ’s custody are under 18 years old, DJJ has custody of persons 18 years old and older. Section 985.0301(5)(a), F.S., requires DJJ to retain jurisdiction over a child alleged to have committed a delinquent act until the child reaches 19 years old and authorizes DJJ to retain jurisdiction for an additional 365 days following the child’s 19th birthday if the child is participating in transition-to-adulthood services.

Diversion Programs/Expunction of Records

Section 943.0582, F.S., provides guidelines to the FDLE relating to the expunction of criminal history records of youth who have successfully completed a prearrest, postarrest, or teen court diversion program.

Prevention Services Programs and Providers

Section 985.605, F.S., requires the DJJ to monitor all state-funded programs, grants, appropriations, or activities designed to prevent juvenile delinquency.⁸⁵ The DJJ is authorized to expend funds to prevent juvenile delinquency as long as it maximizes public accountability and documents outcomes. Each entity that receives money from the state must design its programs to provide one of four specified strategies⁸⁶ and submit demographic information of participants to the DJJ for verification.⁸⁷

Section 985.606, F.S., requires each state agency or entity that receives or uses state money to fund juvenile delinquency prevention programs, grants, appropriations, or activities to submit performance data to the Governor and both houses of the Legislature by January 31st of each year for the preceding fiscal year.

Tours of State Correctional Facilities

Section 945.75, F.S., requires the DOC to develop programs in which a judge may order juveniles who have committed delinquent acts to be allowed to tour state correctional facilities under terms and conditions established by the DOC. The statute requires counties to develop similar programs involving county jails, commonly referred to as “scared straight programs.”⁸⁸ The goal of these programs is to modify the behavior of the juveniles by shocking, scaring, and thus deterring them from engaging in further delinquent activity.⁸⁹ The DJJ reports because it complies with the Federal Juvenile Justice and Delinquency Prevention Act of 2002 it receives between 2 million and 8 million dollars in federal funding.⁹⁰ The DJJ reports that it could lose two-thirds of its federal funding because the scared straight tours violate several portions of the Juvenile Justice and Delinquency Prevention Act.⁹¹

III. Effect of Proposed Changes:

This bill amends various provisions in law relating to juvenile delinquency, to enhance public safety, reduce recidivism, better measure performance outcomes, and improve care provided to juvenile offenders in the custody of the Department of Juvenile Justice (DJJ).

⁸⁵ Section 985.605(1), F.S.

⁸⁶ Section 985.605(2)(a), F.S.

⁸⁷ Section 985.605(2)(c), F.S.

⁸⁸ Virginia Department of Criminal Justice Services, *Scared Straight Programs*, www.dcjs.virginia.gov/juvenile/compliance; See also Department of Juvenile Justice, *Scared Straight Programs: Jail and Detention Tours*, www.djj.state.fl.us/docs/research2/scared_straight_booklet_version (last visited on February 12, 2014)

⁸⁹ *Id.*

⁹⁰ Department of Juvenile Justice, *2013 Agency Proposal, Juvenile Justice Reform, Jail Tours* (2013) (on file with Senate Criminal Justice Committee.)

⁹¹ *Id.*

Prevention

The bill creates s. 985.17, F.S., relating to prevention services. To reduce recidivism, protect public safety, and facilitate successful re-entry into the community, the bill requires the DJJ to:

- Engage faith- and community-based organizations;⁹²
- Establish volunteer coordinators in each circuit and encourage mentor recruitment;
- Encourage the recruitment of volunteers to serve as mentors for youth in DJJ services;
- Promote the “Invest in Children” license plate to help fund programs and services;⁹³
- Ensure prevention services address the multiple needs of youth at risk of becoming delinquent in order to decrease the prevalence of disproportionate minority representation in the juvenile justice system; and
- Expend prevention-related funds in a manner that maximizes accountability and ensures documentation of outcomes.

As a condition for receiving state funds, entities that receive or use state moneys to fund prevention services through contracts with the DJJ or grants from an entity will be required to:

- Design programs providing services to further one or more of the following strategies:
 - Encourage youth to attend and succeed in school;
 - Engage youth in productive and wholesome activities during non-school hours that build positive character, instill positive values, and enhance educational experiences;
 - Encourage youth to avoid the use of violence; and
 - Assist youth to acquire skills needed to find meaningful employment, including assistance in finding a suitable employer; and
- Provide the department with demographic information, dates of services, and the type of interventions received by each youth.

The bill requires the DJJ to monitor output and outcome measures for each program strategy and annually report this data in the Comprehensive Accountability Report. The DJJ also will be required to monitor all state-funded programs that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants for compliance with contract and grant provisions.

Offenses Committed Against Youth under the Jurisdiction of the Department of Juvenile Justice

Sexual Misconduct by an Employee

The bill amends s. 985.701, F.S., to define “juvenile offender” as “any person of any age who is detained or supervised by, or committed to the custody of, the department.” This mirrors the definition used in s. 985.702, F.S.

⁹² The bill further provides that the voluntary programs and services include, but are not limited to, chaplaincy services, crisis intervention counseling, mentoring, and tutoring.

⁹³ The bill further requires the DJJ to allocate moneys for programs and services within each county based on that county’s proportionate share of the license plate annual use fee collected by the county, which is identical to how s. 320.08058(11), F.S., specifies the money should be allocated.

Neglect of Youth Committed to the Department of Juvenile Justice

Section 985.702, F.S., is created and establishes a new criminal offense relating to willful and malicious neglect of a juvenile offender. The bill makes it a third degree felony⁹⁴ for a DJJ employee to willfully and maliciously neglect a juvenile offender *without* causing great bodily harm, permanent disability, or permanent disfigurement. If the neglect does cause great bodily harm, permanent disability, or permanent disfigurement to the juvenile offender, the employee commits a second degree felony.⁹⁵

An “employee” is defined in the bill as a paid staff member, volunteer, or intern who works in a DJJ program or a program operated by a provider under contract with the DJJ. A “juvenile offender” is defined as “any person of any age who is detained by, or committed to the custody of, the department.” “Neglect” is defined as an employee’s:

- Failure or omission to provide a juvenile offender with the proper level of care, supervision, and services necessary to maintain the juvenile offender’s physical and mental health including, but not limited to, adequate food, nutrition, clothing, shelter, supervision, medicine, and medical services; or
- Failure to make a reasonable effort to protect a juvenile offender from abuse, neglect, or exploitation by another person.

If the Public Employees Relations Commission determines that a DJJ employee violates the newly created s. 985.702, F.S., the determination constitutes sufficient cause under s. 110.227, F.S.,⁹⁶ for dismissal from employment with the DJJ, and prohibits the employee from being employed in any capacity in the juvenile justice system.

The bill requires employees who witness the neglect of a juvenile offender to immediately report the incident to the DJJ’s incident hotline. The witness must also prepare an independent report specifically describing the incident, location and time, and persons involved. The report must be submitted to the witness’s supervisor or program director, who in turn must provide copies of the report to the inspector general and the circuit juvenile justice manager. The inspector general must immediately conduct an appropriate administrative investigation and, if probable cause exists, notify the state attorney in the circuit in which the incident occurred.

Any person required to prepare a report who knowingly or willfully fails to do so or prevents another person from filing a report commits a first degree misdemeanor.⁹⁷ In addition, any person who knowingly or willfully:

- Submits inaccurate, incomplete, or untruthful information on a report commits a first degree misdemeanor.
- Coerces or threatens another person with the intent to alter testimony or a written report commits a third degree felony.

⁹⁴ A third degree felony is punishable by up to five years imprisonment and a fine of up to \$5,000. Sections 775.082, 775.083, and 775.084, F.S.

⁹⁵ A second degree felony is punishable by up to 15 years imprisonment and a fine of up to \$10,000. Sections 775.082 and 775.083, F.S.

⁹⁶ Section 110.227, F.S., relates to the suspension and dismissal of career service employees.

⁹⁷ A first degree misdemeanor is punishable by up to 1 year incarceration and a fine up to \$1,000. Sections 775.082, F.S. and 775.083, F.S.

Trauma-informed Care as a Component of the Department of Juvenile Justice Model

The bill requires the DJJ to implement trauma-informed care in its model of response and delivery of services to juvenile offenders. “Trauma-informed care” is defined to mean providing services to children with a history of trauma, which recognizes the symptoms of trauma and acknowledges the role the trauma has played in the child’s life. Trauma may include, but is not limited to, community and school violence, physical or sexual abuse, neglect, medical difficulties, and domestic violence.

Family Support

The bill recognizes the importance of placing facilities close to the home communities of children they house in facilitating family involvement in the treatment process and encourages the use of customized treatment plans to prepare a child for a successful transition back to his or her family and community support system.

Detention Care System

The definition of “detention care” found in s. 985.03, F.S., is revised to remove “home detention,” thereby limiting the definition to “secure” and “nonsecure” detention. The bill amends the definition of “nonsecure detention” to mean:

Temporary nonsecure custody of the child while the child is released to the custody of the parent, guardian, or custodian in a physically nonrestrictive home environment under the supervision of department staff pending adjudication, disposition, or placement. Forms of nonsecure detention may include, but are not limited, to home detention, electronic monitoring, day reporting centers, evening reporting centers, nonsecure shelters, and may include other requirements imposed by the court.

The bill authorizes the DJJ to develop evening reporting centers (centers), which are included in the definition of “nonsecure detention.” These centers serve as an alternative to placing a child in secure detention and may be co-located with a juvenile assessment center. Centers must serve children and families who are awaiting a child’s court hearing and must operate at a minimum during the afternoon and evening hours to provide a highly structured program of supervision. Centers may also provide academic tutoring, counseling, family engagement programs, and other activities.

The term “juvenile probation officer” is replaced with the term “department” throughout many of the detention-related statutes, which will allow the DJJ greater flexibility to use employees other than probation officers in initial detention placement. The bill specifies a child’s “illegal possession of a firearm” can be considered as a basis for ordering detention or continued detention and requires secure detention for any child who has been taken into custody on three or more separate occasions within a 60-day period.

The bill requires detention staff to notify the appropriate law enforcement agency, school personnel, and victim when a child charged with any of the following offenses is released from secure detention or transferred to nonsecure detention:

- Murder, under s. 782.04, F.S.;
- Sexual battery, under ch. 794, F.S.;
- Stalking, under s. 784.048, F.S.; or
- Domestic violence, as defined in s. 741.28, F.S.

In some respects, the notice requirement expands notice by not limiting notice to juvenile sex offenses. In other respects, this provision limits notice, as notice is only required for sexual battery, not all of the currently-included offenses that qualify a child as a juvenile sex offender.

In instances where a detained child is transferred to a jail or other facility used to detain adults,⁹⁸ the bill requires physical observation and documented checks of the child every 10 minutes. Existing law requires observations every 15 minutes.

The court must place in detention care all children who are adjudicated and awaiting placement in a commitment program. In such instances, the bill requires, rather than permits, a child who has been committed to a high-risk or maximum risk residential facility to be held in secure detention until placement.

Jurisdiction

The bill amends s. 985.0301, F.S., to authorize, rather than require, the court to transfer a detained child to a detention center in the circuit in which the child resides or will reside at the time of detention. The bill restricts transfers to only these two circumstances, which means the receiving court will no longer be able to direct where the detained child may be placed when a case is being transferred.

The bill simplifies statutory jurisdictional criteria. As a result, the court will retain jurisdiction over a child until the child:

- Is 19 years old, generally, or if the child is in a probation program;
- Is 21 years old, if the child is committed to the DJJ in any type of commitment program, specifically for the purpose of allowing the child to complete the commitment program, including conditional release supervision;
- Is 21 years old, if the child is a juvenile sexual offender who has been placed on community-based treatment alternative with supervision, or in a program or facility for juvenile sexual offenders, specifically for the purpose of completing the program; or
- Satisfies restitution ordered in the case.

Contempt of Court

The bill requires the court to hold a hearing to determine if a child committed direct contempt of court and affords the child specified due process rights at this hearing. The bill also clarifies if a

⁹⁸ Section 985.265(5), F.S., sets forth instances in which a child may be detained in a jail or other facility used to detain adults.

judge places a child into a secure facility for contempt, the facility must be a detention facility. In these instances, the court needs to review the placement only upon motion by the defense attorney or state attorney. Under existing law, the court must review the placement every 72 hours.

Fingerprinting and Photographing

The bill excludes a child from fingerprint requirements if the child is issued a civil citation. This provision may better focus resources on more serious juvenile offenders by waiving fingerprinting requirements of children charged with nonserious delinquent acts.

Intake Process

Section 985.14, F.S., is amended to allow both the DJJ and juvenile assessment center personnel to perform the intake process, which may provide for a more efficient intake process in counties that operate their own juvenile assessment centers. The bill also:

- Clarifies that the intake assessment process consists of an initial assessment that may be followed by a full mental health, substance abuse, and/or psychosexual evaluation, which may help decision makers better target successful treatment and reduce recidivism; and
- Requires children to be screened to determine career or technical education problems (rather than just vocational problems), which provides more options for children in pursuing a successful career.

Disposition

Predisposition Reports

The bill requires the predisposition report prepared by the DJJ to assist the court in determining whether a child is committed is to identify appropriate educational and career (rather than vocational) goals for the child, which include:

- Successful completion of career and technical education courses (rather than vocational courses); and
- Successful completion of the child's current grade or recovery of credits or classes the child previously failed.

Probation or Postcommitment Probation (Probation)

A court is authorized by the bill to impose an alternative consequence for juveniles on probation who commit relatively minor violations (technical violations). If so, the judge must approve specific consequences for specific future violations of the conditions of probation. Alternative consequence programs:

- Must be established at the local level in coordination with law enforcement agencies, the Chief Judge of the circuit, the State Attorney, and the Public Defender; and
- May be operated by a law enforcement agency, the DJJ, a juvenile assessment center, or another entity selected by DJJ.

Commitment

The term “juvenile probation officer” is replaced with the term “department” throughout many of the commitment-related statutes, which will allow the DJJ to use employees other than probation officers to perform commitment-related duties.

The “restrictiveness levels” in s. 985.03(46), F.S., of low-risk residential (level 4) and moderate-risk residential (level 6) are combined into a single “nonsecure residential” group. This will allow the DJJ to place a child whose risk is currently low into a program that caters to children with slightly higher risk levels to ensure the child access to other needs and services.

The current cap on residential beds per facility is reduced to 90 beds from 165 beds. This reduction in the number of residential beds authorized per facility may increase efficiency of facilities in meeting the goals of commitment and reducing recidivism.

Certain youth⁹⁹ will be allowed to be committed to nonsecure residential placement under this bill if the child has:

- Previously been adjudicated or *had an adjudication withheld* for a felony offense; or
- *Previously* been adjudicated or had adjudication withheld for three or more misdemeanor offenses *within the last 18 months*.

The amendments to s. 985.275, F.S., requires the DJJ to notify a law enforcement agency and, if the offense requires victim notification under ch. 960, F.S., the victim, any time a child in the custody of the DJJ:

- Escapes from a residential commitment program or from being transported to or from one; or
- Absconds from a nonresidential commitment facility.

The DJJ also will be required by the bill to make every reasonable effort to locate the child.

Conditional Release and Transition-to-Adulthood Services

The bill amends s. 985.46, F.S., to clarify conditional release includes the provision of transition-to-adulthood services. The bill also requires a child of noncompulsory school age on conditional release supervision to participate in the education program or career and technical education courses.

The application of transition-to-adulthood services is expanded by the bill by removing the limitation that these services only be provided to “older children.” As a result, any child who is under the supervision of the DJJ may be provided transition-to-adulthood services as part of his or her treatment plan.

The activities the DJJ is authorized to engage in to support participation in transition-to-adulthood services are expanded. Specifically, the DJJ may:

- Employ community re-entry teams to assist in developing a list of age appropriate activities and responsibilities to be incorporated in the child’s case plan. Community re-entry teams

⁹⁹ This includes youth whose offense is a misdemeanor as well as youth who are on probation for a misdemeanor and who commit a technical violation. Section 985.441(2), F.S.

include representatives from school districts, law enforcement, workforce development services, community based service providers, and the child's family.

- Assist the child in building a portfolio of educational and vocational accomplishments, necessary identification, and resumes and cover letters to enhance the child's employability; and
- Collaborate with school district contacts to facilitate appropriate educational services based on the child's identified needs.

Internal Agency Procedures

Quality Assurance and Cost-Effectiveness

The bill amends s. 985.632, F.S. to:

- Require the annual report to collect and analyze available statistical data for the purpose of ongoing evaluation of all programs;
- Delete the terms "client" and "program effectiveness" and adds the following definitions:
 - "Program," which means any facility or service for youth that is operated by the DJJ or by a provider under contract with the DJJ; and
 - "Program group," which means a collection of programs with sufficient similarity of functions, services, and youth to permit appropriate comparison among programs within the group;
- Codify the Comprehensive Accountability Report (CAR),¹⁰⁰ and requires the DJJ to work with the Office of Economic and Demographic Research to develop a standard methodology for measuring and reporting program outputs and youth outcomes;
- Require the standard methodology used in the CAR to include certain terminology for measuring performance, to specify program outputs, and to specify desired child outcomes and methods to measure child outcomes; and
- Require the cost-effectiveness model to include a comparison of program costs to expected and actual child recidivism rates, rather than client outcomes and program outputs; and requires the DJJ to rank commitment programs based on performance measures and adherence to quality improvement standards.

Departmental Contracting Powers; Personnel Standards and Screening

The bill provides that law enforcement, correctional, or correctional probation officers certified pursuant to s. 943.13, F.S., are not required to submit to level 2 screenings if they are currently employed by a law enforcement agency or correctional facility.

Juvenile Justice Training Academies

Section 985.66, F.S., is amended to:

- Remove references to "academies" when referring to juvenile justice training programs;
- Require the DJJ to designate the *number* of (not just the location of) training programs and courses; and

¹⁰⁰ The CAR, in its current form, has been published by the DJJ since 2006. It includes all of the information required to be reported under s. 985.632, F.S., as well as additional information. See *Comprehensive Accountability Reports*, <http://www.djj.state.fl.us/research/reports/car> (last visited on February 12, 2014).

- Authorize all employees of contract providers who provide services or care for youth under the responsibility of the DJJ to participate in the certifiable training program.

Juvenile Justice Circuit Advisory Boards

The bill removes obsolete language and specifies the chair of a board serves at the pleasure of the DJJ's Secretary.

Direct-Support Organizations

Current law does not address whether the DJJ may authorize direct support organizations to use personnel services of the juvenile justice system. The bill authorizes the DJJ to permit a direct support organization to use its personnel services. Personnel services include full-time or part-time personnel, as well as payroll processing services.

One-Time Startup Funding for Juvenile Justice Purposes

The bill changes references to "startup" funding and costs in s. 985.69, F.S., to refer to "repair and maintenance" funding and costs. This allows these funds to be used for the continuing repair and maintenance of the DJJ facilities.

Payment for Medical Expenses for Detained Youth (Section 33)

The bill codifies a provision contained in the 2013-2014 Implementing Bill for the General Appropriations Act.¹⁰¹ This provision requires, if there is no contract between the DJJ and the hospital or provider providing health care services (services) at a hospital, payments to a provider may not exceed 110 percent of the Medicare allowable rate for any services provided. The DJJ may continue to make payments for services to a provider at the current contracted rates through the current term of an executed contract.¹⁰² However, once that contract expires, payments may not exceed 110 percent of the Medicare allowable rate.

If a contract is executed on or after July 1, 2014, payments to providers for services may not exceed 110 percent of the Medicare allowable rate, unless the services are performed at a hospital that reports a negative operating margin for the previous fiscal year to the AHCA through hospital-audited financial data. In that instance, the DJJ may pay up to 125 percent of the Medicare allowable rate.

Repeal of Provisions

The bill removes obsolete provisions, including definitions in ch. 985, F.S., relating to dependency proceedings. Dependency proceedings are within the jurisdiction of the DCF and are addressed in ch. 39, F.S.

¹⁰¹ Similar provisions have been included annually in the Implementing Bill since the 2010-2011 fiscal year. See, Ch. 2010-153, s. 11, Laws of Fla., Ch. 2011-47, s. 19, Laws of Fla., Ch. 2012-119, s. 16, Laws of Fla.; and Ch. 2013-41, s. 41, Laws of Fla.

¹⁰² The bill allows for contracts to be renewed during the 2013-2014 fiscal year.

The bill repeals s. 945.75, F.S., relating to state correctional facility tours by juvenile offenders which violate federal law. This repeal will prevent the federal funding allocated to state juvenile justice programs from being compromised.

Effective Date

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Families currently financially unable to access various services may have increased access to services, such as tutoring and counseling, as a result of the establishment of evening reporting centers.

Children currently subject to placement in secure detention for technical violations of probation may not be required to go into secure detention because CS/SB 700 creates an alternative consequence option to handle noncompliance with the technical conditions of probation. This could assist these children with maintaining employment they currently have.

C. Government Sector Impact:

Department of Juvenile Justice

The bill caps the maximum bed number for all residential facilities at 90 beds, instead of the maximum bed number of 165 in current law. The DJJ currently has two residential facilities over the 90 bed limit, Riverside Academy which has 165 beds and Avon Park

Youth Academy which has 144 beds.¹⁰³ The DJJ reports the procurement process is already underway to place the excess beds at other facilities.¹⁰⁴

The bill amends s. 985.25, F.S., to require any child taken into custody on three or more separate occasions within a 60-day period to be placed in secure detention care until the detention hearing. The DJJ reports that 1,500 youth met this criteria in the last fiscal year, at a cost (clothing and food) per youth of \$5.16 per day. This change is estimated to cost an additional \$7,740 a year and could vary depending on how many nights each youth stays at a detention center. The DJJ indicates they can absorb this increased cost within existing resources.¹⁰⁵

The bill allows the DJJ to pay expenses in support of innovative programs and activities that address identified needs and the well-being of children in the DJJ's care or under its supervision. These are new expenses that the department is currently not paying. The DJJ indicates that these new expenses can be paid from existing resources.¹⁰⁶

The bill allows the DJJ to permit direct support organizations to use the DJJ personnel services, which may have a fiscal impact on the DJJ. However, the DJJ indicates any new expenses will be absorbed within existing resources.¹⁰⁷

The bill adds new detention criteria which may result in some children being held in secure detention who would not otherwise have been detained, or being detained for longer periods of time. This will have an indeterminate impact on local government expenditures.

The DJJ may realize a positive fiscal impact from reduced recidivism rates as a result of the technical violation diversion program and increased supervision.

Office of State Courts Administrator (OSCA)

The OSCA indicates the following provisions of the bill will affect court operations:

- Requiring the courts to hold a hearing and ensure due process for juvenile offenders in direct contempt;
- Requiring the courts to provide a release date for offenders currently in detention; and
- Authorizing the courts to place children in alternative consequence programs for technical violations of probation.

Although the OSCA cannot accurately determine fiscal impact due to the unavailability of data needed to quantify the increase in judicial workload, the OSCA indicates they expect to be able to absorb additional workload with existing resources.¹⁰⁸

¹⁰³ Electronic mail from Jon Menendez, dated February 10, 2014 (on file with the Senate Judiciary Committee).

¹⁰⁴ *Id.*

¹⁰⁵ The DJJ, *2014 DJJ Bill Analysis for SB 700*.

¹⁰⁶ Electronic mail from Jon Menendez, dated February 12, 2014 (on file with the Senate Judiciary Committee).

¹⁰⁷ *Id.*

¹⁰⁸ Office of the State Courts Administrator, *2014 Judicial Impact Statement for SB 700* (February 25, 2014) (on file with the Senate Judiciary Committee).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 985.01, 985.02, 985.03, 985.0301, 985.037, 985.045, 985.11, 985.14, 985.145, 985.24, 985.245, 985.25, 985.255, 985.26, 985.265, 985.27, 985.275, 985.433, 985.435, 985.439, 985.441, 985.46, 985.461, 985.481, 985.4815, 985.601, 985.632, 985.644, 985.66, 985.664, 985.672, 985.682, 985.69, 985.701, 985.721, 943.0582, and 121.0515.

This bill creates the following sections of the Florida Statutes: 985.17, 985.6441, and 985.702.

This bill repeals the following sections of the Florida Statutes: 985.105, 985.605, 985.606, 985.61, 985.694, and 945.75.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on March 4, 2014:

The committee substitute:

- Makes three technical corrections which do not change the substance of the bill.
- Provides legislative intent that the purpose of the juvenile justice system is to increase public safety and to place low and moderate-risk children in nonresidential programs.

- B. Amendments:

None.



478698

LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

985.01 Purposes and intent.—

(1) The purposes of this chapter are:

(a) To increase public safety by reducing juvenile
delinquency through effective prevention, intervention, and



478698

11 treatment services that strengthen and reform the lives of
12 children.

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

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

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

35 (e)~~(d)~~ To preserve and strengthen the child's family ties
36 whenever possible, by providing for removal of the child from
37 the physical custody of a parent ~~parental custody~~ only when his
38 or her welfare or the safety and protection of the public cannot
39 be adequately safeguarded without such removal; and, when the



478698

40 child is removed from his or her own family, to secure custody,
41 care, and discipline for the child as nearly as possible
42 equivalent to that which should have been given by the parents,
43 ~~and to assure, in all cases in which a child must be permanently~~
44 ~~removed from parental custody, that the child be placed in an~~
45 ~~approved family home, adoptive home, independent living program,~~
46 ~~or other placement that provides the most stable and permanent~~
47 ~~living arrangement for the child, as determined by the court.~~

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

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

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

66 (h) To care for children in the least restrictive and most
67 appropriate service environments, ensuring that children
68 assessed as low and moderate risk to reoffend are not committed



478698

69 to residential programs.

70 (i) To allocate resources for the most effective programs,
71 services, and treatments to ensure that children, their
72 families, and their community support systems are connected with
73 these programs at the points along the juvenile justice
74 continuum where they will have the most impact.

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

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

83 985.02 Legislative intent for the juvenile justice system.—

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

87 (g) Access to prevention programs and preventive services.

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

91 (2) SUBSTANCE ABUSE SERVICES.—The Legislature finds that
92 children in the care of the state's ~~dependency and delinquency~~
93 system systems need appropriate health care services, that the
94 impact of substance abuse on health indicates the need for
95 health care services to include substance abuse services where
96 appropriate, and that it is in the state's best interest that
97 such children be provided the services they need to enable them



478698

98 to become and remain independent of state care. In order to
99 provide these services, the state's ~~dependency and delinquency~~
100 system systems must have the ability to identify and provide
101 appropriate intervention and treatment for children with
102 personal or family-related substance abuse problems. It is
103 therefore the purpose of the Legislature to provide authority
104 for the state to contract with community substance abuse
105 treatment providers for the development and operation of
106 specialized support and overlay services for the ~~dependency and~~
107 delinquency system systems, which will be fully implemented and
108 utilized as resources permit.

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

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

117 (b) Develop and implement effective programs to prevent
118 delinquency, to divert children from the traditional juvenile
119 justice system, to intervene at an early stage of delinquency,
120 and to provide critically needed alternatives to
121 institutionalization and deep-end commitment.

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

124 (d) Increase the capacity of local governments and public
125 and private agencies to conduct rehabilitative treatment
126 programs and to provide research, evaluation, and training



478698

127 services in the field of juvenile delinquency prevention.

128

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

134 (4) DETENTION.—

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

148 (5) SITING OF FACILITIES.—

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

154 (b) It is the purpose of the Legislature to guarantee that
155 such facilities are sited and developed within reasonable



478698

156 timeframes after they are legislatively authorized and
157 appropriated.

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

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

175
176 The supervision, counseling, and rehabilitative treatment, ~~and~~
177 ~~punitive~~ efforts of the juvenile justice system should avoid the
178 inappropriate use of correctional programs and large
179 institutions. ~~The Legislature finds that detention services~~
180 ~~should exceed the primary goal of providing safe and secure~~
181 ~~custody pending adjudication and disposition.~~

182 (7) GENDER-SPECIFIC PROGRAMMING.—

183 (a) The Legislature finds that the ~~prevention, treatment,~~
184 ~~and rehabilitation~~ needs of children ~~youth~~ served by the



478698

185 juvenile justice system are gender-specific. A gender-specific
186 approach is one in which programs, services, and treatments
187 comprehensively address the unique developmental needs of a
188 targeted gender group under the care of the department. Young
189 women and men have different pathways to delinquency, display
190 different patterns of offending, and respond differently to
191 interventions, treatment, and services.

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

208 (8) TRAUMA-INFORMED CARE.—The Legislature finds that the
209 department should use trauma-informed care as an approach to
210 treating children with histories of trauma. Trauma-informed care
211 assists service providers in recognizing the symptoms of trauma
212 and acknowledges the role trauma has played in the child's life.
213 Services for children should be based on an understanding of the



478698

214 vulnerabilities and triggers of trauma survivors that
215 traditional service delivery approaches may exacerbate, so that
216 these services and programs can be more supportive and avoid
217 retraumatization. The department should use trauma-specific
218 interventions that are designed to address the consequences of
219 trauma in the child and to facilitate healing.

220 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
221 that families and community support systems are critical to the
222 success of children and to ensure they are nondelinquent.
223 Therefore, when appropriate, children who can safely be held
224 accountable when served and treated in their homes and
225 communities should be diverted from more restrictive placements
226 within the juvenile justice system. There should be an emphasis
227 on strengthening the family and immersing the family members in
228 their community support system. The department should develop
229 customized plans that acknowledge the importance of family and
230 community support systems. The customized plans should recognize
231 a child's individual needs, capitalize on their strengths,
232 reduce their risks, and prepare them for a successful transition
233 to, and unification with, their family and community support
234 system. The child's family must be considered in the
235 department's process of assessing the needs, services and
236 treatment, and community connections of the children who are
237 involved in the juvenile justice system or in danger of becoming
238 involved in the system.

239 Section 3. Section 985.03, Florida Statutes, is reordered
240 and amended to read:

241 985.03 Definitions.—As used in this chapter, the term:

242 (1) "Abscond" means to hide, conceal, or absent oneself



478698

243 from the jurisdiction of the court or supervision of the
244 department to avoid prosecution or supervision.

245 (2)~~(1)~~ "Addictions receiving facility" means a substance
246 abuse service provider as defined in chapter 397.

247 (3)~~(2)~~ "Adjudicatory hearing" means a hearing for the court
248 to determine whether or not the facts support the allegations
249 stated in the petition, as is provided for under s. 985.35 in
250 delinquency cases.

251 (4)~~(3)~~ "Adult" means any natural person other than a child.

252 (5)~~(4)~~ "Arbitration" means a process whereby a neutral
253 third person or panel, called an arbitrator or an arbitration
254 panel, considers the facts and arguments presented by the
255 parties and renders a decision which may be binding or
256 nonbinding.

257 (6)~~(5)~~ "Authorized agent" or "designee" of the department
258 means a person or agency assigned or designated by the
259 department ~~or the Department of Children and Family Services, as~~
260 ~~appropriate,~~ to perform duties or exercise powers under this
261 chapter and includes contract providers and their employees ~~for~~
262 ~~purposes of providing services to and managing cases of children~~
263 ~~in need of services and families in need of services.~~

264 (7)~~(6)~~ "Child" or "juvenile" or "youth" means any ~~unmarried~~
265 person under the age of 18 ~~who has not been emancipated by order~~
266 ~~of the court and who has been found or alleged to be dependent,~~
267 ~~in need of services, or from a family in need of services,~~ or
268 any ~~married or unmarried~~ person who is alleged to have committed
269 ~~charged with~~ a violation of law occurring prior to the time that
270 person reached the age of 18 years.

271 (8)~~(7)~~ "Child in need of services" has the same meaning as



478698

272 ~~provided in s. 984.03 means a child for whom there is no pending~~
273 ~~investigation into an allegation or suspicion of abuse, neglect,~~
274 ~~or abandonment; no pending referral alleging the child is~~
275 ~~delinquent; or no current supervision by the department or the~~
276 ~~Department of Children and Family Services for an adjudication~~
277 ~~of dependency or delinquency. The child must also, under this~~
278 ~~chapter, be found by the court:~~

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

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

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



478698

301 ~~(9)-(8)~~ "Child who has been found to have committed a
302 delinquent act" means a child who, under this chapter, is found
303 by a court to have committed a violation of law or to be in
304 direct or indirect contempt of court, except that this
305 definition does not include an act constituting contempt of
306 court arising out of a dependency proceeding or a proceeding
307 concerning a child or family in need of services.

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

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

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

323 (12) "Conditional release" means the care, treatment, help,
324 ~~and~~ supervision, and provision of transition-to-adulthood
325 services provided to a juvenile released from a residential
326 commitment program which is intended to promote rehabilitation
327 and prevent recidivism. The purpose of conditional release is to
328 protect the public, reduce recidivism, increase responsible
329 productive behavior, and provide for a successful transition of



330 the youth from the department to his or her ~~the~~ family.
331 Conditional release includes, but is not limited to,
332 nonresidential community-based programs.

333 (13) "Court," ~~unless otherwise expressly stated,~~ means the
334 circuit court assigned to exercise jurisdiction under this
335 chapter, unless otherwise expressly stated.

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

350 (15) (a) "Delinquency program" means any intake, probation,
351 or similar program; regional detention center or facility; or
352 community-based program, whether owned and operated by or
353 contracted by the department, or institution owned and operated
354 by or contracted by the department, which provides intake,
355 supervision, or custody and care of children who are alleged to
356 be or who have been found to be delinquent under this chapter.

357 (b) "Delinquency program staff" means supervisory and
358 direct care staff of a delinquency program as well as support



478698

359 staff who have direct contact with children in a delinquency
360 program.

361 ~~(c) "Delinquency prevention programs" means programs~~
362 ~~designed for the purpose of reducing the occurrence of~~
363 ~~delinquency, including criminal gang activity, and juvenile~~
364 ~~arrests. The term excludes arbitration, diversionary or~~
365 ~~mediation programs, and community service work or other~~
366 ~~treatment available subsequent to a child committing a~~
367 ~~delinquent act.~~

368 (16) "Department" means the Department of Juvenile Justice.

369 (17) "Designated facility" or "designated treatment
370 facility" means any facility designated by the department to
371 provide treatment to juvenile offenders.

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

376 (a) "Secure detention" means temporary custody of the child
377 while the child is under the physical restriction of a secure
378 detention center or facility pending adjudication, disposition,
379 or placement.

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

385 (b)(c) "Nonsecure detention" "Home detention" means
386 temporary, nonsecure custody of the child while the child is
387 released to the custody of the parent, guardian, or custodian in



478698

388 a physically nonrestrictive environment under the supervision of
389 the department staff pending adjudication, disposition, or
390 placement. Forms of nonsecure detention include, but are not
391 limited to, home detention, electronic monitoring, day reporting
392 centers, evening reporting centers, and nonsecure shelters.
393 Nonsecure detention may include other requirements imposed by
394 the court.

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

402 (20) "Detention hearing" means a hearing for the court to
403 determine if a child should be placed in temporary custody, as
404 provided for under part V in delinquency cases.

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

409 (22) "Family" means a collective of persons, consisting of
410 a child and a parent, guardian, adult custodian, or adult
411 relative, in which:

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

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

416 (23) "Family in need of services" has the same meaning as



478698

417 ~~provided in s. 984.03 means a family that has a child for whom~~
418 ~~there is no pending investigation into an allegation of abuse,~~
419 ~~neglect, or abandonment or no current supervision by the~~
420 ~~department or the Department of Children and Family Services for~~
421 ~~an adjudication of dependency or delinquency. The child must~~
422 ~~also have been referred to a law enforcement agency or the~~
423 ~~department for:~~

424 ~~(a) Running away from parents or legal custodians;~~

425 ~~(b) Persistently disobeying reasonable and lawful demands~~
426 ~~of parents or legal custodians, and being beyond their control;~~
427 ~~or~~

428 ~~(c) Habitual truancy from school.~~

429 ~~(24) "Foster care" means care provided a child in a foster~~
430 ~~family or boarding home, group home, agency boarding home, child~~
431 ~~care institution, or any combination thereof.~~

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

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

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

442
443 ~~If a child who is subject to compulsory school attendance is~~
444 ~~responsive to the interventions described in ss. 1003.26 and~~
445 ~~1003.27 and has completed the necessary requirements to pass the~~



478698

446 ~~current grade as indicated in the district pupil progression~~
447 ~~plan, the child shall not be determined to be habitually truant~~
448 ~~and shall be passed. If a child within the compulsory school~~
449 ~~attendance age has 15 unexcused absences within 90 calendar days~~
450 ~~or fails to enroll in school, the state attorney may file a~~
451 ~~child-in-need-of-services petition. Before filing a petition,~~
452 ~~the child must be referred to the appropriate agency for~~
453 ~~evaluation. After consulting with the evaluating agency, the~~
454 ~~state attorney may elect to file a child-in-need-of-services~~
455 ~~petition.~~

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

468 ~~(d) The failure or refusal of the parent or legal guardian~~
469 ~~or the child to participate, or make a good faith effort to~~
470 ~~participate, in the activities prescribed to remedy the truant~~
471 ~~behavior, or the failure or refusal of the child to return to~~
472 ~~school after participation in activities required by this~~
473 ~~subsection, or the failure of the child to stop the truant~~
474 ~~behavior after the school administration and the department have~~



478698

475 ~~worked with the child as described in s. 1003.27(3) shall be~~
476 ~~handled as prescribed in s. 1003.27.~~

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

481 ~~(24)-(27)~~ "Intake" means the initial acceptance and
482 screening by the department or juvenile assessment center
483 personnel of a complaint or a law enforcement report or probable
484 cause affidavit of delinquency, ~~family in need of services, or~~
485 ~~child in need of services~~ to determine the recommendation to be
486 taken in the best interests of the child, the family, and the
487 community. The emphasis of intake is on diversion and the least
488 restrictive available services. Consequently, intake includes
489 such alternatives as:

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

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

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

497 ~~(25)-(28)~~ "Judge" means the circuit judge exercising
498 jurisdiction pursuant to this chapter.

499 ~~(26)-(29)~~ "Juvenile justice continuum" includes, but is not
500 limited to, ~~delinquency~~ prevention programs and services
501 designed for the purpose of preventing or reducing delinquent
502 acts, including criminal activity by criminal gangs, and
503 juvenile arrests, as well as programs and services targeted at



478698

504 children who have committed delinquent acts, and children who
505 have previously been committed to residential treatment programs
506 for delinquents. The term includes children-in-need-of-services
507 and families-in-need-of-services programs under chapter 984;
508 conditional release; substance abuse and mental health programs;
509 educational and career programs; recreational programs;
510 community services programs; community service work programs;
511 mother-infant programs; and alternative dispute resolution
512 programs serving children at risk of delinquency and their
513 families, whether offered or delivered by state or local
514 governmental entities, public or private for-profit or not-for-
515 profit organizations, or religious or charitable organizations.

516 (27)~~(30)~~ "Juvenile probation officer" means the authorized
517 agent of the department who performs the intake, case
518 management, or supervision functions.

519 (28)~~(31)~~ "Legal custody or guardian" means a legal status
520 created by court order or letter of guardianship which vests in
521 a custodian of the person or guardian, whether an agency or an
522 individual, the right to have physical custody of the child and
523 the right and duty to protect, train, and discipline the child
524 and to provide him or her with food, shelter, education, and
525 ordinary medical, dental, psychiatric, and psychological care.

526 (29)~~(32)~~ "Licensed child-caring agency" means a person,
527 society, association, or agency licensed by the Department of
528 Children and Families ~~Family Services~~ to care for, receive, and
529 board children.

530 (30)~~(33)~~ "Licensed health care professional" means a
531 physician licensed under chapter 458, an osteopathic physician
532 licensed under chapter 459, a nurse licensed under part I of



478698

533 chapter 464, a physician assistant licensed under chapter 458 or
534 chapter 459, or a dentist licensed under chapter 466.

535 ~~(31)(34)~~ "Likely to injure oneself" means that, as
536 evidenced by violent or other actively self-destructive
537 behavior, it is more likely than not that within a 24-hour
538 period the child will attempt to commit suicide or inflict
539 serious bodily harm on himself or herself.

540 ~~(32)(35)~~ "Likely to injure others" means that it is more
541 likely than not that within a 24-hour period the child will
542 inflict serious and unjustified bodily harm on another person.

543 ~~(33)(36)~~ "Mediation" means a process whereby a neutral
544 third person called a mediator acts to encourage and facilitate
545 the resolution of a dispute between two or more parties. It is
546 an informal and nonadversarial process with the objective of
547 helping the disputing parties reach a mutually acceptable and
548 voluntary agreement. In mediation, decisionmaking authority
549 rests with the parties. The role of the mediator includes, but
550 is not limited to, assisting the parties in identifying issues,
551 fostering joint problem solving, and exploring settlement
552 alternatives.

553 ~~(34)(37)~~ "Mother-infant program" means a residential
554 program designed to serve the needs of juvenile mothers or
555 expectant juvenile mothers who are committed as delinquents,
556 which is operated or contracted by the department. A mother-
557 infant program facility must be licensed as a child care
558 facility under s. 402.308 and must provide the services and
559 support necessary to enable each juvenile mother committed to
560 the facility to provide for the needs of her infants who, upon
561 agreement of the mother, may accompany her in the program.



562 ~~(35)-(38)~~ "Necessary medical treatment" means care which is
563 necessary within a reasonable degree of medical certainty to
564 prevent the deterioration of a child's condition or to alleviate
565 immediate pain of a child.

566 ~~(36)-(39)~~ "Next of kin" means an adult relative of a child
567 who is the child's brother, sister, grandparent, aunt, uncle, or
568 first cousin.

569 ~~(37)-(40)~~ "Ordinary medical care" means medical procedures
570 that are administered or performed on a routine basis and
571 include, but are not limited to, inoculations, physical
572 examinations, remedial treatment for minor illnesses and
573 injuries, preventive services, medication management, chronic
574 disease detection and treatment, and other medical procedures
575 that are administered or performed on a routine basis and do not
576 involve hospitalization, surgery, the use of general anesthesia,
577 or the provision of psychotropic medications.

578 ~~(38)-(41)~~ "Parent" means a woman who gives birth to a child
579 and a man whose consent to the adoption of the child would be
580 required under s. 63.062(1). If a child has been legally
581 adopted, the term "parent" means the adoptive mother or father
582 of the child. The term does not include an individual whose
583 parental relationship to the child has been legally terminated,
584 or an alleged or prospective parent, unless the parental status
585 falls within the terms of either s. 39.503(1) or s. 63.062(1).

586 ~~(39)-(42)~~ "Preliminary screening" means the gathering of
587 preliminary information to be used in determining a child's need
588 for further evaluation or assessment or for referral for other
589 substance abuse services through means such as psychosocial
590 interviews; urine and breathalyzer screenings; and reviews of



478698

591 available educational, delinquency, and dependency records of
592 the child.

593 ~~(43) "Preventive services" means social services and other~~
594 ~~supportive and rehabilitative services provided to the parent of~~
595 ~~the child, the legal guardian of the child, or the custodian of~~
596 ~~the child and to the child for the purpose of averting the~~
597 ~~removal of the child from the home or disruption of a family~~
598 ~~which will or could result in the placement of a child in foster~~
599 ~~care. Social services and other supportive and rehabilitative~~
600 ~~services shall promote the child's need for a safe, continuous,~~
601 ~~stable living environment and shall promote family autonomy and~~
602 ~~shall strengthen family life as the first priority whenever~~
603 ~~possible.~~

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

607 (41)-(44) "Probation" means the legal status of probation
608 created by law and court order in cases involving a child who
609 has been found to have committed a delinquent act. Probation is
610 an individualized program in which the freedom of the child is
611 limited and the child is restricted to noninstitutional quarters
612 or restricted to the child's home in lieu of commitment to the
613 custody of the department. Youth on probation may be assessed
614 and classified for placement in day-treatment probation programs
615 designed for youth who represent a minimum risk to themselves
616 and public safety and do not require placement and services in a
617 residential setting.

618 (42)-(45) "Relative" means a grandparent, great-grandparent,
619 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,



478698

620 niece, or nephew, whether related by the whole or half blood, by
621 affinity, or by adoption. The term does not include a
622 stepparent.

623 ~~(44)~~(46) "Restrictiveness level" means the level of
624 programming and security provided by programs that service the
625 supervision, custody, care, and treatment needs of committed
626 children. Sections 985.601(10) and 985.721 apply to children
627 placed in programs at any residential commitment level. The
628 restrictiveness levels of commitment are as follows:

629 (a) *Minimum-risk nonresidential.*—Programs or program models
630 at this commitment level work with youth who remain in the
631 community and participate at least 5 days per week in a day
632 treatment program. Youth assessed and classified for programs at
633 this commitment level represent a minimum risk to themselves and
634 public safety and do not require placement and services in
635 residential settings. Youth in this level have full access to,
636 and reside in, the community. Youth who have been found to have
637 committed delinquent acts that involve firearms, that are sexual
638 offenses, or that would be life felonies or first degree
639 felonies if committed by an adult may not be committed to a
640 program at this level.

641 ~~(b) *Low risk residential.* Programs or program models at~~
642 ~~this commitment level are residential but may allow youth to~~
643 ~~have unsupervised access to the community. Residential~~
644 ~~facilities shall have no more than 165 beds each, including~~
645 ~~campus-style programs, unless those campus-style programs~~
646 ~~include more than one level of restrictiveness, provide~~
647 ~~multilevel education and treatment programs using different~~
648 ~~treatment protocols, and have facilities that coexist separately~~



478698

649 ~~in distinct locations on the same property. Youth assessed and~~
650 ~~classified for placement in programs at this commitment level~~
651 ~~represent a low risk to themselves and public safety but do~~
652 ~~require placement and services in residential settings. Children~~
653 ~~who have been found to have committed delinquent acts that~~
654 ~~involve firearms, delinquent acts that are sexual offenses, or~~
655 ~~delinquent acts that would be life felonies or first degree~~
656 ~~felonies if committed by an adult shall not be committed to a~~
657 ~~program at this level.~~

658 **(b)(e) Nonsecure Moderate-risk residential.**—Programs or
659 program models at this commitment level are residential but may
660 allow youth to have supervised access to the community.
661 Facilities at this commitment level are either environmentally
662 secure, staff secure, or are hardware-secure with walls,
663 fencing, or locking doors. Residential facilities at this
664 commitment level shall have no more than 90 ~~165~~ beds each,
665 including campus-style programs, unless those campus-style
666 programs include more than one ~~level of restrictiveness, provide~~
667 ~~multilevel education and treatment program programs~~ using
668 different treatment protocols, and have facilities that coexist
669 separately in distinct locations on the same property.
670 Facilities at this commitment level shall provide 24-hour awake
671 supervision, custody, care, and treatment of residents. Youth
672 assessed and classified for placement in programs at this
673 commitment level represent a low or moderate risk to public
674 safety and require close supervision. The staff at a facility at
675 this commitment level may seclude a child who is a physical
676 threat to himself or herself or others. Mechanical restraint may
677 also be used when necessary.



478698

678 (c) ~~(d)~~ *High-risk residential.*—Programs or program models at
679 this commitment level are residential and do not allow youth to
680 have access to the community, except that temporary release
681 providing community access for up to 72 continuous hours may be
682 approved by a court for a youth who has made successful progress
683 in his or her program in order for the youth to attend a family
684 emergency or, during the final 60 days of his or her placement,
685 to visit his or her home, enroll in school or a career and
686 technical education ~~vocational~~ program, complete a job
687 interview, or participate in a community service project. High-
688 risk residential facilities are hardware-secure with perimeter
689 fencing and locking doors. Residential facilities at this
690 commitment level shall have no more than 90 ~~165~~ beds each,
691 including campus-style programs, unless those campus-style
692 programs include more than one ~~level of restrictiveness, provide~~
693 ~~multilevel education and treatment~~ program ~~programs~~ using
694 different treatment protocols, and have facilities that coexist
695 separately in distinct locations on the same property.
696 Facilities at this commitment level shall provide 24-hour awake
697 supervision, custody, care, and treatment of residents. Youth
698 assessed and classified for this level of placement require
699 close supervision in a structured residential setting. Placement
700 in programs at this level is prompted by a concern for public
701 safety that outweighs placement in programs at lower commitment
702 levels. The staff at a facility at this commitment level may
703 seclude a child who is a physical threat to himself or herself
704 or others. Mechanical restraint may also be used when necessary.
705 The facility may provide for single cell occupancy, except that
706 youth may be housed together during prerelease transition.



478698

707 ~~(d)-(e)~~ *Maximum-risk residential.*—Programs or program models
708 at this commitment level include juvenile correctional
709 facilities and juvenile prisons. The programs at this commitment
710 level are long-term residential and do not allow youth to have
711 access to the community. Facilities at this commitment level are
712 maximum-custody, hardware-secure with perimeter security fencing
713 and locking doors. Residential facilities at this commitment
714 level shall have no more than 90 ~~165~~ beds each, including
715 campus-style programs, unless those campus-style programs
716 include more than one ~~level of restrictiveness, provide~~
717 ~~multilevel education and treatment program programs~~ using
718 different treatment protocols, and have facilities that coexist
719 separately in distinct locations on the same property.
720 Facilities at this commitment level shall provide 24-hour awake
721 supervision, custody, care, and treatment of residents. The
722 staff at a facility at this commitment level may seclude a child
723 who is a physical threat to himself or herself or others.
724 Mechanical restraint may also be used when necessary. Facilities
725 at this commitment level ~~The facility~~ shall provide for single
726 cell occupancy, except that youth may be housed together during
727 prerelease transition. Youth assessed and classified for this
728 level of placement require close supervision in a maximum
729 security residential setting. Placement in a program at this
730 level is prompted by a demonstrated need to protect the public.
731 ~~(43)-(47)~~ “Respite” means a placement that is available for
732 the care, custody, and placement of a youth charged with
733 domestic violence as an alternative to secure detention or for
734 placement of a youth when a shelter bed for a child in need of
735 services or a family in need of services is unavailable.



478698

736 ~~(45)-(48)~~ "Secure detention center or facility" means a
737 physically restricting facility for the temporary care of
738 children, pending adjudication, disposition, or placement.

739 ~~(46)-(49)~~ "Shelter" means a place for the temporary care of
740 a child who is alleged to be or who has been found to be
741 delinquent.

742 ~~(50)~~ "Shelter hearing" means a hearing provided for under
743 s. ~~984.14 in family-in-need-of-services cases or child-in-need-~~
744 ~~of-services cases.~~

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

753 ~~(47)-(52)~~ "Substance abuse" means using, without medical
754 reason, any psychoactive or mood-altering drug, including
755 alcohol, in such a manner as to induce impairment resulting in
756 dysfunctional social behavior.

757 ~~(48)-(53)~~ "Taken into custody" means the status of a child
758 immediately when temporary physical control over the child is
759 attained by a person authorized by law, pending the child's
760 release, detention, placement, or other disposition as
761 authorized by law.

762 ~~(49)-(54)~~ "Temporary legal custody" means the relationship
763 that a juvenile court creates between a child and an adult
764 relative of the child, adult nonrelative approved by the court,



478698

765 or other person until a more permanent arrangement is ordered.
766 Temporary legal custody confers upon the custodian the right to
767 have temporary physical custody of the child and the right and
768 duty to protect, train, and discipline the child and to provide
769 the child with food, shelter, and education, and ordinary
770 medical, dental, psychiatric, and psychological care, unless
771 these rights and duties are otherwise enlarged or limited by the
772 court order establishing the temporary legal custody
773 relationship.

774 (50)~~(55)~~ "Temporary release" means the terms and conditions
775 under which a child is temporarily released from a residential
776 commitment facility or allowed home visits. If the temporary
777 release is from a nonsecure ~~moderate-risk~~ residential facility,
778 a high-risk residential facility, or a maximum-risk residential
779 facility, the terms and conditions of the temporary release must
780 be approved by the child, the court, and the facility. ~~The term~~
781 ~~includes periods during which the child is supervised pursuant~~
782 ~~to a conditional release program or a period during which the~~
783 ~~child is supervised by a juvenile probation officer or other~~
784 ~~nonresidential staff of the department or staff employed by an~~
785 ~~entity under contract with the department.~~

786 (51)~~(56)~~ "Transition-to-adulthood services" means services
787 that are provided for youth in the custody of the department or
788 under the supervision of the department and that have the
789 objective of instilling the knowledge, skills, and aptitudes
790 essential to a socially integrated, self-supporting adult life.
791 The services may include, but are not limited to:

792 (a) Assessment of the youth's ability and readiness for
793 adult life.



478698

794 (b) A plan for the youth to acquire the knowledge,
795 information, and counseling necessary to make a successful
796 transition to adulthood.

797 (c) Services that have proven effective toward achieving
798 the transition to adulthood.

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

805 (53) ~~(57)~~ "Violation of law" or "delinquent act" means a
806 violation of any law of this state, the United States, or any
807 other state which is a misdemeanor or a felony or a violation of
808 a county or municipal ordinance which would be punishable by
809 incarceration if the violation were committed by an adult.

810 (54) ~~(58)~~ "Waiver hearing" means a hearing provided for
811 under s. 985.556(4).

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

814 985.0301 Jurisdiction.—

815 (4) (a) Petitions alleging delinquency shall be filed in the
816 county where the delinquent act or violation of law occurred.
817 The ~~, but the~~ circuit court for that county may transfer the
818 case to the circuit court of the circuit in which the child
819 resides or will reside at the time of detention or placement for
820 dispositional purposes. A child who has been detained may ~~shall~~
821 be transferred to the ~~appropriate~~ detention center or facility
822 in the circuit in which the child resides or will reside at the



478698

823 time of detention or other placement directed by the receiving
824 court.

825 (b) The jurisdiction to be exercised by the court when a
826 child is taken into custody before the filing of a petition
827 under subsection (2) shall be exercised by the circuit court for
828 the county in which the child is taken into custody, which court
829 shall have personal jurisdiction of the child and the child's
830 parent or legal guardian. Upon the filing of a petition in the
831 appropriate circuit court, the court that is exercising initial
832 jurisdiction of the person of the child shall, if the child has
833 been detained, immediately order the child to be transferred to
834 the detention center or facility or other placement as ordered
835 by the court having subject matter jurisdiction of the case.

836 (5) (a) Notwithstanding s. ss. 743.07, 985.43, 985.433,
837 985.435, 985.439, and 985.441, and except as provided in
838 paragraph (b) ss. 985.461 and 985.465 and paragraph (f), when
839 the jurisdiction of any child who is alleged to have committed a
840 delinquent act or violation of law is obtained, the court shall
841 retain jurisdiction to dispose a case, unless relinquished by
842 its order, until the child reaches 19 years of age, with the
843 same power over the child which the court had before the child
844 became an adult. ~~For the purposes of s. 985.461, the court may~~
845 ~~retain jurisdiction for an additional 365 days following the~~
846 ~~child's 19th birthday if the child is participating in~~
847 ~~transition to adulthood services. The additional services do not~~
848 ~~extend involuntary court-sanctioned residential commitment and~~
849 ~~therefore require voluntary participation by the affected youth.~~

850 (b) The court shall retain jurisdiction, Notwithstanding
851 ss. 743.07 and 985.455(3), the term of any order placing a child



478698

852 ~~in a probation program must be until the child's 19th birthday~~
853 ~~unless relinquished by its own order:~~

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

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

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

868 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
869 ~~the commitment must be until the child is discharged by the~~
870 ~~department or until he or she reaches the age of 21 years.~~
871 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
872 ~~985.455, and 985.513, and except as provided in this section, a~~
873 ~~child may not be held under a commitment from a court under s.~~
874 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
875 ~~21 years of age.~~

876 ~~(d) The court may retain jurisdiction over a child~~
877 ~~committed to the department for placement in a juvenile prison~~
878 ~~or in a high-risk or maximum-risk residential commitment program~~
879 ~~to allow the child to participate in a juvenile conditional~~
880 ~~release program pursuant to s. 985.46. The jurisdiction of the~~



478698

881 ~~court may not be retained after the child's 22nd birthday.~~
882 ~~However, if the child is not successful in the conditional~~
883 ~~release program, the department may use the transfer procedure~~
884 ~~under s. 985.441(4).~~

885 ~~(c) The court may retain jurisdiction over a child~~
886 ~~committed to the department for placement in an intensive~~
887 ~~residential treatment program for 10-year-old to 13-year-old~~
888 ~~offenders, in the residential commitment program in a juvenile~~
889 ~~prison or in a residential sex offender program until the child~~
890 ~~reaches the age of 21. If the court exercises this jurisdiction~~
891 ~~retention, it shall do so solely for the purpose of the child~~
892 ~~completing the intensive residential treatment program for 10-~~
893 ~~year-old to 13-year-old offenders, in the residential commitment~~
894 ~~program in a juvenile prison, or in a residential sex offender~~
895 ~~program. Such jurisdiction retention does not apply for other~~
896 ~~programs, other purposes, or new offenses.~~

897 ~~(f) The court may retain jurisdiction over a child~~
898 ~~committed to a juvenile correctional facility or a juvenile~~
899 ~~prison until the child reaches the age of 21 years, specifically~~
900 ~~for the purpose of allowing the child to complete such program.~~

901 ~~(g) The court may retain jurisdiction over a juvenile~~
902 ~~sexual offender who has been placed in a program or facility for~~
903 ~~juvenile sexual offenders until the juvenile sexual offender~~
904 ~~reaches the age of 21, specifically for the purpose of~~
905 ~~completing the program.~~

906 ~~(d)(h)~~ The court may retain jurisdiction over a child and
907 the child's parent or legal guardian whom the court has ordered
908 to pay restitution until the restitution order is satisfied. To
909 retain jurisdiction, the court shall enter a restitution order,



478698

910 which is separate from any disposition or order of commitment,
911 on or prior to the date that the court's jurisdiction would
912 cease under this section. The contents of the restitution order
913 shall be limited to the child's name and address, the name and
914 address of the parent or legal guardian, the name and address of
915 the payee, the case number, the date and amount of restitution
916 ordered, any amount of restitution paid, the amount of
917 restitution due and owing, and a notation that costs, interest,
918 penalties, and attorney fees may also be due and owing. The
919 terms of the restitution order are subject to s. 775.089(5).

920 (e)~~(i)~~ This subsection does not prevent the exercise of
921 jurisdiction by any court having jurisdiction of the child if
922 the child, after becoming an adult, commits a violation of law.

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

925 985.037 Punishment for contempt of court; alternative
926 sanctions.—

927 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
928 be placed in a secure detention facility for purposes of
929 punishment for contempt of court if alternative sanctions are
930 unavailable or inappropriate, or if the child has already been
931 ordered to serve an alternative sanction but failed to comply
932 with the sanction. A delinquent child who has been held in
933 direct or indirect contempt may be placed in a secure detention
934 facility not to exceed 5 days for a first offense and not to
935 exceed 15 days for a second or subsequent offense.

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

938 (a) If a child is charged with direct contempt of court,



478698

939 including traffic court, the court may impose an authorized
940 sanction immediately. The court must hold a hearing to determine
941 if the child committed direct contempt. Due process must be
942 afforded to the child during this hearing.

943 (b) If a child is charged with indirect contempt of court,
944 the court must hold a hearing within 24 hours to determine
945 whether the child committed indirect contempt of a valid court
946 order. At the hearing, the following due process rights must be
947 provided to the child:

948 1. Right to a copy of the order to show cause alleging
949 facts supporting the contempt charge.

950 2. Right to an explanation of the nature and the
951 consequences of the proceedings.

952 3. Right to legal counsel and the right to have legal
953 counsel appointed by the court if the juvenile is indigent,
954 under s. 985.033.

955 4. Right to confront witnesses.

956 5. Right to present witnesses.

957 6. Right to have a transcript or record of the proceeding.

958 7. Right to appeal to an appropriate court.

959

960 The child's parent or guardian may address the court regarding
961 the due process rights of the child. Upon motion by the defense
962 attorney or state attorney, the court shall review the placement
963 of the child ~~every 72 hours~~ to determine whether it is
964 appropriate for the child to remain in the facility.

965 (c) The court may not order that a child be placed in a
966 secure detention facility for punishment for contempt unless the
967 court determines that an alternative sanction is inappropriate



478698

968 or unavailable or that the child was initially ordered to an
969 alternative sanction and did not comply with the alternative
970 sanction. The court is encouraged to order a child to perform
971 community service, up to the maximum number of hours, where
972 appropriate before ordering that the child be placed in a secure
973 detention facility as punishment for contempt of court.

974 (d) In addition to any other sanction imposed under this
975 section, the court may direct the Department of Highway Safety
976 and Motor Vehicles to withhold issuance of, or suspend, a
977 child's driver ~~driver's~~ license or driving privilege. The court
978 may order that a child's driver ~~driver's~~ license or driving
979 privilege be withheld or suspended for up to 1 year for a first
980 offense of contempt and up to 2 years for a second or subsequent
981 offense. If the child's driver ~~driver's~~ license or driving
982 privilege is suspended or revoked for any reason at the time the
983 sanction for contempt is imposed, the court shall extend the
984 period of suspension or revocation by the additional period
985 ordered under this paragraph. If the child's driver ~~driver's~~
986 license is being withheld at the time the sanction for contempt
987 is imposed, the period of suspension or revocation ordered under
988 this paragraph shall begin on the date on which the child is
989 otherwise eligible to drive.

990 Section 6. Paragraph (a) of subsection (1) of section
991 985.039, Florida Statutes, is amended to read:

992 985.039 Cost of supervision; cost of care.-

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

994 (a) When any child is placed into nonsecure ~~home~~ detention,
995 probation, or other supervision status with the department, or
996 is committed to the minimum-risk nonresidential restrictiveness



478698

997 level, the court shall order the parent of such child to pay to
998 the department a fee for the cost of the supervision of such
999 child in the amount of \$1 per day for each day that the child is
1000 in such status.

1001 Section 7. Subsection (5) of section 985.045, Florida
1002 Statutes, is amended to read:

1003 985.045 Court records.—

1004 (5) This chapter does not prohibit a circuit court from
1005 providing a restitution order containing the information
1006 prescribed in s. 985.0301(5)(d) ~~985.0301(5)(h)~~ to a collection
1007 court or a private collection agency for the sole purpose of
1008 collecting unpaid restitution ordered in a case in which the
1009 circuit court has retained jurisdiction over the child and the
1010 child's parent or legal guardian. The collection court or
1011 private collection agency shall maintain the confidential status
1012 of the information to the extent such confidentiality is
1013 provided by law.

1014 Section 8. Paragraph (d) of subsection (1) and subsection
1015 (3) of section 985.101, Florida Statutes, are amended to read:

1016 985.101 Taking a child into custody.—

1017 (1) A child may be taken into custody under the following
1018 circumstances:

1019 (d) By a law enforcement officer who has probable cause to
1020 believe that the child is in violation of the conditions of the
1021 child's probation, nonsecure ~~home~~ detention, postcommitment
1022 probation, or conditional release supervision; has absconded
1023 from nonresidential commitment; or has escaped from residential
1024 commitment.

1025



478698

1026 Nothing in this subsection shall be construed to allow the
1027 detention of a child who does not meet the detention criteria in
1028 part V.

1029 (3) When a child is taken into custody as provided in this
1030 section, the person taking the child into custody shall attempt
1031 to notify the parent, guardian, or legal custodian of the child.
1032 The person taking the child into custody shall continue such
1033 attempt until the parent, guardian, or legal custodian of the
1034 child is notified or the child is delivered to the department ~~a~~
1035 ~~juvenile probation officer~~ under ss. 985.14 and 985.145,
1036 whichever occurs first. If the child is delivered to the
1037 department ~~a juvenile probation officer~~ before the parent,
1038 guardian, or legal custodian is notified, the department
1039 ~~juvenile probation officer~~ shall continue the attempt to notify
1040 until the parent, guardian, or legal custodian of the child is
1041 notified. Following notification, the parent or guardian must
1042 provide identifying information, including name, address, date
1043 of birth, social security number, and driver ~~driver's~~ license
1044 number or identification card number of the parent or guardian
1045 to the person taking the child into custody or the department
1046 ~~juvenile probation officer~~.

1047 Section 9. Section 985.105, Florida Statutes, is repealed.

1048 Section 10. Paragraph (b) of subsection (1) of section
1049 985.11, Florida Statutes, is amended to read:

1050 985.11 Fingerprinting and photographing.—

1051 (1)

1052 (b) Unless the child is issued a civil citation or is
1053 participating in a similar diversion program pursuant to s.
1054 985.12, a child who is charged with or found to have committed



478698

1055 one of the following offenses shall be fingerprinted, and the
1056 fingerprints shall be submitted to the Department of Law
1057 Enforcement as provided in s. 943.051(3)(b):

- 1058 1. Assault, as defined in s. 784.011.
- 1059 2. Battery, as defined in s. 784.03.
- 1060 3. Carrying a concealed weapon, as defined in s. 790.01(1).
- 1061 4. Unlawful use of destructive devices or bombs, as defined
1062 in s. 790.1615(1).
- 1063 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1064 6. Assault on a law enforcement officer, a firefighter, or
1065 other specified officers, as defined in s. 784.07(2)(a).
- 1066 7. Open carrying of a weapon, as defined in s. 790.053.
- 1067 8. Exposure of sexual organs, as defined in s. 800.03.
- 1068 9. Unlawful possession of a firearm, as defined in s.
1069 790.22(5).
- 1070 10. Petit theft, as defined in s. 812.014.
- 1071 11. Cruelty to animals, as defined in s. 828.12(1).
- 1072 12. Arson, resulting in bodily harm to a firefighter, as
1073 defined in s. 806.031(1).
- 1074 13. Unlawful possession or discharge of a weapon or firearm
1075 at a school-sponsored event or on school property as defined in
1076 s. 790.115.

1077

1078 A law enforcement agency may fingerprint and photograph a child
1079 taken into custody upon probable cause that such child has
1080 committed any other violation of law, as the agency deems
1081 appropriate. Such fingerprint records and photographs shall be
1082 retained by the law enforcement agency in a separate file, and
1083 these records and all copies thereof must be marked "Juvenile



478698

1084 Confidential." These records are not available for public
1085 disclosure and inspection under s. 119.07(1) except as provided
1086 in ss. 943.053 and 985.04(2), but shall be available to other
1087 law enforcement agencies, criminal justice agencies, state
1088 attorneys, the courts, the child, the parents or legal
1089 custodians of the child, their attorneys, and any other person
1090 authorized by the court to have access to such records. In
1091 addition, such records may be submitted to the Department of Law
1092 Enforcement for inclusion in the state criminal history records
1093 and used by criminal justice agencies for criminal justice
1094 purposes. These records may, in the discretion of the court, be
1095 open to inspection by anyone upon a showing of cause. The
1096 fingerprint and photograph records shall be produced in the
1097 court whenever directed by the court. Any photograph taken
1098 pursuant to this section may be shown by a law enforcement
1099 officer to any victim or witness of a crime for the purpose of
1100 identifying the person who committed such crime.

1101 Section 11. Subsection (2) of section 985.14, Florida
1102 Statutes, is amended to read:

1103 985.14 Intake and case management system.—

1104 (2) The intake process shall be performed by the department
1105 or juvenile assessment center personnel through a case
1106 management system. The purpose of the intake process is to
1107 assess the child's needs and risks and to determine the most
1108 appropriate treatment plan and setting for the child's
1109 programmatic needs and risks. The intake process shall consist
1110 of a preliminary screening and may be followed by a
1111 comprehensive assessment. The comprehensive assessment may
1112 consist of a full mental health, cognitive impairment, substance



478698

1113 abuse, or psychosexual evaluation. The intake process shall
1114 result in choosing the most appropriate services through a
1115 balancing of the interests and needs of the child with those of
1116 the family and the community ~~public~~. The department ~~juvenile~~
1117 ~~probation officer~~ shall be responsible for making informed
1118 decisions and recommendations to other agencies, the state
1119 attorney, and the courts so that the child and family may
1120 receive the least intrusive service alternative throughout the
1121 judicial process. The department shall establish uniform
1122 procedures for the department ~~juvenile probation officer~~ to
1123 provide a preliminary screening of the child and family for
1124 substance abuse and mental health services prior to the filing
1125 of a petition or as soon as possible thereafter and prior to a
1126 disposition hearing.

1127 Section 12. Section 985.145, Florida Statutes, is amended
1128 to read:

1129 985.145 Responsibilities of the department ~~juvenile~~
1130 ~~probation officer~~ during intake; screenings and assessments.—

1131 (1) The department ~~juvenile probation officer~~ shall serve
1132 as the primary case manager for the purpose of managing,
1133 coordinating, and monitoring the services provided to the child.
1134 Each program administrator within the Department of Children and
1135 Families ~~Family Services~~ shall cooperate with the primary case
1136 manager in carrying out the duties and responsibilities
1137 described in this section. In addition to duties specified in
1138 other sections and through departmental rules, the department
1139 ~~assigned juvenile probation officer~~ shall be responsible for the
1140 following:

1141 (a) *Reviewing probable cause affidavit.*—The department



478698

1142 ~~juvenile probation officer~~ shall make a preliminary
1143 determination as to whether the report, affidavit, or complaint
1144 is complete, consulting with the state attorney as may be
1145 necessary. A report, affidavit, or complaint alleging that a
1146 child has committed a delinquent act or violation of law shall
1147 be made to the intake office operating in the county in which
1148 the child is found or in which the delinquent act or violation
1149 of law occurred. Any person or agency having knowledge of the
1150 facts may make such a written report, affidavit, or complaint
1151 and shall furnish to the intake office facts sufficient to
1152 establish the jurisdiction of the court and to support a finding
1153 by the court that the child has committed a delinquent act or
1154 violation of law.

1155 (b) *Notification concerning apparent insufficiencies in*
1156 *probable cause affidavit.*—In any case where the department
1157 ~~juvenile probation officer~~ or the state attorney finds that the
1158 report, affidavit, or complaint is insufficient by the standards
1159 for a probable cause affidavit, the department ~~juvenile~~
1160 ~~probation officer~~ or state attorney shall return the report,
1161 affidavit, or complaint, without delay, to the person or agency
1162 originating the report, affidavit, or complaint or having
1163 knowledge of the facts or to the appropriate law enforcement
1164 agency having investigative jurisdiction of the offense, and
1165 shall request, and the person or agency shall promptly furnish,
1166 additional information in order to comply with the standards for
1167 a probable cause affidavit.

1168 (c) *Screening.*—During the intake process, the department
1169 ~~juvenile probation officer~~ shall screen each child or shall
1170 cause each child to be screened in order to determine:



478698

1171 1. Appropriateness for release; referral to a diversionary
1172 program, including, but not limited to, a teen court program;
1173 referral for community arbitration; or referral to some other
1174 program or agency for the purpose of nonofficial or nonjudicial
1175 handling.

1176 2. The presence of medical, psychiatric, psychological,
1177 substance abuse, educational, or career and technical education
1178 ~~vocational~~ problems, or other conditions that may have caused
1179 the child to come to the attention of law enforcement or the
1180 department. The child shall also be screened to determine
1181 whether the child poses a danger to himself or herself or others
1182 in the community. The results of this screening shall be made
1183 available to the court and to court officers. In cases where
1184 such conditions are identified and a nonjudicial handling of the
1185 case is chosen, the department ~~juvenile probation officer~~ shall
1186 attempt to refer the child to a program or agency, together with
1187 all available and relevant assessment information concerning the
1188 child's precipitating condition.

1189 (d) *Completing risk assessment instrument.*—The department
1190 ~~juvenile probation officer~~ shall ensure that a risk assessment
1191 instrument establishing the child's eligibility for detention
1192 has been accurately completed and that the appropriate
1193 recommendation was made to the court.

1194 (e) *Rights.*—The department ~~juvenile probation officer~~ shall
1195 inquire as to whether the child understands his or her rights to
1196 counsel and against self-incrimination.

1197 (f) *Multidisciplinary assessment.*—The department ~~juvenile~~
1198 ~~probation officer~~ shall coordinate the multidisciplinary
1199 assessment when required, which includes the classification and



478698

1200 placement process that determines the child's priority needs,
1201 risk classification, and treatment plan. When sufficient
1202 evidence exists to warrant a comprehensive assessment and the
1203 child fails to voluntarily participate in the assessment
1204 efforts, the department juvenile probation officer shall inform
1205 the court of the need for the assessment and the refusal of the
1206 child to participate in such assessment. This assessment,
1207 classification, and placement process shall develop into the
1208 predisposition report.

1209 (g) *Comprehensive assessment.*—The department juvenile
1210 ~~probation officer~~, pursuant to uniform procedures established by
1211 the department and upon determining that the report, affidavit,
1212 or complaint is complete, shall:

1213 1. Perform the preliminary screening and make referrals for
1214 a comprehensive assessment regarding the child's need for
1215 substance abuse treatment services, mental health services,
1216 intellectual disability services, literacy services, or other
1217 educational or treatment services.

1218 2. If indicated by the preliminary screening, provide for a
1219 comprehensive assessment of the child and family for substance
1220 abuse problems, using community-based licensed programs with
1221 clinical expertise and experience in the assessment of substance
1222 abuse problems.

1223 3. If indicated by the preliminary screening, provide for a
1224 comprehensive assessment of the child and family for mental
1225 health problems, using community-based psychologists,
1226 psychiatrists, or other licensed mental health professionals who
1227 have clinical expertise and experience in the assessment of
1228 mental health problems.



478698

1229 (h) *Referrals for services.*—The department ~~juvenile~~
1230 ~~probation officer~~ shall make recommendations for services and
1231 facilitate the delivery of those services to the child,
1232 including any mental health services, educational services,
1233 family counseling services, family assistance services, and
1234 substance abuse services.

1235 (i) *Recommendation concerning a petition.*—Upon determining
1236 that the report, affidavit, or complaint complies with the
1237 standards of a probable cause affidavit and that the interests
1238 of the child and the public will be best served, the department
1239 ~~juvenile probation officer~~ may recommend that a delinquency
1240 petition not be filed. If such a recommendation is made, the
1241 department ~~juvenile probation officer~~ shall advise in writing
1242 the person or agency making the report, affidavit, or complaint,
1243 the victim, if any, and the law enforcement agency having
1244 investigative jurisdiction over the offense of the
1245 recommendation; the reasons therefor; and that the person or
1246 agency may submit, within 10 days after the receipt of such
1247 notice, the report, affidavit, or complaint to the state
1248 attorney for special review. The state attorney, upon receiving
1249 a request for special review, shall consider the facts presented
1250 by the report, affidavit, or complaint, and by the department
1251 ~~juvenile probation officer~~ who made the recommendation that no
1252 petition be filed, before making a final decision as to whether
1253 a petition or information should or should not be filed.

1254 (j) *Completing intake report.*—Subject to the interagency
1255 agreement authorized under this paragraph, the department ~~the~~
1256 ~~juvenile probation officer~~ for each case in which a child is
1257 ~~alleged to have committed a violation of law or delinquent act~~



478698

1258 ~~and is not detained~~ shall submit a written report to the state
1259 attorney for each case in which a child is alleged to have
1260 committed a violation of law or delinquent act and is not
1261 detained. The report shall be submitted within 20 days after the
1262 date the child is taken into custody and include ~~,including~~ the
1263 original police report, complaint, or affidavit, or a copy
1264 thereof, and including a copy of the child's prior juvenile
1265 record, ~~within 20 days after the date the child is taken into~~
1266 ~~custody~~. In cases in which the child is in detention, the intake
1267 office report must be submitted within 24 hours after the child
1268 is placed into detention. The intake office report may include a
1269 recommendation that a petition or information be filed or that
1270 no petition or information be filed and may set forth reasons
1271 for the recommendation. The state attorney and the department
1272 may, on a district-by-district basis, enter into interagency
1273 agreements denoting the cases that will require a recommendation
1274 and those for which a recommendation is unnecessary.

1275 (2) Prior to requesting that a delinquency petition be
1276 filed or prior to filing a dependency petition, the department
1277 ~~juvenile probation officer~~ may request the parent or legal
1278 guardian of the child to attend a course of instruction in
1279 parenting skills, training in conflict resolution, and the
1280 practice of nonviolence; to accept counseling; or to receive
1281 other assistance from any agency in the community which notifies
1282 the clerk of the court of the availability of its services.
1283 Where appropriate, the department ~~juvenile probation officer~~
1284 shall request both parents or guardians to receive such parental
1285 assistance. The department ~~juvenile probation officer~~ may, in
1286 determining whether to request that a delinquency petition be



478698

1287 filed, take into consideration the willingness of the parent or
1288 legal guardian to comply with such request. The parent or
1289 guardian must provide the department ~~juvenile probation officer~~
1290 with identifying information, including the parent's or
1291 guardian's name, address, date of birth, social security number,
1292 and driver ~~driver's~~ license number or identification card number
1293 in order to comply with s. 985.039.

1294 (3) When indicated by the comprehensive assessment, the
1295 department is authorized to contract within appropriated funds
1296 for services with a local nonprofit community mental health or
1297 substance abuse agency licensed or authorized under chapter 394
1298 or chapter 397 or other authorized nonprofit social service
1299 agency providing related services. The determination of mental
1300 health or substance abuse services shall be conducted in
1301 coordination with existing programs providing mental health or
1302 substance abuse services in conjunction with the intake office.

1303 (4) Client information resulting from the screening and
1304 evaluation shall be documented under rules of the department and
1305 shall serve to assist the department ~~juvenile probation officer~~
1306 in providing the most appropriate services and recommendations
1307 in the least intrusive manner. Such client information shall be
1308 used in the multidisciplinary assessment and classification of
1309 the child, but such information, and any information obtained
1310 directly or indirectly through the assessment process, is
1311 inadmissible in court prior to the disposition hearing, unless
1312 the child's written consent is obtained. At the disposition
1313 hearing, documented client information shall serve to assist the
1314 court in making the most appropriate custody, adjudicatory, and
1315 dispositional decision.



478698

1316 (5) If the screening and assessment indicate that the
1317 interests of the child and the public will be best served, the
1318 department juvenile probation officer, with the approval of the
1319 state attorney, may refer the child for care, diagnostic, and
1320 evaluation services; substance abuse treatment services; mental
1321 health services; intellectual disability services; a
1322 diversionary, arbitration, or mediation program; community
1323 service work; or other programs or treatment services
1324 voluntarily accepted by the child and the child's parents or
1325 legal guardian. If a child volunteers to participate in any work
1326 program under this chapter or volunteers to work in a specified
1327 state, county, municipal, or community service organization
1328 supervised work program or to work for the victim, the child is
1329 considered an employee of the state for the purposes of
1330 liability. In determining the child's average weekly wage,
1331 unless otherwise determined by a specific funding program, all
1332 remuneration received from the employer is considered a
1333 gratuity, and the child is not entitled to any benefits
1334 otherwise payable under s. 440.15 regardless of whether the
1335 child may be receiving wages and remuneration from other
1336 employment with another employer and regardless of the child's
1337 future wage-earning capacity.

1338 (6) The victim, if any, and the law enforcement agency that
1339 investigated the offense shall be notified immediately by the
1340 state attorney of the action taken under subsection (5).

1341 Section 13. Section 985.17, Florida Statutes, is created to
1342 read:

1343 985.17 Prevention services.-

1344 (1) The Legislature finds that prevention services decrease



478698

1345 recidivism by addressing the needs of at-risk youth and their
1346 families, preventing further involvement of such youth in the
1347 juvenile justice system, protecting the safety of the public,
1348 and facilitating successful reentry of at-risk youth into the
1349 community. To assist with decreasing recidivism, the
1350 department's prevention services shall strengthen protective
1351 factors and reduce risk factors using tested and effective
1352 approaches.

1353 (2) A goal of the department's prevention services shall be
1354 to develop the capacity for local communities to serve their
1355 youth.

1356 (a) The department shall engage faith and community-based
1357 organizations to provide a full range of voluntary programs and
1358 services to prevent and reduce juvenile delinquency, including,
1359 but not limited to, chaplaincy services, crisis intervention
1360 counseling, mentoring, and tutoring.

1361 (b) The department shall establish volunteer coordinators
1362 in each circuit and encourage the recruitment of volunteers to
1363 serve as mentors for youth in department services.

1364 (c) The department shall promote the sale of the Invest in
1365 Children license plate to help fund programs and services to
1366 prevent juvenile delinquency. The department shall allocate
1367 money for programs and services within each county based on that
1368 county's proportionate share of the license plate annual use
1369 fees collected by the county.

1370 (3) The department's prevention services for youth at risk
1371 of becoming delinquent should:

1372 (a) Focus on preventing initial or further involvement of
1373 such youth in the juvenile justice system by including services



478698

1374 such as literacy services, gender-specific programming,
1375 recreational services, and after-school services, and should
1376 include targeted services to troubled, truant, ungovernable,
1377 abused, trafficked, or runaway youth. To decrease the likelihood
1378 that a youth will commit a delinquent act, the department should
1379 use mentoring and may provide specialized services addressing
1380 the strengthening of families, job training, and substance
1381 abuse.

1382 (b) Address the multiple needs of such youth in order to
1383 decrease the prevalence of disproportionate minority
1384 representation in the juvenile justice system.

1385 (4) The department shall expend funds related to the
1386 prevention services in a manner consistent with the policies
1387 expressed in ss. 984.02 and 985.01 and in a manner that
1388 maximizes accountability to the public and ensures the
1389 documentation of outcomes.

1390 (a) As a condition of receipt of state funds, all entities
1391 that receive or use state moneys to fund prevention services
1392 through contracts with the department or grants from any entity
1393 dispersed by the department shall:

1394 1. Design the programs providing such services to further
1395 one or more of the following strategies:

1396 a. Encouraging youth to attend and succeed in school, which
1397 may include special assistance and tutoring to address
1398 deficiencies in academic performance and collecting outcome data
1399 to reveal the number of days youth attended school while
1400 participating in the program.

1401 b. Engaging youth in productive and wholesome activities
1402 during nonschool hours that build positive character, instill



478698

1403 positive values, and enhance educational experiences.
1404 c. Encouraging youth to avoid the use of violence.
1405 d. Assisting youth in acquiring the skills needed to find
1406 meaningful employment, which may include assisting the youth in
1407 finding a suitable employer.
1408 2. Provide the department with demographic information,
1409 dates of services, and types of interventions received by each
1410 youth.
1411 (b) The department shall monitor output and outcome
1412 measures for each program strategy in paragraph (a) and annually
1413 report the outputs and outcomes in the Comprehensive
1414 Accountability Report as provided in s. 985.632.
1415 (c) The department shall monitor all state-funded programs
1416 that receive or use state moneys to fund the prevention services
1417 through contracts or grants with the department for compliance
1418 with all provisions in the contracts and grants.
1419 Section 14. Section 985.24, Florida Statutes, is amended to
1420 read:
1421 985.24 Use of detention; prohibitions.—
1422 (1) All determinations and court orders regarding the use
1423 of ~~secure, nonsecure, or home~~ detention care shall be based
1424 primarily upon findings that the child:
1425 (a) Presents a substantial risk of not appearing at a
1426 subsequent hearing;
1427 (b) Presents a substantial risk of inflicting bodily harm
1428 on others as evidenced by recent behavior, including the illegal
1429 possession of a firearm;
1430 (c) Presents a history of committing a property offense
1431 prior to adjudication, disposition, or placement;



478698

1432 (d) Has committed contempt of court by:
1433 1. Intentionally disrupting the administration of the
1434 court;
1435 2. Intentionally disobeying a court order; or
1436 3. Engaging in a punishable act or speech in the court's
1437 presence which shows disrespect for the authority and dignity of
1438 the court; or
1439 (e) Requests protection from imminent bodily harm.
1440 (2) A child alleged to have committed a delinquent act or
1441 violation of law may not be placed into secure or, nonsecure, ~~or~~
1442 ~~home~~ detention care for any of the following reasons:
1443 (a) To allow a parent to avoid his or her legal
1444 responsibility.
1445 (b) To permit more convenient administrative access to the
1446 child.
1447 (c) To facilitate further interrogation or investigation.
1448 (d) Due to a lack of more appropriate facilities.
1449 (3) A child alleged to be dependent under chapter 39 may
1450 not, under any circumstances, be placed into secure detention
1451 care.
1452 (4) The department may, within its existing resources,
1453 develop nonsecure, nonresidential evening reporting centers as
1454 an alternative to placing a child in secure detention. Evening
1455 reporting centers may be collocated with a juvenile assessment
1456 center. If established, evening reporting centers shall serve
1457 children and families who are awaiting a child's court hearing
1458 and, at a minimum, operate during the afternoon and evening
1459 hours to provide a highly structured program of supervision.
1460 Evening reporting centers may also provide academic tutoring,



478698

1461 counseling, family engagement programs, and other activities.

1462 (5)~~(4)~~ The department shall continue to identify
1463 alternatives to secure detention care and shall develop such
1464 alternatives and annually submit them to the Legislature for
1465 authorization and appropriation.

1466 Section 15. Paragraph (b) of subsection (2) and subsection
1467 (4) of section 985.245, Florida Statutes, are amended to read:

1468 985.245 Risk assessment instrument.—

1469 (2)

1470 (b) The risk assessment instrument shall take into
1471 consideration, but need not be limited to, prior history of
1472 failure to appear, prior offenses, offenses committed pending
1473 adjudication, any unlawful possession of a firearm, theft of a
1474 motor vehicle or possession of a stolen motor vehicle, and
1475 probation status at the time the child is taken into custody.
1476 The risk assessment instrument shall also take into
1477 consideration appropriate aggravating and mitigating
1478 circumstances, and shall be designed to target a narrower
1479 population of children than s. 985.255. The risk assessment
1480 instrument shall also include any information concerning the
1481 child's history of abuse and neglect. The risk assessment shall
1482 indicate whether detention care is warranted, and, if detention
1483 care is warranted, whether the child should be placed into
1484 secure or, nonsecure, ~~or home~~ detention care.

1485 (4) For a child who is under the supervision of the
1486 department through probation, ~~home detention~~, nonsecure
1487 detention, conditional release, postcommitment probation, or
1488 commitment and who is charged with committing a new offense, the
1489 risk assessment instrument may be completed and scored based on



478698

1490 the underlying charge for which the child was placed under the
1491 supervision of the department and the new offense.

1492 Section 16. Subsection (1) of section 985.25, Florida
1493 Statutes, is amended to read:

1494 985.25 Detention intake.—

1495 (1) The department juvenile probation officer shall receive
1496 custody of a child who has been taken into custody from the law
1497 enforcement agency or court and shall review the facts in the
1498 law enforcement report or probable cause affidavit and make such
1499 further inquiry as may be necessary to determine whether
1500 detention care is appropriate ~~required~~.

1501 (a) During the period of time from the taking of the child
1502 into custody to the date of the detention hearing, the initial
1503 decision as to the child's placement into secure ~~detention care,~~
1504 or nonsecure detention care, ~~or home detention care~~ shall be
1505 made by the department juvenile probation officer under ss.
1506 985.24 and 985.245(1).

1507 (b) The department juvenile probation officer shall base
1508 the decision whether ~~or not~~ to place the child into secure
1509 ~~detention care, home detention care,~~ or nonsecure detention care
1510 on an assessment of risk in accordance with the risk assessment
1511 instrument and procedures developed by the department under s.
1512 985.245. However, a child charged with possessing or discharging
1513 a firearm on school property in violation of s. 790.115 shall be
1514 placed in secure detention care. A child who has been taken into
1515 custody on three or more separate occasions within a 60-day
1516 period shall be placed in secure detention care until the
1517 child's detention hearing.

1518 (c) If the final score on the child's risk assessment



478698

1519 ~~instrument indicates juvenile probation officer determines that~~
1520 ~~a child who is eligible for detention care is appropriate, but~~
1521 ~~the department otherwise determines the child based upon the~~
1522 ~~results of the risk assessment instrument~~ should be released,
1523 the department juvenile probation officer shall contact the
1524 state attorney, who may authorize release.

1525 (d) If the final score on the risk assessment instrument
1526 indicates detention is not appropriate authorized, the child may
1527 be released by the department juvenile probation officer in
1528 accordance with ss. 985.115 and 985.13.

1529
1530 Under no circumstances shall the department juvenile probation
1531 ~~officer~~ or the state attorney or law enforcement officer
1532 authorize the detention of any child in a jail or other facility
1533 intended or used for the detention of adults, without an order
1534 of the court.

1535 Section 17. Subsections (1) and (2) and paragraphs (a) and
1536 (c) of subsection (3) of section 985.255, Florida Statutes, are
1537 amended to read:

1538 985.255 Detention criteria; detention hearing.—

1539 (1) Subject to s. 985.25(1), a child taken into custody and
1540 placed into secure or nonsecure ~~or home~~ detention care shall be
1541 given a hearing within 24 hours after being taken into custody.

1542 At the hearing, the court may order continued detention ~~or~~
1543 ~~detained in secure detention care prior to a detention hearing~~
1544 ~~may continue to be detained by the court~~ if:

1545 (a) The child is alleged to be an escapee from a
1546 residential commitment program; or an absconder from a
1547 nonresidential commitment program, a probation program, or



478698

1548 conditional release supervision; or is alleged to have escaped
1549 while being lawfully transported to or from a residential
1550 commitment program.

1551 (b) The child is wanted in another jurisdiction for an
1552 offense which, if committed by an adult, would be a felony.

1553 (c) The child is charged with a delinquent act or violation
1554 of law and requests in writing through legal counsel to be
1555 detained for protection from an imminent physical threat to his
1556 or her personal safety.

1557 (d) The child is charged with committing an offense of
1558 domestic violence as defined in s. 741.28 and is detained as
1559 provided in subsection (2).

1560 (e) The child is charged with possession of or discharging
1561 a firearm on school property in violation of s. 790.115 or the
1562 illegal possession of a firearm.

1563 (f) The child is charged with a capital felony, a life
1564 felony, a felony of the first degree, a felony of the second
1565 degree that does not involve a violation of chapter 893, or a
1566 felony of the third degree that is also a crime of violence,
1567 including any such offense involving the use or possession of a
1568 firearm.

1569 (g) The child is charged with any second degree or third
1570 degree felony involving a violation of chapter 893 or any third
1571 degree felony that is not also a crime of violence, and the
1572 child:

1573 1. Has a record of failure to appear at court hearings
1574 after being properly notified in accordance with the Rules of
1575 Juvenile Procedure;

1576 2. Has a record of law violations prior to court hearings;



478698

1577 3. Has already been detained or has been released and is
1578 awaiting final disposition of the case;

1579 4. Has a record of violent conduct resulting in physical
1580 injury to others; or

1581 5. Is found to have been in possession of a firearm.

1582 (h) The child is alleged to have violated the conditions of
1583 the child's probation or conditional release supervision.

1584 However, a child detained under this paragraph may be held only
1585 in a consequence unit as provided in s. 985.439. If a
1586 consequence unit is not available, the child shall be placed on
1587 nonsecure ~~home~~ detention with electronic monitoring.

1588 (i) The child is detained on a judicial order for failure
1589 to appear and has previously willfully failed to appear, after
1590 proper notice:

1591 1. For an adjudicatory hearing on the same case regardless
1592 of the results of the risk assessment instrument; or

1593 2. At two or more court hearings of any nature on the same
1594 case regardless of the results of the risk assessment
1595 instrument.

1596
1597 A child may be held in secure detention for up to 72 hours in
1598 advance of the next scheduled court hearing pursuant to this
1599 paragraph. The child's failure to keep the clerk of court and
1600 defense counsel informed of a current and valid mailing address
1601 where the child will receive notice to appear at court
1602 proceedings does not provide an adequate ground for excusal of
1603 the child's nonappearance at the hearings.

1604 ~~(j) The child is detained on a judicial order for failure~~
1605 ~~to appear and has previously willfully failed to appear, after~~



478698

1606 ~~proper notice, at two or more court hearings of any nature on~~
1607 ~~the same case regardless of the results of the risk assessment~~
1608 ~~instrument. A child may be held in secure detention for up to 72~~
1609 ~~hours in advance of the next scheduled court hearing pursuant to~~
1610 ~~this paragraph. The child's failure to keep the clerk of court~~
1611 ~~and defense counsel informed of a current and valid mailing~~
1612 ~~address where the child will receive notice to appear at court~~
1613 ~~proceedings does not provide an adequate ground for excusal of~~
1614 ~~the child's nonappearance at the hearings.~~

1615 (2) A child who is charged with committing an offense that
1616 is classified as an act of domestic violence as defined in s.
1617 741.28 and whose risk assessment instrument indicates secure
1618 detention is not appropriate ~~who does not meet detention~~
1619 ~~criteria~~ may be held in secure detention if the court makes
1620 specific written findings that:

1621 (a) Respite care for the child is not available; or.

1622 (b) It is necessary to place the child in secure detention
1623 in order to protect the victim from injury.

1624
1625 The child may not be held in secure detention under this
1626 subsection for more than 48 hours unless ordered by the court.
1627 After 48 hours, the court shall hold a hearing if the state
1628 attorney or victim requests that secure detention be continued.
1629 The child may continue to be held in detention care if the court
1630 makes a specific, written finding that respite care is
1631 unavailable or it ~~detention care~~ is necessary to protect the
1632 victim from injury. However, the child may not be held in
1633 detention care beyond the time limits set forth in this section
1634 or s. 985.26.



478698

1635 (3) (a) ~~A child who meets any of the criteria in subsection~~
1636 ~~(1) and who is ordered to be detained under that subsection~~
1637 ~~shall be given a hearing within 24 hours after being taken into~~
1638 ~~custody.~~ The purpose of the detention hearing required under
1639 subsection (1) is to determine the existence of probable cause
1640 that the child has committed the delinquent act or violation of
1641 law that he or she is charged with and the need for continued
1642 detention. Unless a child is detained under paragraph (1) (d) or
1643 paragraph (1) (e), the court shall use the results of the risk
1644 assessment performed by the department juvenile probation
1645 ~~officer~~ and, based on the criteria in subsection (1), shall
1646 determine the need for continued detention. ~~A child placed into~~
1647 ~~secure, nonsecure, or home detention care may continue to be so~~
1648 ~~detained by the court.~~

1649 (c) Except as provided in s. 790.22(8) or in s. 985.27,
1650 when a child is placed into secure or nonsecure detention care,
1651 or into a respite home or other placement pursuant to a court
1652 order following a hearing, the court order must include specific
1653 instructions that direct the release of the child from such
1654 placement no later than 5 p.m. on the last day of the detention
1655 period specified in s. 985.26 or s. 985.27, whichever is
1656 applicable, unless the requirements of such applicable provision
1657 have been met or an order of continuance has been granted under
1658 s. 985.26(4). If the court order does not include a release
1659 date, the release date shall be requested from the court on the
1660 same date that the child is placed in detention care. If a
1661 subsequent hearing is needed to provide additional information
1662 to the court for safety planning, the initial order placing the
1663 child in detention care shall reflect the next detention review



478698

1664 hearing, which shall be held within 3 calendar days after the
1665 child's initial detention placement.

1666 Section 18. Subsections (1), (2), and (3) of section
1667 985.26, Florida Statutes, are amended to read:

1668 985.26 Length of detention.—

1669 (1) A child may not be placed into or held in secure or
1670 ~~nonsecure, or home~~ detention care for longer than 24 hours
1671 unless the court orders such detention care, and the order
1672 includes specific instructions that direct the release of the
1673 child from such detention care, in accordance with s. 985.255.
1674 The order shall be a final order, reviewable by appeal under s.
1675 985.534 and the Florida Rules of Appellate Procedure. Appeals of
1676 such orders shall take precedence over other appeals and other
1677 pending matters.

1678 (2) A child may not be held in secure or, ~~nonsecure, or~~
1679 ~~home~~ detention care under a special detention order for more
1680 than 21 days unless an adjudicatory hearing for the case has
1681 been commenced in good faith by the court. However, upon good
1682 cause being shown that the nature of the charge requires
1683 additional time for the prosecution or defense of the case, the
1684 court may extend the length of detention for an additional 9
1685 days if the child is charged with an offense that would be, if
1686 committed by an adult, a capital felony, a life felony, a felony
1687 of the first degree, or a felony of the second degree involving
1688 violence against any individual.

1689 (3) Except as provided in subsection (2), a child may not
1690 be held in secure or, ~~nonsecure, or home~~ detention care for more
1691 than 15 days following the entry of an order of adjudication.

1692 Section 19. Section 985.265, Florida Statutes, is amended



478698

1693 to read:

1694 985.265 Detention transfer and release; education; adult
1695 jails.-

1696 (1) If a child is detained under this part, the department
1697 may transfer the child from nonsecure ~~or home~~ detention care to
1698 secure detention care only if significantly changed
1699 circumstances warrant such transfer.

1700 (2) If a child is on release status and not detained under
1701 this part, the child may be placed into secure or, nonsecure, ~~or~~
1702 ~~home~~ detention care only pursuant to a court hearing in which
1703 the original risk assessment instrument and the, rescored based
1704 ~~on~~ newly discovered evidence or changed circumstances are
1705 introduced into evidence with a rescored risk assessment
1706 instrument with the results recommending detention, is
1707 introduced into evidence.

1708 (3) (a) When a juvenile sexual offender is placed in
1709 detention, detention staff shall provide appropriate monitoring
1710 and supervision to ensure the safety of other children in the
1711 facility.

1712 (b) When a juvenile ~~sexual offender, under this subsection,~~
1713 is released from secure detention or transferred to ~~home~~
1714 ~~detention or~~ nonsecure detention, detention staff shall
1715 immediately notify the appropriate law enforcement agency, and
1716 school personnel, and victim if the juvenile is charged with
1717 committing any of the following offenses or attempting to commit
1718 any of the following offenses:

- 1719 1. Murder, under s. 782.04;
1720 2. Sexual battery, under chapter 794;
1721 3. Stalking, under s. 784.048; or



478698

1722 4. Domestic violence, as defined in s. 741.28.
1723 (4) (a) While a child who is currently enrolled in school is
1724 in nonsecure ~~or home~~ detention care, the child shall continue to
1725 attend school unless otherwise ordered by the court.
1726 (b) While a child is in secure detention care, the child
1727 shall receive education commensurate with his or her grade level
1728 and educational ability.
1729 (5) The court shall order the delivery of a child to a jail
1730 or other facility intended or used for the detention of adults:
1731 (a) When the child has been transferred or indicted for
1732 criminal prosecution as an adult under part X, except that the
1733 court may not order or allow a child alleged to have committed a
1734 misdemeanor who is being transferred for criminal prosecution
1735 pursuant to either s. 985.556 or s. 985.557 to be detained or
1736 held in a jail or other facility intended or used for the
1737 detention of adults; however, such child may be held temporarily
1738 in a detention facility; or
1739 (b) When a child taken into custody in this state is wanted
1740 by another jurisdiction for prosecution as an adult.
1741
1742 The child shall be housed separately from adult inmates to
1743 prohibit a child from having regular contact with incarcerated
1744 adults, including trustees. "Regular contact" means sight and
1745 sound contact. Separation of children from adults shall permit
1746 no more than haphazard or accidental contact. The receiving jail
1747 or other facility shall contain a separate section for children
1748 and shall have an adequate staff to supervise and monitor the
1749 child's activities at all times. Supervision and monitoring of
1750 children includes physical observation and documented checks by



478698

1751 jail or receiving facility supervisory personnel at intervals
1752 not to exceed 10 ~~15~~ minutes. This subsection does not prohibit
1753 placing two or more children in the same cell. Under no
1754 circumstances shall a child be placed in the same cell with an
1755 adult.

1756 Section 20. Section 985.27, Florida Statutes, is amended to
1757 read:

1758 985.27 Postdisposition ~~Postcommitment~~ detention while
1759 awaiting commitment placement.—

1760 (1) The court must place all children who are adjudicated
1761 and awaiting placement in a commitment program in detention
1762 care. Children who are in ~~home detention care~~ or nonsecure
1763 detention care may be placed on electronic monitoring.

1764 ~~(a) A child who is awaiting placement in a low-risk~~
1765 ~~residential program must be removed from detention within 5~~
1766 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
1767 ~~child held in secure detention during the 5 days must meet~~
1768 ~~detention admission criteria under this part. A child who is~~
1769 ~~placed in home detention care, nonsecure detention care, or home~~
1770 ~~or nonsecure detention care with electronic monitoring, while~~
1771 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
1772 ~~held in secure detention care for 5 days, if the child violates~~
1773 ~~the conditions of the home detention care, the nonsecure~~
1774 ~~detention care, or the electronic monitoring agreement. For any~~
1775 ~~subsequent violation, the court may impose an additional 5 days~~
1776 ~~in secure detention care.~~

1777 (a) ~~(b)~~ A child who is awaiting placement in a nonsecure
1778 ~~moderate-risk~~ residential program must be removed from detention
1779 within 5 days, excluding Saturdays, Sundays, and legal holidays.



478698

1780 Any child held in secure detention during the 5 days must meet
1781 detention admission criteria under this part. The department may
1782 seek an order from the court authorizing continued detention for
1783 a specific period of time necessary for the appropriate
1784 residential placement of the child. However, such continued
1785 detention in secure detention care may not exceed 15 days after
1786 entry of the commitment order, excluding Saturdays, Sundays, and
1787 legal holidays, and except as otherwise provided in this
1788 section. A child who is placed in ~~home detention care~~, nonsecure
1789 detention care, or ~~home or~~ nonsecure detention care with
1790 electronic monitoring, while awaiting placement in a nonsecure
1791 residential moderate-risk program, may be held in secure
1792 detention care for 5 days, if the child violates the conditions
1793 of the ~~home detention care~~, the nonsecure detention care, or the
1794 electronic monitoring agreement. For any subsequent violation,
1795 the court may impose an additional 5 days in secure detention
1796 care.

1797 **(b)(e)** If the child is committed to a high-risk residential
1798 program, the child must be held in secure detention care until
1799 placement or commitment is accomplished.

1800 **(c)(d)** If the child is committed to a maximum-risk
1801 residential program, the child must be held in secure detention
1802 care until placement or commitment is accomplished.

1803 (2) Regardless of detention status, a child being
1804 transported by the department to a residential commitment
1805 facility of the department may be placed in secure detention
1806 overnight, not to exceed a 24-hour period, for the specific
1807 purpose of ensuring the safe delivery of the child to his or her
1808 residential commitment program, court, appointment, transfer, or



478698

1809 release.

1810 Section 21. Subsection (1) of section 985.275, Florida
1811 Statutes, is amended to read:

1812 985.275 Detention of escapee or absconder on authority of
1813 the department.—

1814 (1) If an authorized agent of the department has reasonable
1815 grounds to believe that any delinquent child committed to the
1816 department has escaped from a residential commitment facility or
1817 from being lawfully transported thereto or therefrom, or has
1818 absconded from a nonresidential commitment facility, the agent
1819 shall notify law enforcement and, if the offense would require
1820 notification under chapter 960, notify the victim. The agent
1821 shall make every reasonable effort as permitted within existing
1822 resources provided to the department to locate the delinquent
1823 child and the child may be returned to the facility ~~take the~~
1824 ~~child into active custody and may deliver the child to the~~
1825 ~~facility~~ or, if it is closer, to a detention center for return
1826 to the facility. However, a child may not be held in detention
1827 longer than 24 hours, excluding Saturdays, Sundays, and legal
1828 holidays, unless a special order so directing is made by the
1829 judge after a detention hearing resulting in a finding that
1830 detention is required based on the criteria in s. 985.255. The
1831 order shall state the reasons for such finding. The reasons
1832 shall be reviewable by appeal or in habeas corpus proceedings in
1833 the district court of appeal.

1834 Section 22. Paragraph (b) of subsection (4), paragraph (h)
1835 of subsection (6), and paragraph (a) of subsection (7) of
1836 section 985.433, Florida Statutes, are amended to read:

1837 985.433 Disposition hearings in delinquency cases.—When a



478698

1838 child has been found to have committed a delinquent act, the
1839 following procedures shall be applicable to the disposition of
1840 the case:

1841 (4) Before the court determines and announces the
1842 disposition to be imposed, it shall:

1843 (b) Discuss with the child his or her compliance with any
1844 predisposition ~~home release~~ plan or other plan imposed since the
1845 date of the offense.

1846 (6) The first determination to be made by the court is a
1847 determination of the suitability or unsuitability for
1848 adjudication and commitment of the child to the department. This
1849 determination shall include consideration of the recommendations
1850 of the department, which may include a predisposition report.
1851 The predisposition report shall include, whether as part of the
1852 child's multidisciplinary assessment, classification, and
1853 placement process components or separately, evaluation of the
1854 following criteria:

1855 (h) The child's educational status, including, but not
1856 limited to, the child's strengths, abilities, and unmet and
1857 special educational needs. The report shall identify appropriate
1858 educational and career ~~vocational~~ goals for the child. Examples
1859 of appropriate goals include:

- 1860 1. Attainment of a high school diploma or its equivalent.
- 1861 2. Successful completion of literacy courses ~~course(s)~~.
- 1862 3. Successful completion of career and technical education
1863 courses ~~vocational course(s)~~.
- 1864 4. Successful attendance and completion of the child's
1865 current grade or recovery of credits of classes the child
1866 previously failed, if enrolled in school.



478698

1867 5. Enrollment in an apprenticeship or a similar program.

1868

1869 It is the intent of the Legislature that the criteria set forth
1870 in this subsection are general guidelines to be followed at the
1871 discretion of the court and not mandatory requirements of
1872 procedure. It is not the intent of the Legislature to provide
1873 for the appeal of the disposition made under this section.

1874 (7) If the court determines that the child should be
1875 adjudicated as having committed a delinquent act and should be
1876 committed to the department, such determination shall be in
1877 writing or on the record of the hearing. The determination shall
1878 include a specific finding of the reasons for the decision to
1879 adjudicate and to commit the child to the department, including
1880 any determination that the child was a member of a criminal
1881 gang.

1882 (a) The department ~~juvenile probation officer~~ shall
1883 recommend to the court the most appropriate placement and
1884 treatment plan, specifically identifying the restrictiveness
1885 level most appropriate for the child if commitment is
1886 recommended. If the court has determined that the child was a
1887 member of a criminal gang, that determination shall be given
1888 great weight in identifying the most appropriate restrictiveness
1889 level for the child. The court shall consider the department's
1890 recommendation in making its commitment decision.

1891 Section 23. Subsections (4) through (6) of section 985.435,
1892 Florida Statutes, are renumbered as subsections (5) through (7),
1893 respectively, subsection (3) and present subsection (4) of that
1894 section are amended, and a new subsection (4) is added to that
1895 section, to read:



478698

1896 985.435 Probation and postcommitment probation; community
1897 service.—

1898 (3) A probation program must also include a rehabilitative
1899 program component such as a requirement of participation in
1900 substance abuse treatment or in a school or career and technical
1901 education ~~other educational~~ program. The nonconsent of the child
1902 to treatment in a substance abuse treatment program in no way
1903 precludes the court from ordering such treatment. Upon the
1904 recommendation of the department at the time of disposition, or
1905 subsequent to disposition pursuant to the filing of a petition
1906 alleging a violation of the child's conditions of postcommitment
1907 probation, the court may order the child to submit to random
1908 testing for the purpose of detecting and monitoring the use of
1909 alcohol or controlled substances.

1910 (4) A probation program may also include an alternative
1911 consequence component to address instances in which a child is
1912 noncompliant with technical conditions of his or her probation,
1913 but has not committed any new violations of law. The alternative
1914 consequence component is designed to provide swift and
1915 appropriate consequences to any noncompliance with technical
1916 conditions of probation. If the probation program includes this
1917 component, specific consequences that apply to noncompliance
1918 with specific technical conditions of probation must be detailed
1919 in the disposition order.

1920 (5) ~~(4)~~ An identification of the child's risk of reoffending
1921 A classification scale for levels of supervision shall be
1922 provided by the department, taking into account the child's
1923 needs and risks relative to probation supervision requirements
1924 to reasonably ensure the public safety. Probation programs for



478698

1925 children shall be supervised by the department or by any other
1926 person or agency specifically authorized by the court. These
1927 programs must include, but are not limited to, structured or
1928 restricted activities as described in this section and s.
1929 985.439, and shall be designed to encourage the child toward
1930 acceptable and functional social behavior.

1931 Section 24. Subsections (1) and (4) of section 985.439,
1932 Florida Statutes, are amended to read:

1933 985.439 Violation of probation or postcommitment
1934 probation.—

1935 (1) (a) This section is applicable when the court has
1936 jurisdiction over a child on probation or postcommitment
1937 probation, regardless of adjudication ~~an adjudicated delinquent~~
1938 ~~child~~.

1939 (b) If the conditions of the probation program or the
1940 postcommitment probation program are violated, the department or
1941 the state attorney may bring the child before the court on a
1942 petition alleging a violation of the program. A ~~Any~~ child who
1943 violates the conditions of probation or postcommitment probation
1944 must be brought before the court if sanctions are sought.

1945 (4) Upon the child's admission, or if the court finds after
1946 a hearing that the child has violated the conditions of
1947 probation or postcommitment probation, the court shall enter an
1948 order revoking, modifying, or continuing probation or
1949 postcommitment probation. In each such case, the court shall
1950 enter a new disposition order and, in addition to the sanctions
1951 set forth in this section, may impose any sanction the court
1952 could have imposed at the original disposition hearing. If the
1953 child is found to have violated the conditions of probation or



478698

1954 postcommitment probation, the court may:

1955 (a) Place the child in a consequence unit in that judicial
1956 circuit, if available, for up to 5 days for a first violation
1957 and up to 15 days for a second or subsequent violation.

1958 (b) Place the child in nonsecure ~~on home~~ detention with
1959 electronic monitoring. However, this sanction may be used only
1960 if a residential consequence unit is not available.

1961 (c) If the violation of probation is technical in nature
1962 and not a new violation of law, place the child in an
1963 alternative consequence program designed to provide swift and
1964 appropriate consequences to any further violations of probation.

1965 1. Alternative consequence programs shall be established,
1966 within existing resources, at the local level in coordination
1967 with law enforcement agencies, the chief judge of the circuit,
1968 the state attorney, and the public defender.

1969 2. Alternative consequence programs may be operated by an
1970 entity such as a law enforcement agency, the department, a
1971 juvenile assessment center, a county or municipality, or another
1972 entity selected by the department.

1973 3. Upon placing a child in an alternative consequence
1974 program, the court must approve specific consequences for
1975 specific violations of the conditions of probation.

1976 (d) ~~(e)~~ Modify or continue the child's probation program or
1977 postcommitment probation program.

1978 (e) ~~(d)~~ Revoke probation or postcommitment probation and
1979 commit the child to the department.

1980 Section 25. Subsection (2) of section 985.441, Florida
1981 Statutes, is amended to read:

1982 985.441 Commitment.—



478698

1983 (2) Notwithstanding subsection (1), the court having
1984 jurisdiction over an adjudicated delinquent child whose
1985 underlying offense is was a misdemeanor, or a child who is
1986 currently on probation for a misdemeanor, may not commit the
1987 child for any misdemeanor offense or any probation violation
1988 that is technical in nature and not a new violation of law at a
1989 restrictiveness level other than minimum-risk nonresidential
1990 unless the probation violation is a new violation of law
1991 constituting a felony. However, the court may commit such child
1992 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
1993 if:

1994 (a) The child has previously been adjudicated or had
1995 adjudication withheld for a felony offense;

1996 (b) The child has previously been adjudicated or had
1997 adjudication withheld for three or more misdemeanor offenses
1998 within the previous 18 months;

1999 (c) The child is before the court for disposition for a
2000 violation of s. 800.03, s. 806.031, or s. 828.12; or

2001 (d) The court finds by a preponderance of the evidence that
2002 the protection of the public requires such placement or that the
2003 particular needs of the child would be best served by such
2004 placement. Such finding must be in writing.

2005 Section 26. Paragraph (a) of subsection (1) and subsection
2006 (5) of section 985.46, Florida Statutes, are amended to read:

2007 985.46 Conditional release.—

2008 (1) The Legislature finds that:

2009 (a) Conditional release is the care, treatment, help, ~~and~~
2010 supervision, and provision of transition-to-adulthood services
2011 to provided juveniles released from residential commitment



478698

2012 programs to promote rehabilitation and prevent recidivism.
2013 (5) Participation in the educational program by students of
2014 compulsory school attendance age pursuant to s. 1003.21(1) and
2015 (2) (a) is mandatory for juvenile justice youth on conditional
2016 release or postcommitment probation status. A student of
2017 noncompulsory school-attendance age who has not received a high
2018 school diploma or its equivalent must participate in an the
2019 educational program or career and technical education course. A
2020 youth who has received a high school diploma or its equivalent
2021 and is not employed must participate in workforce development or
2022 other career or technical education or attend a community
2023 college or a university while in the program, subject to
2024 available funding.

2025 Section 27. Subsections (1) through (5) of section 985.461,
2026 Florida Statutes, are amended to read:

2027 985.461 Transition to adulthood.—

2028 (1) The Legislature finds that ~~elder~~ youth are faced with
2029 the need to learn how to support themselves within legal means
2030 and overcome the stigma of being delinquent. In most cases,
2031 parents expedite this transition. It is the intent of the
2032 Legislature that the department provide ~~elder~~ youth in its
2033 custody or under its supervision with opportunities for
2034 participating in transition-to-adulthood services while in the
2035 department's commitment programs or in probation or conditional
2036 release programs in the community. These services should be
2037 reasonable and appropriate for the youths' respective ages or
2038 special needs and provide activities that build life skills and
2039 increase the ability to live independently and become self-
2040 sufficient.



478698

2041 (2) Youth served by the department who are in the custody
2042 of the Department of Children and Families ~~Family Services~~ and
2043 who entered juvenile justice placement from a foster care
2044 placement, if otherwise eligible, may receive independent living
2045 transition services pursuant to s. 409.1451. Court-ordered
2046 commitment or probation with the department is not a barrier to
2047 eligibility for the array of services available to a youth who
2048 is in the dependency foster care system only.

2049 (3) For a dependent child in the foster care system,
2050 adjudication for delinquency does not, by itself, disqualify
2051 such child for eligibility in the Department of Children and
2052 Families' ~~Family Services'~~ independent living program.

2053 (4) As part of the child's treatment plan, the department
2054 may provide transition-to-adulthood services to children
2055 released from residential commitment. To support participation
2056 in transition-to-adulthood services and subject to
2057 appropriation, the department may:

2058 (a) Assess the child's skills and abilities to live
2059 independently and become self-sufficient. The specific services
2060 to be provided shall be determined using an assessment of his or
2061 her readiness for adult life.

2062 (b) Use community reentry teams to assist in the
2063 development of ~~Develop~~ a list of age-appropriate activities and
2064 responsibilities to be incorporated in the child's written case
2065 plan for any youth ~~17 years of age or older~~ who is under the
2066 custody or supervision of the department. Community reentry
2067 teams may include representatives from school districts, law
2068 enforcement, workforce development services, community-based
2069 service providers, and the youth's family. Such community



478698

2070 reentry teams must be created within existing resources provided
2071 to the department. Activities may include, but are not limited
2072 to, life skills training, including training to develop banking
2073 and budgeting skills, interviewing and career planning skills,
2074 parenting skills, personal health management, and time
2075 management or organizational skills; educational support;
2076 employment training; and counseling.

2077 (c) Provide information related to social security
2078 insurance benefits and public assistance.

2079 (d) Request parental or guardian permission for the youth
2080 to participate in transition-to-adulthood services. Upon such
2081 consent, age-appropriate activities shall be incorporated into
2082 the youth's written case plan. This plan may include specific
2083 goals and objectives and shall be reviewed and updated at least
2084 quarterly. If the parent or guardian is cooperative, the plan
2085 may not interfere with the parent's or guardian's rights to
2086 nurture and train his or her child in ways that are otherwise in
2087 compliance with the law and court order.

2088 (e) Contract for transition-to-adulthood services that
2089 include residential services and assistance and allow the child
2090 to live independently of the daily care and supervision of an
2091 adult in a setting that is not licensed under s. 409.175. A
2092 child under the care or supervision of the department ~~who has~~
2093 ~~reached 17 years of age but is not yet 19 years of age~~ is
2094 eligible for such services if he or she does not pose a danger
2095 to the public and is able to demonstrate minimally sufficient
2096 skills and aptitude for living under decreased adult
2097 supervision, as determined by the department, using established
2098 procedures and assessments.



478698

2099 (f) Assist the child in building a portfolio of educational
2100 and vocational accomplishments, necessary identification,
2101 resumes, and cover letters in an effort to enhance the child's
2102 employability.

2103 (g) Collaborate with school district contacts to facilitate
2104 appropriate educational services based on the child's identified
2105 needs.

2106 (5) For a child ~~who is 17 years of age or older~~, under the
2107 department's care or supervision, and without benefit of parents
2108 or legal guardians capable of assisting the child in the
2109 transition to adult life, the department may provide an
2110 assessment to determine the child's skills and abilities to live
2111 independently and become self-sufficient. Based on the
2112 assessment and within existing resources, services and training
2113 may be provided in order to develop the necessary skills and
2114 abilities ~~before the child's 18th birthday.~~

2115 Section 28. Paragraph (b) of subsection (3) of section
2116 985.481, Florida Statutes, is amended to read:

2117 985.481 Sexual offenders adjudicated delinquent;
2118 notification upon release.-

2119 (3)

2120 (b) ~~No later than November 1, 2007~~, The department must
2121 make the information described in subparagraph (a)1. available
2122 electronically to the Department of Law Enforcement in its
2123 database and in a format that is compatible with the
2124 requirements of the Florida Crime Information Center.

2125 Section 29. Subsection (5) of section 985.4815, Florida
2126 Statutes, is amended to read:

2127 985.4815 Notification to Department of Law Enforcement of



478698

2128 information on juvenile sexual offenders.-

2129 (5) In addition to notification and transmittal
2130 requirements imposed by any other provision of law, the
2131 department shall compile information on any sexual offender and
2132 provide the information to the Department of Law Enforcement. ~~No~~
2133 ~~later than November 1, 2007,~~ The department must make the
2134 information available electronically to the Department of Law
2135 Enforcement in its database in a format that is compatible with
2136 the requirements of the Florida Crime Information Center.

2137 Section 30. Subsection (1) of section 985.514, Florida
2138 Statutes, is amended to read:

2139 985.514 Responsibility for cost of care; fees.-

2140 (1) When any child is placed into secure or nonsecure home
2141 detention care or into other placement for the purpose of being
2142 supervised by the department pursuant to a court order following
2143 a detention hearing, the court shall order the child's parents
2144 to pay fees to the department as provided in s. 985.039.

2145 Section 31. Paragraph (a) of subsection (3) and paragraph
2146 (a) of subsection (9) of section 985.601, Florida Statutes, are
2147 amended to read:

2148 985.601 Administering the juvenile justice continuum.-

2149 (3) (a) The department shall develop or contract for
2150 diversified and innovative programs to provide rehabilitative
2151 treatment, including early intervention and prevention,
2152 diversion, comprehensive intake, case management, diagnostic and
2153 classification assessments, trauma-informed care, individual and
2154 family counseling, family engagement resources and programs,
2155 gender-specific programming, shelter care, diversified detention
2156 care emphasizing alternatives to secure detention, diversified



478698

2157 probation, halfway houses, foster homes, community-based
2158 substance abuse treatment services, community-based mental
2159 health treatment services, community-based residential and
2160 nonresidential programs, mother-infant programs, and
2161 environmental programs. The department may pay expenses in
2162 support of innovative programs and activities that address
2163 identified needs and the well-being of children in the
2164 department's care or under its supervision, subject to the
2165 requirements of chapters 215, 216, and 287. Each program shall
2166 place particular emphasis on reintegration and conditional
2167 release for all children in the program.

2168 (9) (a) The department shall operate a statewide, regionally
2169 administered system of detention services for children, in
2170 accordance with a comprehensive plan for the regional
2171 administration of all detention services in the state. The plan
2172 must provide for the maintenance of adequate availability of
2173 detention services for all counties. The plan must cover all the
2174 department's operating circuits, with each operating circuit
2175 having access to a secure facility and nonsecure ~~and home~~
2176 detention programs, and the plan may be altered or modified by
2177 the Department of Juvenile Justice as necessary.

2178 Section 32. Sections 985.605, 985.606, and 985.61, Florida
2179 Statutes, are repealed.

2180 Section 33. Section 985.632, Florida Statutes, is amended
2181 to read:

2182 985.632 Quality improvement assurance and cost-
2183 effectiveness; Comprehensive Accountability Report.—

2184 (1) INTENT.—It is the intent of the Legislature that the
2185 department establish a performance accountability system for



478698

2186 each provider who contracts with the department for the delivery
2187 of services to children. The contract shall include both output
2188 measures, such as the number of children served, and outcome
2189 measures, including program completion and postcompletion
2190 recidivism. Each contractor shall report performance results to
2191 the department annually. The department's Bureau of Research and
2192 Planning shall summarize performance results from all contracts
2193 and report the information to the Legislature annually in the
2194 Comprehensive Accountability Report. The report shall:

2195 (a) Ensure that information be provided to decisionmakers
2196 in a timely manner so that resources are allocated to programs
2197 that of the department which achieve desired performance levels.

2198 (b) Provide information about the cost of such programs and
2199 their differential effectiveness so that the quality of such
2200 programs can be compared and improvements made continually.

2201 (c) Provide information to aid in developing related policy
2202 issues and concerns.

2203 (d) Provide information to the public about the
2204 effectiveness of such programs in meeting established goals and
2205 objectives.

2206 (e) Provide a basis for a system of accountability so that
2207 each child client is afforded the best programs to meet his or
2208 her needs.

2209 (f) Improve service delivery to children through the use of
2210 technical assistance clients.

2211 (g) Modify or eliminate activities or programs that are not
2212 effective.

2213 (h) Collect and analyze available statistical data for the
2214 purpose of ongoing evaluation of all programs.



478698

2215 (2) DEFINITIONS.—As used in this section, the term:
2216 ~~(a) "Client" means any person who is being provided~~
2217 ~~treatment or services by the department or by a provider under~~
2218 ~~contract with the department.~~
2219 (a) "Program" means any facility or service for youth that
2220 is operated by the department or by a provider under contract
2221 with the department.
2222 (b) "Program component" means an aggregation of generally
2223 related objectives which, because of their special character,
2224 related workload, and interrelated output, can logically be
2225 considered an entity for purposes of organization, management,
2226 accounting, reporting, and budgeting.
2227 ~~(c) "Program effectiveness" means the ability of the~~
2228 ~~program to achieve desired client outcomes, goals, and~~
2229 ~~objectives.~~
2230 (c) "Program group" means a collection of programs with
2231 sufficient similarity of functions, services, and youth to
2232 permit appropriate comparison amongst programs within the group.
2233 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in
2234 consultation with contract service providers, shall develop and
2235 use a standard methodology for annually measuring, evaluating,
2236 and reporting program outputs and youth outcomes for each
2237 program and program group. The standard methodology must:
2238 (a) Include common terminology and operational definitions
2239 for measuring the performance of system and program
2240 administration, program outputs, and program outcomes.
2241 (b) Specify program outputs for each program and for each
2242 program group within the juvenile justice continuum.
2243 (c) Specify desired child outcomes and methods by which to



2244 measure child outcomes for each program and program group
2245 ~~annually collect and report cost data for every program operated~~
2246 ~~or contracted by the department. The cost data shall conform to~~
2247 ~~a format approved by the department and the Legislature. Uniform~~
2248 ~~cost data shall be reported and collected for state-operated and~~
2249 ~~contracted programs so that comparisons can be made among~~
2250 ~~programs. The department shall ensure that there is accurate~~
2251 ~~cost accounting for state-operated services including market-~~
2252 ~~equivalent rent and other shared cost. The cost of the~~
2253 ~~educational program provided to a residential facility shall be~~
2254 ~~reported and included in the cost of a program. The department~~
2255 ~~shall submit an annual cost report to the President of the~~
2256 ~~Senate, the Speaker of the House of Representatives, the~~
2257 ~~Minority Leader of each house of the Legislature, the~~
2258 ~~appropriate substantive and fiscal committees of each house of~~
2259 ~~the Legislature, and the Governor, no later than December 1 of~~
2260 ~~each year. Cost-benefit analysis for educational programs will~~
2261 ~~be developed and implemented in collaboration with and in~~
2262 ~~cooperation with the Department of Education, local providers,~~
2263 ~~and local school districts. Cost data for the report shall~~
2264 ~~include data collected by the Department of Education for the~~
2265 ~~purposes of preparing the annual report required by s.~~
2266 ~~1003.52(19).~~

2267 (4) ~~(a)~~ COST-EFFECTIVENESS MODEL.—The department, in
2268 consultation with the Office of Economic and Demographic
2269 Research and contract service providers, shall develop a cost-
2270 effectiveness model and apply the model to each commitment
2271 program. ~~Program recidivism rates shall be a component of the~~
2272 ~~model.~~



478698

2273 (a) The cost-effectiveness model shall compare program
2274 costs to expected and actual child recidivism rates ~~client~~
2275 ~~outcomes and program outputs~~. It is the intent of the
2276 Legislature that continual development efforts take place to
2277 improve the validity and reliability of the cost-effectiveness
2278 model.

2279 (b) The department shall rank commitment programs based on
2280 the cost-effectiveness model, performance measures, and
2281 adherence to quality improvement standards and shall ~~submit a~~
2282 report this data in the annual Comprehensive Accountability
2283 Report to the appropriate substantive and fiscal committees of
2284 ~~each house of the Legislature by December 31 of each year.~~

2285 (c) Based on reports of the department on child ~~client~~
2286 outcomes and program outputs and on the department's most recent
2287 cost-effectiveness rankings, the department may terminate a
2288 program operated by the department or a provider if the program
2289 has failed to achieve a minimum standard ~~threshold~~ of program
2290 effectiveness. This paragraph does not preclude the department
2291 from terminating a contract as provided under this section or as
2292 otherwise provided by law or contract, and does not limit the
2293 department's authority to enter into or terminate a contract.

2294 (d) In collaboration with the Office of Economic and
2295 Demographic Research, and contract service providers, the
2296 department shall develop a work plan to refine the cost-
2297 effectiveness model so that the model is consistent with the
2298 performance-based program budgeting measures approved by the
2299 Legislature to the extent the department deems appropriate. The
2300 department shall notify the Office of Program Policy Analysis
2301 and Government Accountability of any meetings to refine the



478698

2302 model.

2303 (e) Contingent upon specific appropriation, the department,
2304 in consultation with the Office of Economic and Demographic
2305 Research, and contract service providers, shall:

2306 1. Construct a profile of each commitment program that uses
2307 the results of the quality improvement data portion of the
2308 Comprehensive Accountability ~~assurance~~ Report required by this
2309 section, the cost-effectiveness data portion of the
2310 Comprehensive Accountability Report required in this subsection,
2311 and other reports available to the department.

2312 2. Target, for a more comprehensive evaluation, any
2313 commitment program that has achieved consistently high, low, or
2314 disparate ratings in the reports required under subparagraph 1.
2315 and target, for technical assistance, any commitment program
2316 that has achieved low or disparate ratings in the reports
2317 required under subparagraph 1.

2318 3. Identify the essential factors that contribute to the
2319 high, low, or disparate program ratings.

2320 4. Use the results of these evaluations in developing or
2321 refining juvenile justice programs or program models, child
2322 elient outcomes and program outputs, provider contracts, quality
2323 improvement ~~assurance~~ standards, and the cost-effectiveness
2324 model.

2325 (5) QUALITY IMPROVEMENT.—The department shall:

2326 (a) Establish a comprehensive quality improvement ~~assurance~~
2327 system for each program operated by the department or operated
2328 by a provider under contract with the department. Each contract
2329 entered into by the department must provide for quality
2330 improvement ~~assurance~~.



478698

2331 (b) Provide operational definitions of and criteria for
2332 quality improvement assurance for each specific program
2333 component.

2334 (c) Establish quality improvement assurance goals and
2335 objectives for each specific program component.

2336 (d) Establish the information and specific data elements
2337 required for the quality improvement assurance program.

2338 (e) Develop a quality improvement assurance manual of
2339 specific, standardized terminology and procedures to be followed
2340 by each program.

2341 (f) Evaluate each program operated by the department or a
2342 provider under a contract with the department annually and
2343 establish minimum standards thresholds for each program
2344 component. If a provider fails to meet the established minimum
2345 standards thresholds, such failure shall cause the department to
2346 cancel the provider's contract unless the provider achieves
2347 compliance with minimum standards thresholds within 6 months or
2348 unless there are documented extenuating circumstances. In
2349 addition, the department may not contract with the same provider
2350 for the canceled service for a period of 12 months. If a
2351 department-operated program fails to meet the established
2352 minimum standards thresholds, the department must take necessary
2353 and sufficient steps to ensure and document program changes to
2354 achieve compliance with the established minimum standards
2355 thresholds. If the department-operated program fails to achieve
2356 compliance with the established minimum standards thresholds
2357 within 6 months and if there are no documented extenuating
2358 circumstances, the department must notify the Executive Office
2359 of the Governor and the Legislature of the corrective action



478698

2360 taken. Appropriate corrective action may include, but is not
2361 limited to:

2362 1. Contracting out for the services provided in the
2363 program;

2364 2. Initiating appropriate disciplinary action against all
2365 employees whose conduct or performance is deemed to have
2366 materially contributed to the program's failure to meet
2367 established minimum standards ~~thresholds~~;

2368 3. Redesigning the program; or

2369 4. Realigning the program.

2370 (6) COMPREHENSIVE ACCOUNTABILITY REPORT SUBMISSION.—The
2371 department shall submit the Comprehensive Accountability Report
2372 ~~an annual report~~ to the President of the Senate, the Speaker of
2373 the House of Representatives, the Minority Leader of each house
2374 of the Legislature, the appropriate substantive and fiscal
2375 committees of each house of the Legislature, and the Governor,
2376 no later than February 1 of each year. The Comprehensive
2377 Accountability Report ~~annual report~~ must contain, at a minimum,
2378 for each specific program component: a comprehensive description
2379 of the population served by the program; a specific description
2380 of the services provided by the program; cost; a comparison of
2381 expenditures to federal and state funding; immediate and long-
2382 range concerns; and recommendations to maintain, expand,
2383 improve, modify, or eliminate each program component so that
2384 changes in services lead to enhancement in program quality. The
2385 department shall ensure the reliability and validity of the
2386 information contained in the report.

2387 (7)(6) ONGOING EVALUATIONS; REPORTS.—The department shall
2388 collect and analyze available statistical data for the purpose



478698

2389 of ongoing evaluation of all programs. The department shall
2390 provide the Legislature with necessary information and reports
2391 to enable the Legislature to make informed decisions regarding
2392 the effectiveness of, and any needed changes in, services,
2393 programs, policies, and laws.

2394 Section 34. Paragraph (a) of subsection (1) and paragraph
2395 (b) of subsection (3) of section 985.644, Florida Statutes, are
2396 amended to read:

2397 985.644 Departmental contracting powers; personnel
2398 standards and investigation screening.-

2399 (1) The department may contract with the Federal
2400 Government, other state departments and agencies, county and
2401 municipal governments and agencies, public and private agencies,
2402 and private individuals and corporations in carrying out the
2403 purposes of, and the responsibilities established in, this
2404 chapter.

2405 (a) Each contract entered into by the department for
2406 services delivered on an appointment or intermittent basis by a
2407 provider that does not have regular custodial responsibility for
2408 children and each contract with a school for ~~before or after~~care
2409 services must ensure that all owners, operators, and personnel
2410 who have direct contact with children are subject to level 2
2411 background screening pursuant to chapter 435.

2412 (3)

2413 (b) ~~Except for~~ Law enforcement, correctional, and
2414 correctional probation officers, certified pursuant to s.
2415 943.13, are not required to submit to level 2 screenings as long
2416 as they are currently employed by a law enforcement agency or
2417 correctional facility. ~~to whom s. 943.13(5) applies,~~ The



478698

2418 department shall electronically submit to the Department of Law
2419 Enforcement:

2420 1. Fingerprint information obtained during the employment
2421 screening required by subparagraph (a)1.

2422 2. Fingerprint information for all persons employed by the
2423 department, or by a provider under contract with the department,
2424 in delinquency facilities, services, or programs if such
2425 fingerprint information has not previously been electronically
2426 submitted pursuant to this section ~~to the Department of Law~~
2427 ~~Enforcement under this paragraph.~~

2428 Section 35. Section 985.6441, Florida Statutes, is created
2429 to read:

2430 985.6441 Health care services.—

2431 (1) As used in this section, the term:

2432 (a) "Health care provider" has the same meaning as provided
2433 in s. 766.105.

2434 (b) "Hospital" means a hospital licensed under chapter 395.

2435 (2) When compensating health care providers, the department
2436 must comply with the following reimbursement limitations:

2437 (a) Payments to a hospital or a health care provider may
2438 not exceed 110 percent of the Medicare allowable rate for any
2439 health care services provided if there is no contract between
2440 the department and the hospital or the health care provider
2441 providing services at a hospital.

2442 (b)1. The department may continue to make payments for
2443 health care services at the contracted rates for contracts
2444 executed before July 1, 2014, through the current term of the
2445 contract if a contract has been executed between the department
2446 and a hospital or a health care provider providing services at a



478698

2447 hospital.
2448 2. Payments may not exceed 110 percent of the Medicare
2449 allowable rate after the current term of the contract expires or
2450 after the contract is renewed during the 2013-2014 fiscal year.
2451 (c) Payments may not exceed 110 percent of the Medicare
2452 allowable rate under a contract executed on or after July 1,
2453 2014, between the department and a hospital or a health care
2454 provider providing services at a hospital.
2455 (d) Notwithstanding paragraphs (a)-(c), the department may
2456 pay up to 125 percent of the Medicare allowable rate for health
2457 care services at a hospital that reports, or has reported, a
2458 negative operating margin for the previous fiscal year to the
2459 Agency for Health Care Administration through hospital-audited
2460 financial data.
2461 Section 36. Subsections (1), (2), and (3) of section
2462 985.66, Florida Statutes, are amended to read:
2463 985.66 Juvenile justice training ~~academies~~; staff
2464 development and training; Juvenile Justice Training Trust Fund.—
2465 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
2466 provide a systematic approach to staff development and training
2467 for judges, state attorneys, public defenders, law enforcement
2468 officers, school district personnel, and juvenile justice
2469 program staff that will meet the needs of such persons in their
2470 discharge of duties while at the same time meeting the
2471 requirements for the American Correction Association
2472 accreditation by the Commission on Accreditation for
2473 Corrections, it is the purpose of the Legislature to require the
2474 department to establish, maintain, and oversee the operation of
2475 juvenile justice training, programs, and courses ~~academies~~ in



478698

2476 the state. The purpose of the Legislature in establishing staff
2477 development and training programs is to provide employees of the
2478 department, any private or public entity, or contract providers
2479 who provide services or care for children under the
2480 responsibility of the department with the knowledge and skills
2481 needed to appropriately interact with children and provide such
2482 care and services ~~foster better staff morale and reduce~~
2483 ~~mistreatment and aggressive and abusive behavior in delinquency~~
2484 ~~programs~~; to positively impact the recidivism of children in the
2485 juvenile justice system; and to afford greater protection of the
2486 public through an improved level of services delivered by a
2487 professionally trained juvenile justice ~~program~~ staff to
2488 children who are alleged to be or who have been found to be
2489 delinquent.

2490 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2491 (a) Designate the number and location of the training
2492 programs and courses; assess, design, academies; develop,
2493 implement, evaluate, maintain, and update the curriculum to be
2494 used in the training of juvenile justice ~~program~~ staff;
2495 establish timeframes for participation in and completion of
2496 training by juvenile justice ~~program~~ staff; develop, implement,
2497 score, analyze, maintain, and update job-related examinations;
2498 develop, implement, analyze, and update the types and
2499 frequencies for ~~of~~ evaluations of the training programs,
2500 courses, and instructors academies; and manage ~~approve, modify,~~
2501 ~~or disapprove~~ the budget and contracts for all the training
2502 deliverables academies, ~~and the contractor to be selected to~~
2503 ~~organize and operate the training academies and to provide the~~
2504 ~~training curriculum.~~



478698

2505 (b) Establish uniform minimum job-related preservice and
2506 inservice training courses and examinations for juvenile justice
2507 program staff.

2508 (c) Consult and cooperate with the state or any political
2509 subdivision; any private entity or contractor; and with private
2510 and public universities, colleges, community colleges, and other
2511 educational institutions concerning the development of juvenile
2512 justice training and programs or courses of instruction,
2513 including, but not limited to, education and training in the
2514 areas of juvenile justice.

2515 (d) Enter into contracts and agreements with other
2516 agencies, organizations, associations, corporations,
2517 individuals, or federal agencies as necessary in the execution
2518 of the powers of the department or the performance of its
2519 duties.

2520 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
2521 establish a certifiable program for juvenile justice training
2522 pursuant to this section, and all department program staff and
2523 providers who deliver direct care services pursuant to contract
2524 with the department shall be required to participate in and
2525 successfully complete the department-approved program of
2526 training pertinent to their areas of responsibility. Judges,
2527 state attorneys, and public defenders, law enforcement officers,
2528 ~~and~~ school district personnel, and employees of contract
2529 providers who provide services or care for children under the
2530 responsibility of the department may participate in such
2531 training program. For the juvenile justice program staff, the
2532 department shall, based on a job-task analysis:

2533 (a) Design, implement, maintain, evaluate, and revise a



478698

2534 basic training program, including a competency-based
2535 examination, for the purpose of providing minimum employment
2536 training qualifications for all juvenile justice personnel. All
2537 program staff of the department and providers who deliver
2538 direct-care services who are hired after October 1, 1999, must
2539 meet the following minimum requirements:

- 2540 1. Be at least 19 years of age.
- 2541 2. Be a high school graduate or its equivalent as
2542 determined by the department.
- 2543 3. Not have been convicted of any felony or a misdemeanor
2544 involving perjury or a false statement, or have received a
2545 dishonorable discharge from any of the Armed Forces of the
2546 United States. Any person who, after September 30, 1999, pleads
2547 guilty or nolo contendere to or is found guilty of any felony or
2548 a misdemeanor involving perjury or false statement is not
2549 eligible for employment, notwithstanding suspension of sentence
2550 or withholding of adjudication. Notwithstanding this
2551 subparagraph, any person who pled nolo contendere to a
2552 misdemeanor involving a false statement before October 1, 1999,
2553 and who has had such record of that plea sealed or expunged is
2554 not ineligible for employment for that reason.
- 2555 4. Abide by all ~~the provisions~~ of s. 985.644(1) regarding
2556 fingerprinting and background investigations and other screening
2557 requirements for personnel.
- 2558 5. Execute and submit to the department an affidavit-of-
2559 application form, adopted by the department, attesting to his or
2560 her compliance with subparagraphs 1.-4. The affidavit must be
2561 executed under oath and constitutes an official statement under
2562 s. 837.06. The affidavit must include conspicuous language that



478698

2563 the intentional false execution of the affidavit constitutes a
2564 misdemeanor of the second degree. The employing agency shall
2565 retain the affidavit.

2566 (b) Design, implement, maintain, evaluate, and revise an
2567 advanced training program, including a competency-based
2568 examination for each training course, which is intended to
2569 enhance knowledge, skills, and abilities related to job
2570 performance.

2571 (c) Design, implement, maintain, evaluate, and revise a
2572 career development training program, including a competency-
2573 based examination for each training course. Career development
2574 courses are intended to prepare personnel for promotion.

2575 (d) The department is encouraged to design, implement,
2576 maintain, evaluate, and revise juvenile justice training
2577 courses, or to enter into contracts for such training courses,
2578 that are intended to provide for the safety and well-being of
2579 both citizens and juvenile offenders.

2580 Section 37. Subsection (5) of section 985.664, Florida
2581 Statutes, is amended to read:

2582 985.664 Juvenile justice circuit advisory boards.—

2583 ~~(5) (a) To form the initial juvenile justice circuit~~
2584 ~~advisory board, the Secretary of Juvenile Justice, in~~
2585 ~~consultation with the juvenile justice county councils in~~
2586 ~~existence on October 1, 2013, shall appoint the chair of the~~
2587 ~~board, who must meet the board membership requirements in~~
2588 ~~subsection (4). Within 45 days after being appointed, the chair~~
2589 ~~shall appoint the remaining members to the juvenile justice~~
2590 ~~circuit advisory board and submit the appointments to the~~
2591 ~~department for approval.~~



478698

2592 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2593 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2594 the juvenile justice circuit advisory board, shall appoint a new
2595 chair, who must meet the board membership requirements in
2596 subsection (4). The chair shall appoint members to vacant seats
2597 within 45 days after the vacancy and submit the appointments to
2598 the department for approval. The chair shall serve at the
2599 pleasure of the Secretary of Juvenile Justice.

2600 Section 38. Subsections (1) and (4) of section 985.672,
2601 Florida Statutes, are amended to read:

2602 985.672 Direct-support organization; definition; use of
2603 property; board of directors; audit.—

2604 (1) DEFINITION.—As used in this section, the term “direct-
2605 support organization” means an organization whose sole purpose
2606 is to support the juvenile justice system and which is:

2607 (a) A corporation not-for-profit incorporated under chapter
2608 617 and which is approved by the Department of State;

2609 (b) Organized and operated to conduct programs and
2610 activities; to raise funds; to request and receive grants,
2611 gifts, and bequests of moneys; to acquire, receive, hold,
2612 invest, and administer, in its own name, securities, funds,
2613 objects of value, or other property, real or personal; and to
2614 make expenditures to or for the direct or indirect benefit of
2615 the Department of Juvenile Justice or the juvenile justice
2616 system operated by a county commission or a circuit board;

2617 (c) Determined by the Department of Juvenile Justice to be
2618 consistent with the goals of the juvenile justice system, in the
2619 best interest of the state, and in accordance with the adopted
2620 goals and mission of the Department of Juvenile Justice.



478698

2621
2622 Expenditures of the organization shall be ~~expressly~~ used for the
2623 prevention to prevent and amelioration of ~~ameliorate~~ juvenile
2624 delinquency. The expenditures of the direct-support organization
2625 may not be used for the purpose of lobbying as defined in s.
2626 11.045.

2627 (4) USE OF PROPERTY.—The department may permit, without
2628 charge, appropriate use of fixed property, ~~and facilities, and~~
2629 personnel services of the juvenile justice system by the direct-
2630 support organization, subject to ~~the provisions of~~ this section.
2631 For the purposes of this subsection, the term "personnel
2632 services" includes full-time or part-time personnel, as well as
2633 payroll processing services.

2634 (a) The department may prescribe any condition with which
2635 the direct-support organization must comply in order to use
2636 fixed property or facilities of the juvenile justice system.

2637 (b) The department may not permit the use of any fixed
2638 property or facilities of the juvenile justice system by the
2639 direct-support organization if it does not provide equal
2640 membership and employment opportunities to all persons
2641 regardless of race, color, religion, sex, age, or national
2642 origin.

2643 (c) The department shall adopt rules prescribing the
2644 procedures by which the direct-support organization is governed
2645 and any conditions with which a direct-support organization must
2646 comply to use property or facilities of the department.

2647 Section 39. Subsections (1) through (4) and subsection (9)
2648 of section 985.682, Florida Statutes, are amended to read:

2649 985.682 Siting of facilities; study; criteria.—



478698

2650 ~~(1) The department is directed to conduct or contract for a~~
2651 ~~statewide comprehensive study to determine current and future~~
2652 ~~needs for all types of facilities for children committed to the~~
2653 ~~custody, care, or supervision of the department under this~~
2654 ~~chapter.~~

2655 ~~(2) The study shall assess, rank, and designate appropriate~~
2656 ~~sites, and shall be reflective of the different purposes and~~
2657 ~~uses for all facilities, based upon the following criteria:~~

2658 ~~(a) Current and future estimates of children originating~~
2659 ~~from each county;~~

2660 ~~(b) Current and future estimates of types of delinquent~~
2661 ~~acts committed in each county;~~

2662 ~~(c) Geographic location of existing facilities;~~

2663 ~~(d) Availability of personnel within the local labor~~
2664 ~~market;~~

2665 ~~(e) Current capacity of facilities in the area;~~

2666 ~~(f) Total usable and developable acreage of various sites~~
2667 ~~based upon the use and purpose of the facility;~~

2668 ~~(g) Accessibility of each site to existing utility,~~
2669 ~~transportation, law enforcement, health care, fire protection,~~
2670 ~~refuse collection, water, and sewage disposal services;~~

2671 ~~(h) Susceptibility of each site to flooding hazards or~~
2672 ~~other adverse natural environmental consequences;~~

2673 ~~(i) Site location in relation to desirable and undesirable~~
2674 ~~proximity to other public facilities, including schools;~~

2675 ~~(j) Patterns of residential growth and projected population~~
2676 ~~growth; and~~

2677 ~~(k) Such other criteria as the department, in conjunction~~
2678 ~~with local governments, deems appropriate.~~



478698

2679 ~~(3) The department shall recommend certification of the~~
2680 ~~study by the Governor and Cabinet within 2 months after its~~
2681 ~~receipt.~~

2682 ~~(4) Upon certification of the study by the Governor and~~
2683 ~~Cabinet, the department shall notify those counties designated~~
2684 ~~as being in need of a facility.~~

2685 (5)~~(9)~~ The Governor and Cabinet shall consider the
2686 following when determining whether to grant the appeal from the
2687 decision of the local government on the requested modification:

2688 (a) The record of the proceedings before the local
2689 government.

2690 (b) Reports and studies by any other agency relating to
2691 matters within the jurisdiction of such agency which may be
2692 potentially affected by the proposed site.

2693 (c) Existing ~~The statewide study, as established in~~
2694 ~~subsection (1); other existing studies,~~ reports and information
2695 maintained by the department as the Governor and Cabinet may
2696 request addressing the feasibility and availability of
2697 alternative sites in the general area, and the need for a
2698 facility in the area based on the average number of petitions,
2699 commitments, and transfers into the criminal court from the
2700 county to state facilities for the most recent 3 calendar years.

2701 Section 40. Section 985.69, Florida Statutes, is amended to
2702 read:

2703 985.69 Repair and maintenance ~~One-time startup~~ funding for
2704 juvenile justice purposes.—Funds from juvenile justice
2705 appropriations may be used ~~utilized~~ as ~~one-time startup~~ funding
2706 for juvenile justice purposes that include, but are not limited
2707 to, remodeling or renovation of existing facilities,



478698

2708 ~~construction costs, leasing costs,~~ purchase of equipment and
2709 furniture, site development, and other necessary and reasonable
2710 costs associated with the repair and maintenance ~~startup~~ of
2711 facilities or programs.

2712 Section 41. Section 985.694, Florida Statutes, is repealed.

2713 Section 42. Paragraph (a) of subsection (1) of section
2714 985.701, Florida Statutes, is amended to read:

2715 985.701 Sexual misconduct prohibited; reporting required;
2716 penalties.—

2717 (1) (a) 1. As used in this section ~~subsection~~, the term:

2718 a. "Sexual misconduct" means fondling the genital area,
2719 groin, inner thighs, buttocks, or breasts of a person; the oral,
2720 anal, or vaginal penetration by or union with the sexual organ
2721 of another; or the anal or vaginal penetration of another by any
2722 other object. The term does not include an act done for a bona
2723 fide medical purpose or an internal search conducted in the
2724 lawful performance of duty by an employee of the department or
2725 an employee of a provider under contract with the department.

2726 b. "Employee" includes paid staff members, volunteers, and
2727 interns who work in a department program or a program operated
2728 by a provider under a contract.

2729 c. "Juvenile offender" means any person of any age who is
2730 detained or supervised by, or committed to the custody of, the
2731 department.

2732 2. An employee who engages in sexual misconduct with a
2733 juvenile offender ~~detained or supervised by, or committed to the~~
2734 ~~eustody of, the department~~ commits a felony of the second
2735 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2736 775.084. An employee may be found guilty of violating this



478698

2737 subsection without having committed the crime of sexual battery.

2738 3. The consent of the juvenile offender to any act of
2739 sexual misconduct is not a defense to prosecution under this
2740 subsection.

2741 4. This subsection does not apply to an employee of the
2742 department, or an employee of a provider under contract with the
2743 department, who:

2744 a. Is legally married to a juvenile offender who is
2745 detained or supervised by, or committed to the custody of, the
2746 department.

2747 b. Has no reason to believe that the person with whom the
2748 employee engaged in sexual misconduct is a juvenile offender
2749 ~~detained or supervised by, or committed to the custody of, the~~
2750 ~~department.~~

2751 Section 43. Effective October, 1, 2014, Section 985.702,
2752 Florida Statutes, is created to read:

2753 985.702 Willful and malicious neglect of a juvenile
2754 offender prohibited; reporting required; penalties.-

2755 (1) As used in this section, the term:

2756 (a) "Employee" means a paid staff member, volunteer, or
2757 intern who works in a department program or a program operated
2758 by a provider under a contract with the department.

2759 (b) "Juvenile offender" means any person of any age who is
2760 detained or supervised by, or committed to the custody of the
2761 department.

2762 (c) "Neglect" means:

2763 1. An employee's failure or omission to provide a juvenile
2764 offender with the proper level of care, supervision, and
2765 services necessary to maintain the juvenile offender's physical



2766 and mental health, including, but not limited to, adequate food,
2767 nutrition, clothing, shelter, supervision, medicine, and medical
2768 services; or

2769 2. An employee's failure to make a reasonable effort to
2770 protect a juvenile offender from abuse, neglect, or exploitation
2771 by another person.

2772 (2) (a) An employee who willfully and maliciously neglects a
2773 juvenile offender without causing great bodily harm, permanent
2774 disability, or permanent disfigurement commits a felony of the
2775 third degree, punishable as provided in s. 775.082, s. 775.083,
2776 or s. 775.084.

2777 (b) An employee who willfully and maliciously neglects a
2778 juvenile offender and in so doing causes great bodily harm,
2779 permanent disability, or permanent disfigurement commits a
2780 felony of the second degree, punishable as provided in s.
2781 775.082, s. 775.083, or s. 775.084.

2782 (c) Notwithstanding prosecution, any violation of paragraph
2783 (a) or paragraph (b), as determined by the Public Employees
2784 Relations Commission, constitutes sufficient cause under s.
2785 110.227 for dismissal from employment with the department, and
2786 such person may not again be employed in any capacity in the
2787 juvenile justice system.

2788 (3) An employee who witnesses the infliction of neglect
2789 upon a juvenile offender shall immediately report the incident
2790 to the department's incident hotline and prepare, date, and sign
2791 an independent report that specifically describes the nature of
2792 the incident, the location and time of the incident, and the
2793 persons involved in the incident. The employee shall deliver the
2794 report to the employee's supervisor or program director, who



478698

2795 must provide copies to the department's inspector general and
2796 the circuit juvenile justice manager. The inspector general
2797 shall immediately conduct an appropriate administrative
2798 investigation, and, if there is probable cause to believe that a
2799 violation of subsection (2) has occurred, the inspector general
2800 shall notify the state attorney in the circuit in which the
2801 incident occurred.

2802 (4) (a) A person who is required to prepare a report under
2803 this section who knowingly or willfully fails to do so, or who
2804 knowingly or willfully prevents another person from doing so,
2805 commits a misdemeanor of the first degree, punishable as
2806 provided in s. 775.082 or s. 775.083.

2807 (b) A person who knowingly or willfully submits inaccurate,
2808 incomplete, or untruthful information with respect to a report
2809 required under this section commits a misdemeanor of the first
2810 degree, punishable as provided in s. 775.082 or s. 775.083.

2811 (c) A person who knowingly or willfully coerces or
2812 threatens any other person with the intent to alter testimony or
2813 a written report regarding an incident of neglect upon a
2814 juvenile offender commits a felony of the third degree,
2815 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2816 Section 44. Subsection (2) of section 985.721, Florida
2817 Statutes, is amended to read:

2818 985.721 Escapes from secure detention or residential
2819 commitment facility.—An escape from:

2820 (2) Any residential commitment facility described in s.
2821 985.03(44) ~~985.03(46)~~, maintained for the custody, treatment,
2822 punishment, or rehabilitation of children found to have
2823 committed delinquent acts or violations of law; or



478698

2824
2825 constitutes escape within the intent and meaning of s. 944.40
2826 and is a felony of the third degree, punishable as provided in
2827 s. 775.082, s. 775.083, or s. 775.084.

2828 Section 45. Paragraphs (c) and (f) of subsection (3) of
2829 section 943.0582, Florida Statutes, are amended to read:

2830 943.0582 Prearrest, postarrest, or teen court diversion
2831 program expunction.—

2832 (3) The department shall expunge the nonjudicial arrest
2833 record of a minor who has successfully completed a prearrest or
2834 postarrest diversion program if that minor:

2835 (c) Submits to the department, with the application, an
2836 official written statement from the state attorney for the
2837 county in which the arrest occurred certifying that he or she
2838 has successfully completed that county's prearrest or postarrest
2839 diversion program, that his or her participation in the program
2840 was based on an arrest for a nonviolent misdemeanor, and that he
2841 or she has not otherwise been charged by the state attorney with
2842 or found to have committed any criminal offense or comparable
2843 ordinance violation.

2844 (f) Has never, prior to filing the application for
2845 expunction, been charged by the state attorney with or been
2846 found to have committed any criminal offense or comparable
2847 ordinance violation.

2848 Section 46. Section 945.75, Florida Statutes, is repealed.

2849 Section 47. Paragraphs (h) through (k) of subsection (3) of
2850 section 121.0515, Florida Statutes, are redesignated as
2851 paragraphs (g) through (j), respectively, and paragraphs (e)
2852 through (i) of subsection (2), present paragraphs (g) and (k) of



478698

2853 subsection (3), paragraph (b) of subsection (5), paragraph (d)
2854 of subsection (8), and paragraph (c) of subsection (10) of that
2855 section are amended to read:

2856 121.0515 Special Risk Class.—

2857 (2) MEMBERSHIP.—

2858 ~~(c) Effective July 1, 2001, "special risk member" includes~~
2859 ~~any member who is employed as a youth custody officer by the~~
2860 ~~Department of Juvenile Justice and meets the special criteria~~
2861 ~~set forth in paragraph (3) (g).~~

2862 (e)~~(f)~~ Effective October 1, 2005, through June 30, 2008,
2863 the member must be employed by a law enforcement agency or
2864 medical examiner's office in a forensic discipline and meet the
2865 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

2866 (f)~~(g)~~ Effective July 1, 2008, the member must be employed
2867 by the Department of Law Enforcement in the crime laboratory or
2868 by the Division of State Fire Marshal in the forensic laboratory
2869 and meet the special criteria set forth in paragraph (3) (h)
2870 ~~(3) (i)~~.

2871 (g)~~(h)~~ Effective July 1, 2008, the member must be employed
2872 by a local government law enforcement agency or medical
2873 examiner's office and meet the special criteria set forth in
2874 paragraph (3) (i) ~~(3) (j)~~.

2875 (h)~~(i)~~ Effective August 1, 2008, "special risk member"
2876 includes any member who meets the special criteria for continued
2877 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

2878 (3) CRITERIA.—A member, to be designated as a special risk
2879 member, must meet the following criteria:

2880 ~~(g) Effective July 1, 2001, the member must be employed as~~
2881 ~~a youth custody officer and be certified, or required to be~~



478698

2882 ~~certified, in compliance with s. 943.1395. In addition, the~~
2883 ~~member's primary duties and responsibilities must be the~~
2884 ~~supervised custody, surveillance, control, investigation,~~
2885 ~~apprehension, arrest, and counseling of assigned juveniles~~
2886 ~~within the community;~~

2887 (j)~~(k)~~ The member must have already qualified for and be
2888 actively participating in special risk membership under
2889 paragraph (a), paragraph (b), or paragraph (c), must have
2890 suffered a qualifying injury as defined in this paragraph, must
2891 not be receiving disability retirement benefits as provided in
2892 s. 121.091(4), and must satisfy the requirements of this
2893 paragraph.

2894 1. The ability to qualify for the class of membership
2895 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
2896 medical physicians, one of whom is a primary treating physician
2897 of the member, certify the existence of the physical injury and
2898 medical condition that constitute a qualifying injury as defined
2899 in this paragraph and that the member has reached maximum
2900 medical improvement after August 1, 2008. The certifications
2901 from the licensed medical physicians must include, at a minimum,
2902 that the injury to the special risk member has resulted in a
2903 physical loss, or loss of use, of at least two of the following:
2904 left arm, right arm, left leg, or right leg; and:

2905 a. That this physical loss or loss of use is total and
2906 permanent, except if the loss of use is due to a physical injury
2907 to the member's brain, in which event the loss of use is
2908 permanent with at least 75 percent loss of motor function with
2909 respect to each arm or leg affected.

2910 b. That this physical loss or loss of use renders the



478698

2911 member physically unable to perform the essential job functions
2912 of his or her special risk position.

2913 c. That, notwithstanding this physical loss or loss of use,
2914 the individual can perform the essential job functions required
2915 by the member's new position, as provided in subparagraph 3.

2916 d. That use of artificial limbs is not possible or does not
2917 alter the member's ability to perform the essential job
2918 functions of the member's position.

2919 e. That the physical loss or loss of use is a direct result
2920 of a physical injury and not a result of any mental,
2921 psychological, or emotional injury.

2922 2. For the purposes of this paragraph, "qualifying injury"
2923 means an injury sustained in the line of duty, as certified by
2924 the member's employing agency, by a special risk member that
2925 does not result in total and permanent disability as defined in
2926 s. 121.091(4)(b). An injury is a qualifying injury if the injury
2927 is a physical injury to the member's physical body resulting in
2928 a physical loss, or loss of use, of at least two of the
2929 following: left arm, right arm, left leg, or right leg.

2930 Notwithstanding any other provision of this section, an injury
2931 that would otherwise qualify as a qualifying injury is not
2932 considered a qualifying injury if and when the member ceases
2933 employment with the employer for whom he or she was providing
2934 special risk services on the date the injury occurred.

2935 3. The new position, as described in sub-subparagraph 1.c.,
2936 that is required for qualification as a special risk member
2937 under this paragraph is not required to be a position with
2938 essential job functions that entitle an individual to special
2939 risk membership. Whether a new position as described in sub-



478698

2940 subparagraph 1.c. exists and is available to the special risk
2941 member is a decision to be made solely by the employer in
2942 accordance with its hiring practices and applicable law.

2943 4. This paragraph does not grant or create additional
2944 rights for any individual to continued employment or to be hired
2945 or rehired by his or her employer that are not already provided
2946 within the Florida Statutes, the State Constitution, the
2947 Americans with Disabilities Act, if applicable, or any other
2948 applicable state or federal law.

2949 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

2950 (b) Any member who is a special risk member on July 1,
2951 2008, and who became eligible to participate under paragraph
2952 (3) (g) ~~(3) (h)~~ but fails to meet the criteria for Special Risk
2953 Class membership established by paragraph (3) (h) ~~(3) (i)~~ or
2954 paragraph (3) (i) ~~(3) (j)~~ shall have his or her special risk
2955 designation removed and thereafter shall be a Regular Class
2956 member and earn only Regular Class membership credit. The
2957 department may review the special risk designation of members to
2958 determine whether or not those members continue to meet the
2959 criteria for Special Risk Class membership.

2960 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

2961 (d) Notwithstanding any other provision of this subsection,
2962 this subsection does not apply to any special risk member who
2963 qualifies for continued membership pursuant to paragraph (3) (j)
2964 ~~(3) (k)~~.

2965 (10) CREDIT FOR UPGRADED SERVICE.—

2966 (c) Any member of the Special Risk Class who has earned
2967 creditable service through June 30, 2008, in another membership
2968 class of the Florida Retirement System in a position with the



478698

2969 Department of Law Enforcement or the Division of State Fire
2970 Marshal and became covered by the Special Risk Class as
2971 described in paragraph (3) (h) ~~(3) (i)~~, or with a local government
2972 law enforcement agency or medical examiner's office and became
2973 covered by the Special Risk Class as described in paragraph
2974 (3) (i) ~~(3) (j)~~, which service is within the purview of the
2975 Special Risk Class, and is employed in such position on or after
2976 July 1, 2008, may purchase additional retirement credit to
2977 upgrade such service to Special Risk Class service, to the
2978 extent of the percentages of the member's average final
2979 compensation provided in s. 121.091(1)(a)2. The cost for such
2980 credit must be an amount representing the actuarial accrued
2981 liability for the difference in accrual value during the
2982 affected period of service. The cost shall be calculated using
2983 the discount rate and other relevant actuarial assumptions that
2984 were used to value the Florida Retirement System Pension Plan
2985 liabilities in the most recent actuarial valuation. The division
2986 shall ensure that the transfer sum is prepared using a formula
2987 and methodology certified by an enrolled actuary. The cost must
2988 be paid immediately upon notification by the division. The local
2989 government employer may purchase the upgraded service credit on
2990 behalf of the member if the member has been employed by that
2991 employer for at least 3 years.

2992 Section 48. Paragraph (a) of subsection (4) of section
2993 316.635, Florida Statutes, is amended to read:

2994 316.635 Courts having jurisdiction over traffic violations;
2995 powers relating to custody and detention of minors.—

2996 (4) A minor who willfully fails to appear before any court
2997 or judicial officer as required by written notice to appear is



478698

2998 guilty of contempt of court. Upon a finding by a court, after
2999 notice and a hearing, that a minor is in contempt of court for
3000 willful failure to appear pursuant to a valid notice to appear,
3001 the court may:

3002 (a) For a first offense, order the minor to serve up to 5
3003 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3004 ~~chapter 985~~ or, if space in a staff-secure shelter is
3005 unavailable, in a secure juvenile detention center.

3006 Section 49. Paragraph (a) of subsection (2) of section
3007 318.143, Florida Statutes, is amended to read:

3008 318.143 Sanctions for infractions by minors.—

3009 (2) Failure to comply with one or more of the sanctions
3010 imposed by the court constitutes contempt of court. Upon a
3011 finding by the court, after notice and a hearing, that a minor
3012 is in contempt of court for failure to comply with court-ordered
3013 sanctions, the court may:

3014 (a) For a first offense, order the minor to serve up to 5
3015 days in a staff-secure shelter as defined in chapter 984 ~~or~~
3016 ~~chapter 985~~ or, if space in a staff-secure shelter is
3017 unavailable, in a secure juvenile detention center.

3018 Section 50. Except as otherwise expressly provided in this
3019 act, this act shall take effect July 1, 2014.

3020
3021 ===== T I T L E A M E N D M E N T =====

3022 And the title is amended as follows:

3023 Delete everything before the enacting clause
3024 and insert:

3025 A bill to be entitled
3026 An act relating to juvenile justice; amending ss.



478698

3027 985.01 and 985.02, F.S.; revising legislative purposes
3028 and intent; amending s. 985.03, F.S.; revising
3029 definitions; amending s. 985.0301, F.S.; clarifying
3030 jurisdictional age restrictions for children in the
3031 juvenile justice system; restricting when cases may be
3032 transferred to a different jurisdiction; amending s.
3033 985.037, F.S.; providing for the placement of a child
3034 in a secure detention facility for contempt of court;
3035 providing due process to a child accused of direct
3036 contempt; revising the procedure for reviewing a
3037 child's placement in secure detention for contempt of
3038 court; amending ss. 985.039, 985.045, and 985.101,
3039 F.S.; conforming provisions; repealing s. 985.105,
3040 F.S., relating to the creation, duties, and
3041 qualifications of the youth custody officers in the
3042 Department of Juvenile Justice; amending s. 985.11,
3043 F.S.; revising when fingerprints must be submitted to
3044 the Department of Law Enforcement; amending s. 985.14,
3045 F.S.; revising the intake process; amending s.
3046 985.145, F.S.; substituting "Department of Juvenile
3047 Justice" for references to "juvenile probation
3048 officer"; creating s. 985.17, F.S.; providing
3049 legislative intent; requiring the department to
3050 provide specialized services to minimize the
3051 likelihood that youth will enter the juvenile justice
3052 system; providing for the department to promote the
3053 Invest in Children license plate to help fund
3054 prevention programs and services; providing for the
3055 department to monitor state-funded programs, grants,



478698

3056 contracts, appropriations, and activities designed to
3057 prevent juvenile crime and report annually on these
3058 measures; limiting expenditure of funds to those
3059 prevention services that are consistent with the law
3060 and maximize public accountability; amending s.
3061 985.24, F.S.; revising factors to determine if the use
3062 of detention care is appropriate; authorizing the
3063 department to establish nonsecure, nonresidential
3064 evening reporting centers; conforming provisions;
3065 amending s. 985.245, F.S.; conforming provisions;
3066 amending s. 985.25, F.S.; requiring a child to be held
3067 in secure detention under certain circumstances;
3068 clarifying procedures for releasing a child before the
3069 child's detention hearing; conforming provisions;
3070 amending s. 985.255, F.S.; providing that a child
3071 shall be given a detention hearing within 24 hours
3072 after being taken into custody; clarifying when a
3073 court may order continued detention care; revising
3074 specified factors for ordering continued detention
3075 care; clarifying when a child charged with domestic
3076 violence can be held in secure detention; revising
3077 written findings required to retain a child charged
3078 with domestic violence in secure detention; deleting
3079 obsolete provisions; amending s. 985.26, F.S.;
3080 conforming terminology; amending s. 985.265, F.S.;
3081 revising procedures for transferring a child to
3082 another detention status; providing new notification
3083 requirements for when a child is released or
3084 transferred from secure detention; revising the



3085 frequency of physical observation checks for children
3086 detained in jail facilities; amending s. 985.27, F.S.;
3087 requiring a child to be held in secure detention
3088 pending placement in a high-risk or maximum-risk
3089 residential program; conforming provisions; amending
3090 s. 985.275, F.S.; requiring the department to notify
3091 specified parties when a child absconds from a
3092 commitment program; requiring the department to make
3093 every reasonable effort to locate the absconded child;
3094 amending s. 985.433, F.S.; revising the content of a
3095 predisposition report; conforming terminology;
3096 amending s. 985.435, F.S.; authorizing a probation
3097 program to include an alternative consequence
3098 component that may be used to address noncompliance
3099 with the technical conditions of probation; requiring
3100 the department to identify a child's risk of
3101 reoffending if the child is being placed on probation
3102 or postcommitment probation; amending s. 985.439,
3103 F.S.; authorizing the department to establish
3104 alternative sanctions for violations of probation or
3105 postcommitment probation; conforming terminology;
3106 amending s. 985.441, F.S.; providing that a child on
3107 probation for certain offenses may not be committed
3108 for a probation violation that is technical in nature;
3109 conforming terminology; amending s. 985.46, F.S.;
3110 revising the definition of the term "conditional
3111 release"; revising terminology; amending s. 985.461,
3112 F.S.; expanding the opportunity for transition-to-
3113 adulthood services to all children; revising



3114 provisions that the department may use to support
3115 participation in transition-to-adulthood services;
3116 conforming terminology; amending ss. 985.481 and
3117 985.4815, F.S.; deleting obsolete provisions; amending
3118 s. 985.514, F.S.; conforming provisions; amending s.
3119 985.601, F.S.; requiring the department's programs to
3120 include trauma-informed care, family engagement
3121 resources and programs, and gender-specific
3122 programming; authorizing the department to pay the
3123 expenses of programs and activities that address the
3124 needs and well-being of children in its care or under
3125 its supervision; conforming terminology; repealing ss.
3126 985.605, 985.606, and 985.61, F.S.; deleting
3127 provisions relating to prevention services programs
3128 and providers and early delinquency intervention
3129 programs; amending s. 985.632, F.S.; providing for the
3130 establishment of a performance accountability system
3131 for contract providers; revising definitions;
3132 providing for the development of a Comprehensive
3133 Accountability Report; requiring the department to
3134 prepare and submit the report annually to the Governor
3135 and Legislature; specifying content that must be
3136 included in the report; revising provisions relating
3137 to the cost-effectiveness model and quality
3138 improvement; amending s. 985.644, F.S.; clarifying an
3139 exemption for specified certified law enforcement,
3140 correctional, and correctional probation officers
3141 relating to a requirement to submit to level 2
3142 background screenings; creating s. 985.6441, F.S.;



3143 providing definitions; limiting the amount that the
3144 department may pay a hospital or health care provider
3145 for health care services based on a percentage of the
3146 Medicare allowable rate; providing applicability;
3147 amending s. 985.66, F.S.; revising specified juvenile
3148 justice staff development and training procedures;
3149 expanding application of training requirements to
3150 contract providers who care for children in the
3151 department's custody; amending s. 985.664, F.S.;
3152 deleting obsolete provisions relating to the initial
3153 selection of the juvenile justice circuit advisory
3154 board chairs; revising procedures for appointing
3155 juvenile justice circuit advisory board chairs;
3156 providing that chairs serve at the pleasure of the
3157 secretary; amending s. 985.672, F.S.; clarifying
3158 language concerning expenditures of the direct-support
3159 organization's funds; authorizing the direct-support
3160 organization to use department personnel services;
3161 defining the term "personnel services"; amending s.
3162 985.682, F.S.; deleting obsolete provisions regarding
3163 a comprehensive study relating to the siting of
3164 facilities; amending s. 985.69, F.S.; providing for
3165 the use of specified funds for repair and maintenance;
3166 repealing s. 985.694, F.S.; deleting a provision
3167 relating to the Juvenile Care and Maintenance Trust
3168 Fund; amending s. 985.701, F.S.; defining the term
3169 "juvenile offender" for purposes of prohibiting sexual
3170 misconduct with juvenile offenders; creating s.
3171 985.702, F.S.; providing an effective date; providing



3172 definitions; providing for the imposition of criminal
3173 penalties against specified employees who inflict
3174 neglect upon juvenile offenders; providing enhanced
3175 penalties for such treatment that results in great
3176 bodily harm, permanent disability, or permanent
3177 disfigurement to a juvenile offender; specifying that
3178 such conduct constitutes sufficient cause for an
3179 employee's dismissal from employment; prohibiting such
3180 employee from future employment with the juvenile
3181 justice system; providing incident reporting
3182 requirements; prohibiting an employee who witnesses
3183 such an incident from knowingly or willfully failing
3184 to report such incident; prohibiting false reporting,
3185 preventing another from reporting, or coercing another
3186 to alter testimony or reports; providing criminal
3187 penalties; amending s. 985.721, F.S.; correcting a
3188 cross-reference; amending s. 943.0582, F.S.;
3189 clarifying that minors are not eligible for expunction
3190 if they have been charged by a state attorney for
3191 other crimes; repealing s. 945.75, F.S.; deleting a
3192 requirement that the Department of Corrections and
3193 counties develop programs under which a judge may
3194 order juveniles who have committed delinquent acts to
3195 tour correctional facilities; amending ss. 121.0515,
3196 316.635, and 318.143, F.S.; conforming provisions and
3197 correcting cross-references; providing effective
3198 dates.



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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment to Amendment (478698)

Delete line 2760

and insert:

detained by or committed to the custody of the

By the Committee on Judiciary; and Senators Bradley and Detert

590-02104-14

2014700c1

1 A bill to be entitled
 2 An act relating to the Department of Juvenile Justice;
 3 amending s. 985.01, F.S.; revising the purposes of ch.
 4 985, F.S., relating to juvenile justice; amending s.
 5 985.02, F.S.; revising the legislative intent and
 6 findings relating to the juvenile justice system;
 7 amending s. 985.03, F.S.; defining and redefining
 8 terms; amending s. 985.0301, F.S.; allowing a child
 9 who has been detained to be transferred to the
 10 detention center or facility in the circuit in which
 11 the child resides or will reside at the time of
 12 detention; deleting provisions relating to the
 13 retention of jurisdiction by the court of a child
 14 under certain circumstances; conforming provisions to
 15 changes made by the act; amending s. 985.037, F.S.;
 16 requiring the court to hold a hearing if a child is
 17 charged with direct contempt of court and to afford
 18 the child due process at such hearing; requiring the
 19 court to review the placement of a child in a secure
 20 detention facility upon motion by the defense or state
 21 attorney; conforming provisions to changes made by the
 22 act; repealing s. 985.105, F.S., relating to youth
 23 custody officers; amending s. 985.11, F.S.; providing
 24 that a child's fingerprints do not need to be
 25 submitted to the Department of Law Enforcement under
 26 certain circumstances; amending s. 985.14, F.S.;
 27 authorizing juvenile assessment center personnel to
 28 perform the intake process for children in custody of
 29 the Department of Juvenile Justice; providing

Page 1 of 118

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02104-14

2014700c1

30 requirements for the intake process; amending s.
 31 985.145, F.S.; transferring responsibilities relating
 32 to the intake process from the juvenile probation
 33 officer to the department; creating s. 985.17, F.S.;
 34 providing goals for the department's prevention
 35 services; requiring the department to engage with
 36 certain faith-based and community-based organizations;
 37 requiring the department to establish volunteer
 38 coordinators; requiring the department to promote a
 39 specified license plate; providing for the use of
 40 funds related to prevention services; amending s.
 41 985.24, F.S.; requiring that a determination or court
 42 order regarding the use of detention care include any
 43 findings that the child illegally possessed a firearm;
 44 authorizing the department to develop evening-
 45 reporting centers; providing requirements for such
 46 centers; conforming provisions to changes made by the
 47 act; amending s. 985.245, F.S.; conforming provisions
 48 to changes made by the act; amending s. 985.25, F.S.;
 49 transferring the responsibility for detention intake
 50 from the juvenile probation officer to the department;
 51 requiring that a child be placed in secure detention
 52 care until the child's detention hearing under certain
 53 circumstances; conforming provisions to changes made
 54 by the act; amending s. 985.255, F.S.; requiring that
 55 a child taken into custody and placed into secure or
 56 nonsecure detention care be given a hearing within a
 57 certain timeframe; authorizing the court to order
 58 continued detention under certain circumstances;

Page 2 of 118

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

590-02104-14

2014700c1

59 requiring that, if the initial order placing the youth
 60 on detention care does not include a release date, a
 61 release date be requested of the court on the same
 62 date the youth is placed on detention care; requiring
 63 that, if a subsequent hearing is needed to provide
 64 additional information to the court for safety
 65 planning, the initial order reflect the date of the
 66 next detention review hearing, which must be within 3
 67 calendar days after the child's initial detention
 68 placement; conforming provisions to changes made by
 69 the act; amending s. 985.26, F.S.; conforming
 70 provisions to changes made by the act; amending s.
 71 985.265, F.S.; requiring that detention staff
 72 immediately notify law enforcement, school personnel,
 73 and the victim, when a juvenile charged with a
 74 specified crime is released from secure detention or
 75 transferred to nonsecure detention; conforming
 76 provisions to changes made by the act; amending s.
 77 985.27, F.S.; conforming provisions to changes made by
 78 the act; amending s. 985.275, F.S.; requiring an
 79 authorized agent of the department to notify law
 80 enforcement and attempt to locate a child who has
 81 escaped from a residential commitment facility;
 82 requiring that the victim be notified under certain
 83 circumstances; amending s. 985.433, F.S.; revising
 84 provisions relating to educational goals of a child in
 85 a predisposition report; requiring the department,
 86 rather than the juvenile probation officer, to
 87 recommend to the court the most appropriate treatment

Page 3 of 118

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590-02104-14

2014700c1

88 and placement plan; amending s. 985.435, F.S.;
 89 authorizing a probation program to include an
 90 alternative consequence component; providing
 91 requirements for such component; requiring that the
 92 department provide an evaluation of the youth's risk
 93 to reoffend; conforming provisions to changes made by
 94 the act; amending s. 985.439, F.S.; providing that the
 95 section applies to children on probation or
 96 postcommitment probation, regardless of adjudication;
 97 authorizing the department to establish programs to
 98 provide alternative consequences for certain probation
 99 violations; providing requirements for such programs;
 100 conforming provisions to changes made by the act;
 101 amending s. 985.441, F.S.; providing that the court
 102 may commit a child who is on probation for a
 103 misdemeanor or a certain probation violation only at a
 104 specified restrictiveness level; authorizing the court
 105 to commit such child to a nonsecure residential
 106 placement in certain circumstances; conforming
 107 provisions to changes made by the act; amending s.
 108 985.46, F.S.; providing that conditional release
 109 includes transition-to-adulthood services; requiring
 110 certain students to participate in an educational or
 111 career education program; amending s. 985.461, F.S.;
 112 authorizing the department to provide transition-to-
 113 adulthood services under certain circumstances;
 114 authorizing the department to use community reentry
 115 teams composed of certain individuals and entities for
 116 certain purposes; removing age restrictions for youth

Page 4 of 118

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590-02104-14

2014700c1

117 who receive transition-to-adulthood services;
 118 requiring the department to assist youth in developing
 119 a portfolio of certain accomplishments and to
 120 collaborate with school districts to facilitate
 121 certain educational services; amending ss. 985.481 and
 122 985.4815, F.S.; deleting obsolete provisions; amending
 123 s. 985.601, F.S.; providing legislative intent;
 124 requiring the department to contract for programs to
 125 provide trauma-informed care, family engagement
 126 resources, and gender-specific programming;
 127 authorizing the department to pay expenses in support
 128 of certain programs; repealing s. 985.605, F.S.,
 129 relating to prevention service programs, monitoring,
 130 and uniform performance measures; repealing s.
 131 985.606, F.S., relating to prevention services
 132 providers, performance data collection, and reporting;
 133 repealing s. 985.61, F.S., relating to early
 134 delinquency intervention programs; amending s.
 135 985.632, F.S.; revising legislative intent to include
 136 that the department establish a performance
 137 accountability system for certain providers that
 138 contract with the department; providing requirements
 139 for such contracts; requiring that the department's
 140 Bureau of Research and Planning submit a report to the
 141 Legislature; providing requirements for the report;
 142 defining terms; requiring that the department develop,
 143 in consultation with specified entities, a standard
 144 methodology for measuring, evaluating, and reporting;
 145 providing requirements for the methodology; deleting

Page 5 of 118

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590-02104-14

2014700c1

146 reporting requirements related to cost data; revising
 147 the requirements of the department's cost-
 148 effectiveness model; requiring the department to
 149 establish a quality improvement system rather than a
 150 quality assurance system; conforming provisions to
 151 changes made by the act; amending s. 985.644, F.S.;
 152 providing that specified individuals are not required
 153 to submit to certain screenings under certain
 154 circumstances; creating s. 985.6441, F.S.; defining
 155 the terms "hospital" and "health care provider";
 156 limiting the department's compensation of health care
 157 providers; amending s. 985.66, F.S.; revising the
 158 purpose of juvenile justice programs and courses;
 159 revising the duties of the department for staff
 160 development and training; providing that employees of
 161 certain contract providers may participate in the
 162 training program; amending s. 985.664, F.S.; requiring
 163 the juvenile justice circuit advisory board, rather
 164 than the secretary of the department, to appoint a new
 165 chair to that board; providing that the chair serves
 166 at the pleasure of the secretary; amending s. 985.672,
 167 F.S.; redefining the term "direct-support
 168 organization"; authorizing the department to allow the
 169 use of personnel services of the juvenile justice
 170 system by a direct-support organization; amending s.
 171 985.682, F.S.; deleting provisions relating to a
 172 statewide study; conforming provisions to changes made
 173 by the act; amending s. 985.69, F.S.; providing for
 174 repair and maintenance funding for juvenile justice

Page 6 of 118

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590-02104-14

2014700c1

175 purposes; repealing s. 985.694, F.S., relating to the
 176 Juvenile Care and Maintenance Trust Fund; amending s.
 177 985.701, F.S.; defining the term "juvenile offender";
 178 removing the requirement that the juvenile be detained
 179 by, supervised by, or committed to the custody of the
 180 department for the purposes of charging sexual
 181 misconduct by an employee of the department; creating
 182 s. 985.702, F.S.; defining terms; prohibiting an
 183 employee from willfully and maliciously neglecting a
 184 juvenile offender; providing criminal penalties;
 185 providing for dismissal from employment with the
 186 department; requiring an employee to report certain
 187 information; requiring the department's inspector
 188 general to conduct an appropriate administrative
 189 investigation; requiring that the inspector general
 190 notify the state attorney under certain circumstances;
 191 amending s. 943.0582, F.S.; requiring that the
 192 department expunge the nonjudicial arrest record of
 193 certain minors under certain circumstances; repealing
 194 s. 945.75, F.S., relating to tours of state
 195 correctional facilities for juveniles; amending s.
 196 121.0515, F.S.; conforming provisions to changes made
 197 by the act; amending ss. 985.045 and 985.721, F.S.;
 198 conforming cross-references; providing an effective
 199 date.

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

203 Section 1. Section 985.01, Florida Statutes, is amended to

Page 7 of 118

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590-02104-14

2014700c1

204 read:

205 985.01 Purposes and intent.—

206 (1) The purposes of this chapter are:

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

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

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

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

Page 8 of 118

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590-02104-14

2014700c1

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

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

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

261 (g)~~(f)~~ To provide children committed to the department with

590-02104-14

2014700c1

262 training in life skills, including career and technical
 263 education, if appropriate.

264 (h) To care for children in the least restrictive and most
 265 appropriate service environments.

266 (i) To allocate resources for the most effective programs,
 267 services, and treatments to ensure that children, their
 268 families, and their community support systems are connected with
 269 these programs, services, and treatments at the most impactful
 270 points along the juvenile justice continuum.

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

274 Section 2. Section 985.02, Florida Statutes, is amended to
 275 read:

276 985.02 Legislative intent for the juvenile justice system.-

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

280 (a) Protection from abuse, neglect, and exploitation.

281 (b) A permanent and stable home.

282 (c) A safe and nurturing environment that ~~which~~ will
 283 preserve a sense of personal dignity and integrity.

284 (d) Adequate nutrition, shelter, and clothing.

285 (e) Effective treatment to address physical, social, and
 286 emotional needs, regardless of geographical location.

287 (f) Equal opportunity and access to quality and effective
 288 education, which will meet the individual needs of each child,
 289 and to recreation and other community resources to develop
 290 individual abilities.

590-02104-14

2014700c1

291 (g) Access to preventive services.

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

295 ~~(h) (i)~~ Gender-specific programming and gender-specific
 296 program models and services that comprehensively address the
 297 needs of a targeted gender group.

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

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

Page 11 of 118

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590-02104-14

2014700c1

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

324 (b) Develop and implement effective programs to prevent
 325 delinquency, to divert children from the traditional juvenile
 326 justice system, to intervene at an early stage of delinquency,
 327 and to provide critically needed alternatives to
 328 institutionalization and deep-end commitment.

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

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

335
 336 ~~The Legislature intends that detention care, in addition to~~
 337 ~~providing secure and safe custody, will promote the health and~~
 338 ~~well-being of the children committed thereto and provide an~~
 339 ~~environment that fosters their social, emotional, intellectual,~~
 340 ~~and physical development.~~

341 (4) DETENTION.—

342 (a) The Legislature finds that there is a need for a secure
 343 placement for certain children alleged to have committed a
 344 delinquent act. The Legislature finds that detention should be
 345 used only when less restrictive interim placement alternatives
 346 before prior to adjudication and disposition are not
 347 appropriate. The Legislature further finds that decisions to
 348 detain should be based in part on a prudent assessment of risk

Page 12 of 118

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590-02104-14

2014700c1

349 and be limited to situations where there is clear and convincing
 350 evidence that a child presents a risk of failing to appear or
 351 presents a substantial risk of inflicting bodily harm on others
 352 as evidenced by recent behavior; presents a history of
 353 committing a serious property offense prior to adjudication,
 354 disposition, or placement; has acted in direct or indirect
 355 contempt of court; or requests protection from imminent bodily
 356 harm.

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

370 (5) SITING OF FACILITIES.—

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

376 (b) It is the purpose of the Legislature to guarantee that
 377 such facilities are sited and developed within reasonable

Page 13 of 118

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590-02104-14

2014700c1

378 timeframes after they are legislatively authorized and
 379 appropriated.

380 (c) The Legislature further finds that such facilities must
 381 be located in areas of the state close to the home communities
 382 of the children they house in order to ensure the most effective
 383 rehabilitation efforts, ~~and the most intensive~~ postrelease
 384 supervision, and case management. The placement of facilities
 385 close to the home communities of the children they house is also
 386 intended to facilitate family involvement in the treatment
 387 process. Residential facilities may not shall have ~~no~~ more than
 388 90 165 beds each, including campus-style programs, unless those
 389 campus-style programs include more than one ~~level of~~
 390 ~~restrictiveness,~~ provide multilevel education and treatment
 391 program programs using different treatment protocols, and have
 392 facilities that coexist separately in distinct locations on the
 393 same property.

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

398
 399 The supervision, counseling, and rehabilitative treatment, ~~and~~
 400 ~~punitive~~ efforts of the juvenile justice system should avoid the
 401 inappropriate use of correctional programs and large
 402 institutions. ~~The Legislature finds that detention services~~
 403 ~~should exceed the primary goal of providing safe and secure~~
 404 ~~custody pending adjudication and disposition.~~

405 (6) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

406 Parents, custodians, and guardians are deemed by the state to be

Page 14 of 118

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590-02104-14

2014700c1

407 responsible for providing their children with sufficient
 408 support, guidance, and supervision to deter their participation
 409 in delinquent acts. The state further recognizes that the
 410 ability of parents, custodians, and guardians to fulfill those
 411 responsibilities can be greatly impaired by economic, social,
 412 behavioral, emotional, and related problems. It is therefore the
 413 policy of the Legislature that it is the state's responsibility
 414 to ensure that factors impeding the ability of caretakers to
 415 fulfill their responsibilities are identified through the
 416 delinquency intake process and that appropriate recommendations
 417 to address those problems are considered in any judicial or
 418 nonjudicial proceeding. Nonetheless, as it is also the intent of
 419 the Legislature to preserve and strengthen the child's family
 420 ties, it is the policy of the Legislature that the emotional,
 421 legal, and financial responsibilities of the caretaker with
 422 regard to the care, custody, and support of the child continue
 423 while the child is in the physical or legal custody of the
 424 department.

425 (7) GENDER-SPECIFIC PROGRAMMING.—

426 (a) The Legislature finds that the prevention, treatment,
 427 and rehabilitation needs of children youth served by the
 428 juvenile justice system are gender specific ~~gender-specific~~.

429 (b) Gender-specific programming refers to unique program
 430 models and services that comprehensively address the needs of a
 431 targeted gender group. Gender-specific services require the
 432 adherence to the principle of equity to ensure that the
 433 different interests of young women and men are recognized and
 434 varying needs are met, with equality as the desired outcome.
 435 Gender-specific programming focuses on the differences between

Page 15 of 118

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590-02104-14

2014700c1

436 young females' and young males' roles and responsibilities,
 437 positions in society, access to and use of resources, and social
 438 codes governing behavior. Gender-specific programs increase the
 439 effectiveness of programs by making interventions more
 440 appropriate to the specific needs of young women and men and
 441 ensuring that these programs do not unknowingly create,
 442 maintain, or reinforce gender roles or relations that may be
 443 damaging.

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

456 (9) FAMILY AND COMMUNITY ENGAGEMENT.—The Legislature finds
 457 that families and community support systems are critical to the
 458 success of children and to ensure that they are nondelinquent.
 459 Therefore, if appropriate, children who can be held accountable
 460 safely through serving and treating them in their homes and
 461 communities should be diverted from more restrictive placements
 462 within the juvenile justice system. The Legislature also finds
 463 that there should be an emphasis on strengthening the family and
 464 immersing them in their community support system. The department

Page 16 of 118

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590-02104-14

2014700c1

465 should develop customized plans that acknowledge the importance
 466 of family and community support systems. The customized plans
 467 should recognize a child's individual needs, capitalize on his
 468 or her strengths, reduce risk to the child, and prepare the
 469 child for a successful transition to, and unification with, his
 470 or her family and community support system. The child's family
 471 shall be included in the department's process of assessing the
 472 needs, services and treatment, and community connections of the
 473 children who are involved with the juvenile justice system or in
 474 danger of becoming so involved.

475 Section 3. Section 985.03, Florida Statutes, is reordered
 476 and amended to read:

477 985.03 Definitions.—As used in this chapter, the term:

478 (1) "Abscond" means to hide, conceal, or absent oneself
 479 from the jurisdiction of the court or supervision of the
 480 department to avoid prosecution or supervision.

481 (2)(1) "Addictions receiving facility" means a substance
 482 abuse service provider as defined in chapter 397.

483 (3)(2) "Adjudicatory hearing" means a hearing for the court
 484 to determine whether or not the facts support the allegations
 485 stated in the petition, as is provided for under s. 985.35 in
 486 delinquency cases.

487 (4)(3) "Adult" means any natural person other than a child.

488 (5)(4) "Arbitration" means a process whereby a neutral
 489 third person or panel, called an arbitrator or an arbitration
 490 panel, considers the facts and arguments presented by the
 491 parties and renders a decision, which may be binding or
 492 nonbinding.

493 (6)(5) "Authorized agent" or "designee" of the department

590-02104-14

2014700c1

494 means a person or agency assigned or designated by the
 495 department ~~or the Department of Children and Family Services, as~~
 496 ~~appropriate,~~ to perform duties or exercise powers under this
 497 chapter. ~~The term and~~ includes contract providers and their
 498 employees ~~for purposes of providing services to and managing~~
 499 ~~cases of children in need of services and families in need of~~
 500 ~~services.~~

501 (7)(6) "Child," or "juvenile," or "youth" means any
 502 unmarried person younger than under the age of 18 years of age
 503 who has not been emancipated by order of the court and who has
 504 been found or alleged to be dependent, in need of services, or
 505 from a family in need of services; or any married or unmarried
 506 person who is alleged to have committed charged with a violation
 507 of law occurring before prior to the time that person reaches
 508 reached the age of 18 years of age.

509 (8)(7) "Child in need of services" has the same meaning as
 510 provided in s. 984.03 means a child for whom there is no pending
 511 investigation into an allegation or suspicion of abuse, neglect,
 512 or abandonment; no pending referral alleging the child is
 513 delinquent; or no current supervision by the department or the
 514 Department of Children and Family Services for an adjudication
 515 of dependency or delinquency. The child must also, under this
 516 chapter, be found by the court:

517 ~~(a) To have persistently run away from the child's parents~~
 518 ~~or legal custodians despite reasonable efforts of the child, the~~
 519 ~~parents or legal custodians, and appropriate agencies to remedy~~
 520 ~~the conditions contributing to the behavior. Reasonable efforts~~
 521 ~~shall include voluntary participation by the child's parents or~~
 522 ~~legal custodians and the child in family mediation, services,~~

590-02104-14

2014700c1

523 and treatment offered by the department or the Department of
524 Children and Family Services;

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

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

539 (9)(8) "Child who has been found to have committed a
540 delinquent act" means a child who, under this chapter, is found
541 by a court to have committed a violation of law or to be in
542 direct or indirect contempt of court. The term, except that this
543 definition does not include a child who commits an act
544 constituting contempt of court arising out of a dependency
545 proceeding or a proceeding concerning a child or family in need
546 of services.

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

551 (10) "Circuit" means any of the 20 judicial circuits as set

590-02104-14

2014700c1

552 forth in s. 26.021.

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

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

572 (13) "Court," ~~unless otherwise expressly stated,~~ means the
573 circuit court assigned to exercise jurisdiction under this
574 chapter, unless otherwise expressly stated.

575 (14) "Day treatment" means a nonresidential, community-
576 based program designed to provide therapeutic intervention to
577 youth served by the department or who are placed on probation or
578 conditional release or are committed to the minimum-risk
579 nonresidential level. A day-treatment ~~day treatment~~ program may
580 provide educational and career and technical educational

590-02104-14

2014700c1

581 ~~vocational~~ services and shall provide case management services;
 582 individual, group, and family counseling; training designed to
 583 address delinquency risk factors; and monitoring of a youth's
 584 compliance with, and facilitation of a youth's completion of,
 585 sanctions if ordered by the court. Program types may include,
 586 but are not limited to, career programs, marine programs,
 587 juvenile justice alternative schools, training and
 588 rehabilitation programs, and gender-specific programs.

589 (15) (a) "Delinquency program" means any intake, probation,
 590 or similar program; regional detention center or facility; or
 591 community-based program, whether owned and operated by or
 592 contracted by the department, or institution-owned institution
 593 owned and operated by or contracted by the department, which
 594 provides intake, supervision, or custody and care of children
 595 who are alleged to be or who have been found to be delinquent
 596 under this chapter.

597 (b) "Delinquency program staff" means supervisory and
 598 direct care staff of a delinquency program as well as support
 599 staff who have direct contact with children in a delinquency
 600 program.

601 ~~(c) "Delinquency prevention programs" means programs~~
 602 ~~designed for the purpose of reducing the occurrence of~~
 603 ~~delinquency, including criminal gang activity, and juvenile~~
 604 ~~arrests. The term excludes arbitration, diversionary or~~
 605 ~~mediation programs, and community service work or other~~
 606 ~~treatment available subsequent to a child committing a~~
 607 ~~delinquent act.~~

608 (16) "Department" means the Department of Juvenile Justice.

609 (17) "Designated facility" or "designated treatment

590-02104-14

2014700c1

610 facility" means any facility designated by the department to
 611 provide treatment to juvenile offenders.

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

616 (a) "Secure detention" means temporary custody of the child
 617 while the child is under the physical restriction of a secure
 618 detention center or facility pending adjudication, disposition,
 619 or placement.

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

625 (c) ~~"Home detention"~~ means temporary nonsecure detention
 626 custody of the child while the child is released to the custody
 627 of the parent, guardian, or custodian in a physically
 628 nonrestrictive environment under the supervision of ~~the~~
 629 department staff pending adjudication, disposition, or
 630 placement. Forms of nonsecure detention include, but are not
 631 limited to, home detention, electronic monitoring, day-reporting
 632 centers, evening-reporting centers, and nonsecure shelters.
 633 Nonsecure detention may include other requirements imposed by
 634 the court.

635 (19) "Detention center or facility" means a facility used
 636 pending court adjudication or disposition or execution of court
 637 order for the temporary care of a child alleged or found to have
 638 committed a violation of law. A detention center or facility

590-02104-14

2014700c1

639 ~~provides may provide secure or nonsecure~~ custody. A facility
640 used for the commitment of adjudicated delinquents is shall not
641 ~~be~~ considered a detention center or facility.

642 (20) "Detention hearing" means a hearing for the court to
643 determine if a child should be placed in temporary custody, as
644 provided for under part V in delinquency cases.

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

649 (22) "Family" means a collective of persons, consisting of
650 a child and a parent, guardian, adult custodian, or adult
651 relative, in which:

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

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

656 (23) "Family in need of services" has the same meaning as
657 provided in s. 984.03 means a family that has a child for whom
658 ~~there is no pending investigation into an allegation of abuse,~~
659 ~~neglect, or abandonment or no current supervision by the~~
660 ~~department or the Department of Children and Family Services for~~
661 ~~an adjudication of dependency or delinquency. The child must~~
662 ~~also have been referred to a law enforcement agency or the~~
663 ~~department for:~~

664 ~~(a) Running away from parents or legal custodians;~~

665 ~~(b) Persistently disobeying reasonable and lawful demands~~
666 ~~of parents or legal custodians, and being beyond their control;~~
667 ~~or~~

590-02104-14

2014700c1

668 ~~(c) Habitual truancy from school.~~

669 ~~(24) "Foster care" means care provided a child in a foster~~
670 ~~family or boarding home, group home, agency boarding home, child~~
671 ~~care institution, or any combination thereof.~~

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

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

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

682
683 ~~If a child who is subject to compulsory school attendance is~~
684 ~~responsive to the interventions described in ss. 1003.26 and~~
685 ~~1003.27 and has completed the necessary requirements to pass the~~
686 ~~current grade as indicated in the district pupil progression~~
687 ~~plan, the child shall not be determined to be habitually truant~~
688 ~~and shall be passed. If a child within the compulsory school~~
689 ~~attendance age has 15 unexcused absences within 90 calendar days~~
690 ~~or fails to enroll in school, the state attorney may file a~~
691 ~~child-in-need-of-services petition. Before filing a petition,~~
692 ~~the child must be referred to the appropriate agency for~~
693 ~~evaluation. After consulting with the evaluating agency, the~~
694 ~~state attorney may elect to file a child-in-need-of-services~~
695 ~~petition.~~

696 ~~(c) A school representative, designated according to school~~

590-02104-14

2014700c1

697 ~~board policy, and a juvenile probation officer of the department~~
 698 ~~have jointly investigated the truancy problem or, if that was~~
 699 ~~not feasible, have performed separate investigations to identify~~
 700 ~~conditions that could be contributing to the truant behavior;~~
 701 ~~and if, after a joint staffing of the case to determine the~~
 702 ~~necessity for services, such services were determined to be~~
 703 ~~needed, the persons who performed the investigations met jointly~~
 704 ~~with the family and child to discuss any referral to appropriate~~
 705 ~~community agencies for economic services, family or individual~~
 706 ~~counseling, or other services required to remedy the conditions~~
 707 ~~that are contributing to the truant behavior.~~

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

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

721 ~~(24)(27) "Intake" means the initial acceptance and~~
 722 ~~screening by the department or juvenile assessment center~~
 723 ~~personnel of a complaint or a law enforcement report or probable~~
 724 ~~cause affidavit of delinquency, family in need of services, or~~
 725 ~~child in need of services to determine the recommendation to be~~

590-02104-14

2014700c1

726 taken in the best interests of the child, the family, and the
 727 community. The emphasis of intake is on diversion and the least
 728 restrictive available services ~~and. Consequently, intake~~
 729 ~~includes such alternatives such as:~~

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

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

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

737 ~~(25)(28) "Judge" means the circuit judge exercising~~
 738 ~~jurisdiction pursuant to this chapter.~~

739 ~~(26)(29) "Juvenile justice continuum" includes, but is not~~
 740 ~~limited to, delinquency prevention programs and services~~
 741 ~~designed for the purpose of preventing or reducing delinquent~~
 742 ~~acts, including criminal activity by criminal gangs, and~~
 743 ~~juvenile arrests, as well as programs and services targeted at~~
 744 ~~children who have committed delinquent acts, and children who~~
 745 ~~have previously been committed to residential treatment programs~~
 746 ~~for delinquents. The term includes children-in-need-of-services~~
 747 ~~and families-in-need-of-services programs under chapter 984;~~
 748 ~~conditional release; substance abuse and mental health programs;~~
 749 ~~educational and career programs; recreational programs;~~
 750 ~~community services programs; community service work programs;~~
 751 ~~mother-infant programs; and alternative dispute resolution~~
 752 ~~programs serving children at risk of delinquency and their~~
 753 ~~families, whether offered or delivered by state or local~~
 754 ~~governmental entities, public or private for-profit or not-for-~~

590-02104-14

2014700c1

755 profit organizations, or religious or charitable organizations.

756 ~~(27)-(30)~~ "Juvenile probation officer" means the authorized
757 agent of the department who performs ~~the~~ intake, case
758 management, or supervision functions.

759 ~~(28)-(31)~~ "Legal custody or guardian" means a legal status
760 created by court order or letter of guardianship which vests in
761 a custodian of the person or guardian, whether an agency or an
762 individual, the right to have physical custody of the child and
763 the right and duty to protect, train, and discipline the child
764 and to provide him or her with food, shelter, education, and
765 ordinary medical, dental, psychiatric, and psychological care.

766 ~~(29)-(32)~~ "Licensed child-caring agency" means a person,
767 society, association, or agency licensed by the Department of
768 Children and Families ~~Family Services~~ to care for, receive, and
769 board children.

770 ~~(30)-(33)~~ "Licensed health care professional" means a
771 physician licensed under chapter 458, an osteopathic physician
772 licensed under chapter 459, a nurse licensed under part I of
773 chapter 464, a physician assistant licensed under chapter 458 or
774 chapter 459, or a dentist licensed under chapter 466.

775 ~~(31)-(34)~~ "Likely to injure oneself" means that, as
776 evidenced by violent or other actively self-destructive
777 behavior, it is more likely than not that within a 24-hour
778 period the child will attempt to commit suicide or inflict
779 serious bodily harm on himself or herself.

780 ~~(32)-(35)~~ "Likely to injure others" means that it is more
781 likely than not that within a 24-hour period the child will
782 inflict serious and unjustified bodily harm on another person.

783 ~~(33)-(36)~~ "Mediation" means a process whereby a neutral

590-02104-14

2014700c1

784 third person called a mediator acts to encourage and facilitate
785 the resolution of a dispute between two or more parties. It is
786 an informal and nonadversarial process with the objective of
787 helping the disputing parties reach a mutually acceptable and
788 voluntary agreement. In mediation, decisionmaking authority
789 rests with the parties. The role of the mediator includes, but
790 is not limited to, assisting the parties in identifying issues,
791 fostering joint problem solving, and exploring settlement
792 alternatives.

793 ~~(34)-(37)~~ "Mother-infant program" means a residential
794 program designed to serve the needs of juvenile mothers or
795 expectant juvenile mothers who are committed as delinquents,
796 which is operated or contracted by the department. A mother-
797 infant program facility must be licensed as a child care
798 facility under s. 402.308 and must provide the services and
799 support necessary to enable each juvenile mother committed to
800 the facility to provide for the needs of her infant ~~infants~~ who,
801 upon agreement of the mother, may accompany her in the program.

802 ~~(35)-(38)~~ "Necessary medical treatment" means care that
803 ~~which~~ is necessary within a reasonable degree of medical
804 certainty to prevent the deterioration of a child's condition or
805 to alleviate immediate pain of a child.

806 ~~(36)-(39)~~ "Next of kin" means an adult relative of a child
807 who is the child's brother, sister, grandparent, aunt, uncle, or
808 first cousin.

809 ~~(37)-(40)~~ "Ordinary medical care" means medical procedures
810 that are administered or performed on a routine basis and
811 includes, but is include, but are not limited to, inoculations,
812 physical examinations, remedial treatment for minor illnesses

590-02104-14

2014700c1

813 and injuries, preventive services, medication management,
814 chronic disease detection and treatment, and other medical
815 procedures that are administered or performed on a routine basis
816 and that do not involve hospitalization, surgery, the use of
817 general anesthesia, or the provision of psychotropic
818 medications.

819 ~~(38)(41)~~ "Parent" means a woman who gives birth to a child
820 and a man whose consent to the adoption of the child would be
821 required under s. 63.062(1). If a child has been legally
822 adopted, the term "parent" means the adoptive mother or father
823 of the child. The term does not include an individual whose
824 parental relationship to a ~~the~~ child has been legally
825 terminated, or an alleged or prospective parent, unless the
826 parental status falls within the terms of ~~either~~ s. 39.503(1) or
827 s. 63.062(1).

828 ~~(39)(42)~~ "Preliminary screening" means the gathering of
829 preliminary information to be used in determining a child's need
830 for further evaluation or assessment or for referral for other
831 substance abuse services through means such as psychosocial
832 interviews, r urine and breathalyzer screenings, r and reviews of
833 available educational, delinquency, and dependency records of
834 the child.

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

838 ~~(43) "Preventive services" means social services and other~~
839 ~~supportive and rehabilitative services provided to the parent of~~
840 ~~the child, the legal guardian of the child, or the custodian of~~
841 ~~the child and to the child for the purpose of averting the~~

590-02104-14

2014700c1

842 ~~removal of the child from the home or disruption of a family~~
843 ~~which will or could result in the placement of a child in foster~~
844 ~~care. Social services and other supportive and rehabilitative~~
845 ~~services shall promote the child's need for a safe, continuous,~~
846 ~~stable living environment and shall promote family autonomy and~~
847 ~~shall strengthen family life as the first priority whenever~~
848 ~~possible.~~

849 ~~(41)(44)~~ "Probation" means the legal status of probation
850 created by law and court order in cases involving a child who
851 has been found to have committed a delinquent act. Probation is
852 an individualized program in which the freedom of the child is
853 limited and the child is restricted to noninstitutional quarters
854 or restricted to the child's home in lieu of commitment to the
855 custody of the department. Youth on probation may be assessed
856 and classified for placement in day-treatment probation programs
857 designed for youth who represent a minimum risk to themselves
858 and public safety and who do not require placement and services
859 in a residential setting.

860 ~~(42)(45)~~ "Relative" means a grandparent, great-grandparent,
861 sibling, first cousin, aunt, uncle, great-aunt, great-uncle,
862 niece, or nephew, whether related by ~~the~~ whole or half blood, by
863 affinity, or by adoption. The term does not include a
864 stepparent.

865 ~~(43)(46)~~ "Restrictiveness level" means the level of
866 programming and security provided by programs that service the
867 supervision, custody, care, and treatment needs of committed
868 children. Sections 985.601(10) and 985.721 apply to children
869 placed in programs at any residential commitment level. The
870 restrictiveness levels of commitment are as follows:

590-02104-14

2014700c1

871 (a) Minimum-risk nonresidential.—Programs or program models
 872 at this commitment level work with youth who remain in the
 873 community and participate at least 5 days per week in a day-
 874 treatment day treatment program. Youth assessed and classified
 875 for programs at this commitment level represent a minimum risk
 876 to themselves and public safety and do not require placement and
 877 services in residential settings. Youth in this level have full
 878 access to, and reside in, the community. Youth who have been
 879 found to have committed delinquent acts that involve firearms,
 880 that are sexual offenses, or that would be life felonies or
 881 first-degree first-degree felonies if committed by an adult may
 882 not be committed to a program at this level.

883 ~~(b) Low risk residential. Programs or program models at~~
 884 ~~this commitment level are residential but may allow youth to~~
 885 ~~have unsupervised access to the community. Residential~~
 886 ~~facilities shall have no more than 165 beds each, including~~
 887 ~~campus-style programs, unless those campus-style programs~~
 888 ~~include more than one level of restrictiveness, provide~~
 889 ~~multilevel education and treatment programs using different~~
 890 ~~treatment protocols, and have facilities that coexist separately~~
 891 ~~in distinct locations on the same property. Youth assessed and~~
 892 ~~classified for placement in programs at this commitment level~~
 893 ~~represent a low risk to themselves and public safety but do~~
 894 ~~require placement and services in residential settings. Children~~
 895 ~~who have been found to have committed delinquent acts that~~
 896 ~~involve firearms, delinquent acts that are sexual offenses, or~~
 897 ~~delinquent acts that would be life felonies or first degree~~
 898 ~~felonies if committed by an adult shall not be committed to a~~
 899 ~~program at this level.~~

Page 31 of 118

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590-02104-14

2014700c1

900 ~~(b)(e) Nonsecure Moderate-risk residential.~~—Programs or
 901 program models at this commitment level are residential but may
 902 allow youth to have supervised access to the community.
 903 Facilities at this commitment level are either environmentally
 904 secure ~~or,~~ staff secure, or are hardware secure ~~hardware secure~~
 905 with walls, fencing, or locking doors. Residential facilities at
 906 this commitment level may shall have up to 90 no more than 165
 907 beds each, including campus-style programs, unless those campus-
 908 style programs include more than one ~~level of restrictiveness,~~
 909 ~~provide multilevel education and treatment program programs~~
 910 using different treatment protocols, and have facilities that
 911 coexist separately in distinct locations on the same property.
 912 Facilities at this commitment level shall provide 24-hour awake
 913 supervision, custody, care, and treatment of residents. Youth
 914 assessed and classified for placement in programs at this
 915 commitment level represent a low or moderate risk to public
 916 safety and require close supervision. The staff at a facility at
 917 this commitment level may seclude a child who is a physical
 918 threat to himself, ~~or~~ herself, or others. Mechanical restraint
 919 may also be used when necessary.

920 ~~(c)(d) High-risk residential.~~—Programs or program models at
 921 this commitment level are residential and do not allow youth to
 922 have access to the community, except that temporary release
 923 providing community access for up to 72 continuous hours may be
 924 approved by a court for a youth who has made successful progress
 925 in his or her program so that in order for the youth may respond
 926 to ~~attend~~ a family emergency or, during the final 60 days of his
 927 or her placement, ~~to~~ visit his or her home, enroll in school or
 928 a career and technical education vocational program, complete a

Page 32 of 118

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590-02104-14 2014700c1

929 job interview, or participate in a community service project.
 930 High-risk residential facilities are hardware secure ~~hardware-~~
 931 ~~secure~~ with perimeter fencing and locking doors. Residential
 932 facilities at this commitment level may shall have up to 90 no
 933 ~~more than 165~~ beds each, including campus-style programs, unless
 934 those campus-style programs include more than one level of
 935 ~~restrictiveness, provide multilevel education and treatment~~
 936 program programs using different treatment protocols, and have
 937 facilities that coexist separately in distinct locations on the
 938 same property. Facilities at this commitment level shall provide
 939 24-hour awake supervision, custody, care, and treatment of
 940 residents. Youth assessed and classified for this level of
 941 placement require close supervision in a structured residential
 942 setting. Placement in programs at this level is prompted by a
 943 concern for public safety which that outweighs placement in
 944 programs at lower commitment levels. The staff at a facility at
 945 this commitment level may seclude a child who is a physical
 946 threat to himself, ~~or~~ herself, or others. Mechanical restraint
 947 may also be used when necessary. The facility shall may provide
 948 for single cell occupancy, except that youth may be housed
 949 together during prerelease transition.

950 ~~(d)(e)~~ *Maximum-risk residential.*—Programs or program models
 951 at this commitment level include juvenile correctional
 952 facilities and juvenile prisons. The programs at this commitment
 953 level are long-term residential and do not allow youth to have
 954 access to the community. Facilities at this commitment level are
 955 maximum-custody and hardware secure, hardware secure with
 956 perimeter security fencing and locking doors. Residential
 957 facilities at this commitment level may shall have up to 90 no

590-02104-14 2014700c1

958 ~~more than 165~~ beds each, including campus-style programs, unless
 959 those campus-style programs include more than one level of
 960 ~~restrictiveness, provide multilevel education and treatment~~
 961 program programs using different treatment protocols, and have
 962 facilities that coexist separately in distinct locations on the
 963 same property. Facilities at this commitment level shall provide
 964 24-hour awake supervision, custody, care, and treatment of
 965 residents. The staff at a facility at this commitment level may
 966 seclude a child who is a physical threat to himself, ~~or~~ herself,
 967 or others. Mechanical restraint may also be used when necessary.
 968 Facilities at this commitment level ~~The facility~~ shall provide
 969 for single cell occupancy, except that youth may be housed
 970 together during prerelease transition. Youth assessed and
 971 classified for this level of placement require close supervision
 972 in a maximum security residential setting. Placement in a
 973 program at this level is prompted by a demonstrated need to
 974 protect the public.

975 ~~(44)(47)~~ "Respite" means a placement that is available for
 976 the care, custody, and placement of a youth charged with
 977 domestic violence as an alternative to secure detention or for
 978 placement of a youth when a shelter bed for a child in need of
 979 services or a family in need of services is unavailable.

980 ~~(45)(48)~~ "Secure detention center or facility" means a
 981 physically restricting facility for the temporary care of
 982 children, pending adjudication, disposition, or placement.

983 ~~(46)(49)~~ "Shelter" means a place for the temporary care of
 984 a child who is alleged to be or who has been found to be
 985 delinquent.

986 ~~(50)~~ "Shelter hearing" means a hearing provided for under

590-02104-14

2014700c1

987 s. ~~984.14~~ in family-in-need-of-services cases or child-in-need-
988 of-services cases.

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

997 ~~(47)~~(52) "Substance abuse" means using, without medical
998 reason, any psychoactive or mood-altering drug, including
999 alcohol, in such a manner as to induce impairment resulting in
1000 dysfunctional social behavior.

1001 ~~(48)~~(53) "Taken into custody" means the status of a child
1002 immediately when temporary physical control over the child is
1003 attained by a person authorized by law, pending the child's
1004 release, detention, placement, or other disposition as
1005 authorized by law.

1006 ~~(49)~~(54) "Temporary legal custody" means the relationship
1007 that a juvenile court creates between a child and an adult
1008 relative of the child, adult nonrelative approved by the court,
1009 or other person until a more permanent arrangement is ordered.
1010 Temporary legal custody confers upon the custodian the right to
1011 have temporary physical custody of the child and the right and
1012 duty to protect, train, and discipline the child and to provide
1013 the child with food, shelter, and education, and ordinary
1014 medical, dental, psychiatric, and psychological care, unless
1015 these rights and duties are otherwise enlarged or limited by the

Page 35 of 118

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590-02104-14

2014700c1

1016 court order establishing the temporary legal custody
1017 relationship.

1018 ~~(50)~~(55) "Temporary release" means the terms and conditions
1019 under which a child is temporarily released from a residential
1020 commitment facility or allowed home visits. If the temporary
1021 release is from a nonsecure ~~moderate-risk~~ residential facility,
1022 a high-risk residential facility, or a maximum-risk residential
1023 facility, the terms and conditions of the temporary release must
1024 be approved by the child, the court, and the facility. ~~The term~~
1025 ~~includes periods during which the child is supervised pursuant~~
1026 ~~to a conditional release program or a period during which the~~
1027 ~~child is supervised by a juvenile probation officer or other~~
1028 ~~nonresidential staff of the department or staff employed by an~~
1029 ~~entity under contract with the department.~~

1030 ~~(51)~~(56) "Transition-to-adulthood services" means services
1031 that are provided for youth in the custody of the department or
1032 under the supervision of the department and that have the
1033 objective of instilling the knowledge, skills, and aptitudes
1034 essential to a socially integrated, self-supporting adult life.
1035 The services may include, but are not limited to:

1036 (a) Assessment of the youth's ability and readiness for
1037 adult life.

1038 (b) A plan for the youth to acquire the knowledge,
1039 information, and counseling necessary to make a successful
1040 transition to adulthood.

1041 (c) Services that have proven effective toward achieving
1042 the transition to adulthood.

1043 (52) "Trauma-informed care" means the provision of services
1044 to children with a history of trauma in a manner that recognizes

Page 36 of 118

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590-02104-14

2014700c1

1045 the symptoms and acknowledges the role the trauma has played in
 1046 the child's life. Trauma may include, but is not limited to,
 1047 community and school violence, physical or sexual abuse,
 1048 neglect, medical difficulties, and domestic violence.

1049 ~~(53)(57)~~ "Violation of law" or "delinquent act" means a
 1050 violation of any law of this state, the United States, or any
 1051 other state which is a misdemeanor or a felony or a violation of
 1052 a county or municipal ordinance which would be punishable by
 1053 incarceration if the violation were committed by an adult.

1054 ~~(54)(58)~~ "Waiver hearing" means a hearing provided for
 1055 under s. 985.556(4).

1056 Section 4. Subsections (4) and (5) of section 985.0301,
 1057 Florida Statutes, are amended to read:

1058 985.0301 Jurisdiction.—

1059 (4)(a) Petitions alleging delinquency shall be filed in the
 1060 county where the delinquent act or violation of law occurred,
 1061 ~~but~~ The circuit court for that county may transfer the case to
 1062 the circuit court of the circuit in which the child resides or
 1063 will reside at the time of detention or placement for
 1064 dispositional purposes. A child who has been detained may shall
 1065 be transferred to the ~~appropriate~~ detention center or facility
 1066 in the circuit in which the child resides or will reside at the
 1067 time of detention or other placement directed by the receiving
 1068 court.

1069 (b) The jurisdiction to be exercised by the court when a
 1070 child is taken into custody before the filing of a petition
 1071 under subsection (2) shall be exercised by the circuit court for
 1072 the county in which the child is taken into custody, and such
 1073 court has ~~which court shall have~~ personal jurisdiction of the

590-02104-14

2014700c1

1074 child and the child's parent or legal guardian. If the child has
 1075 been detained, upon the filing of a petition in the appropriate
 1076 circuit court, the court that is exercising initial personal
 1077 jurisdiction of the person of the child shall, ~~if the child has~~
 1078 ~~been detained,~~ immediately order the child to be transferred to
 1079 the detention center or facility or other placement as ordered
 1080 by the court having subject matter jurisdiction of the case.

1081 (5) (a) Notwithstanding s. 743.07, ss. 743.07, 985.43,
 1082 ~~985.433, 985.435, 985.439, and 985.441,~~ and except as provided
 1083 in paragraphs (b) and (c) ss. 985.461 and 985.465 and paragraph
 1084 ~~(f),~~ when the jurisdiction of a any child who is alleged to have
 1085 committed a delinquent act or violation of law is obtained, the
 1086 court retains shall retain jurisdiction to dispose the case,
 1087 unless relinquished by its order, until the child reaches 19
 1088 years of age, with the same power over the child which the court
 1089 had before the child became an adult. ~~For the purposes of s.~~
 1090 ~~985.461, the court may retain jurisdiction for an additional 365~~
 1091 ~~days following the child's 19th birthday if the child is~~
 1092 ~~participating in transition to adulthood services. The~~
 1093 ~~additional services do not extend involuntary court-sanctioned~~
 1094 ~~residential commitment and therefore require voluntary~~
 1095 ~~participation by the affected youth.~~

1096 (b) Unless relinquished by its own order, the court retains
 1097 jurisdiction over a child on probation until the child reaches
 1098 19 years of age ~~Notwithstanding ss. 743.07 and 985.455(3), the~~
 1099 ~~term of any order placing a child in a probation program must be~~
 1100 ~~until the child's 19th birthday unless he or she is released by~~
 1101 ~~the court on the motion of an interested party or on his or her~~
 1102 ~~own motion.~~

590-02104-14

2014700c1

1103 (c) Unless relinquished by its own order, the court retains
 1104 jurisdiction over a child committed to the department until the
 1105 child reaches 21 years of age, specifically for the purpose of
 1106 allowing the child to complete the department's commitment
 1107 program, including conditional release supervision.

1108 (d) The court retains jurisdiction over a juvenile sex
 1109 offender as defined in s. 985.475 who has been placed in a
 1110 community-based treatment alternative program with supervision
 1111 or in a program or facility for juvenile sex offenders pursuant
 1112 to s. 985.48 until the juvenile sex offender reaches 21 years of
 1113 age, specifically for the purpose of completing the program.

1114 ~~(c) Notwithstanding ss. 743.07 and 985.455(3), the term of~~
 1115 ~~the commitment must be until the child is discharged by the~~
 1116 ~~department or until he or she reaches the age of 21 years.~~
 1117 ~~Notwithstanding ss. 743.07, 985.435, 985.437, 985.439, 985.441,~~
 1118 ~~985.455, and 985.513, and except as provided in this section, a~~
 1119 ~~child may not be held under a commitment from a court under s.~~
 1120 ~~985.439, s. 985.441(1)(a) or (b), or s. 985.455 after becoming~~
 1121 ~~21 years of age.~~

1122 ~~(d) The court may retain jurisdiction over a child~~
 1123 ~~committed to the department for placement in a juvenile prison~~
 1124 ~~or in a high-risk or maximum-risk residential commitment program~~
 1125 ~~to allow the child to participate in a juvenile conditional~~
 1126 ~~release program pursuant to s. 985.46. The jurisdiction of the~~
 1127 ~~court may not be retained after the child's 22nd birthday.~~
 1128 ~~However, if the child is not successful in the conditional~~
 1129 ~~release program, the department may use the transfer procedure~~
 1130 ~~under s. 985.441(4).~~

1131 ~~(e) The court may retain jurisdiction over a child~~

Page 39 of 118

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590-02104-14

2014700c1

1132 ~~committed to the department for placement in an intensive~~
 1133 ~~residential treatment program for 10-year-old to 13-year-old~~
 1134 ~~offenders, in the residential commitment program in a juvenile~~
 1135 ~~prison or in a residential sex offender program until the child~~
 1136 ~~reaches the age of 21. If the court exercises this jurisdiction~~
 1137 ~~retention, it shall do so solely for the purpose of the child~~
 1138 ~~completing the intensive residential treatment program for 10-~~
 1139 ~~year-old to 13-year-old offenders, in the residential commitment~~
 1140 ~~program in a juvenile prison, or in a residential sex offender~~
 1141 ~~program. Such jurisdiction retention does not apply for other~~
 1142 ~~programs, other purposes, or new offenses.~~

1143 ~~(f) The court may retain jurisdiction over a child~~
 1144 ~~committed to a juvenile correctional facility or a juvenile~~
 1145 ~~prison until the child reaches the age of 21 years, specifically~~
 1146 ~~for the purpose of allowing the child to complete such program.~~

1147 ~~(g) The court may retain jurisdiction over a juvenile~~
 1148 ~~sexual offender who has been placed in a program or facility for~~
 1149 ~~juvenile sexual offenders until the juvenile sexual offender~~
 1150 ~~reaches the age of 21, specifically for the purpose of~~
 1151 ~~completing the program.~~

1152 ~~(e)(h)~~ (e) The court may retain jurisdiction over a child and
 1153 the child's parent or legal guardian whom the court has ordered
 1154 to pay restitution until the restitution order is satisfied. To
 1155 retain jurisdiction, the court shall enter a restitution order,
 1156 which is separate from any disposition or order of commitment,
 1157 on or before ~~prior to~~ the date that the court's jurisdiction
 1158 would cease under this section. The contents of the restitution
 1159 order are ~~shall be~~ limited to the child's name and address, the
 1160 name and address of the parent or legal guardian, the name and

Page 40 of 118

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590-02104-14

2014700c1

1161 address of the payee, the case number, the date and amount of
 1162 restitution ordered, any amount of restitution paid, the amount
 1163 of restitution due and owing, and a notation that costs,
 1164 interest, penalties, and attorney fees may also be due and
 1165 owing. The terms of the restitution order are subject to s.
 1166 775.089(5).

1167 ~~(f)~~~~(i)~~ This subsection does not prevent the exercise of
 1168 jurisdiction by any court having jurisdiction of the child if
 1169 the child, after becoming an adult, commits a violation of law.

1170 Section 5. Subsections (2) and (4) of section 985.037,
 1171 Florida Statutes, are amended to read:

1172 985.037 Punishment for contempt of court; alternative
 1173 sanctions.—

1174 (2) PLACEMENT IN A SECURE DETENTION FACILITY.—A child may
 1175 be placed in a secure detention facility for purposes of
 1176 punishment for contempt of court if alternative sanctions are
 1177 unavailable or inappropriate, or if the child has already been
 1178 ordered to serve an alternative sanction but failed to comply
 1179 with the sanction. A delinquent child who has been held in
 1180 direct or indirect contempt may be placed in a secure detention
 1181 facility for up to not to exceed 5 days for a first offense and
 1182 up to not to exceed 15 days for a second or subsequent offense.

1183 (4) CONTEMPT OF COURT SANCTIONS; PROCEDURE AND DUE
 1184 PROCESS.—

1185 (a) If a child is charged with direct contempt of court,
 1186 including traffic court, the court may impose an authorized
 1187 sanction immediately. The court must hold a hearing to determine
 1188 if the child committed direct contempt. Due process must be
 1189 afforded to the child during such hearing.

Page 41 of 118

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590-02104-14

2014700c1

1190 (b) If a child is charged with indirect contempt of court,
 1191 the court must hold a hearing within 24 hours to determine
 1192 whether the child committed indirect contempt of a valid court
 1193 order. At the hearing, the following due process rights must be
 1194 provided to the child:

1195 1. Right to a copy of the order to show cause alleging
 1196 facts supporting the contempt charge.

1197 2. Right to an explanation of the nature and the
 1198 consequences of the proceedings.

1199 3. Right to legal counsel and the right to have legal
 1200 counsel appointed by the court if the juvenile is indigent,
 1201 under s. 985.033.

1202 4. Right to confront witnesses.

1203 5. Right to present witnesses.

1204 6. Right to have a transcript or record of the proceeding.

1205 7. Right to appeal to an appropriate court.

1206
 1207 The child's parent or guardian may address the court regarding
 1208 the due process rights of the child. Upon motion by the defense
 1209 or state attorney, the court shall review the placement of the
 1210 child ~~every 72 hours~~ to determine whether it is appropriate for
 1211 the child to remain in the facility.

1212 (c) The court may not order that a child be placed in a
 1213 secure detention facility ~~as for~~ punishment for contempt unless
 1214 the court determines that an alternative sanction is
 1215 inappropriate or unavailable or that the child was initially
 1216 ordered to an alternative sanction and did not comply with the
 1217 alternative sanction. The court is encouraged to order a child
 1218 to perform community service, up to the maximum number of hours,

Page 42 of 118

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590-02104-14

2014700c1

1219 ~~if where~~ appropriate before ordering that the child be placed in
1220 a secure detention facility as punishment for contempt of court.

1221 (d) In addition to any other sanction imposed under this
1222 section, the court may direct the Department of Highway Safety
1223 and Motor Vehicles to withhold issuance of, or suspend, a
1224 child's driver ~~driver's~~ license or driving privilege. The court
1225 may order that a child's driver ~~driver's~~ license or driving
1226 privilege be withheld or suspended for up to 1 year for a first
1227 offense of contempt and up to 2 years for a second or subsequent
1228 offense. If the child's driver ~~driver's~~ license or driving
1229 privilege is suspended or revoked for any reason at the time the
1230 sanction for contempt is imposed, the court shall extend the
1231 period of suspension or revocation by the additional period
1232 ordered under this paragraph. If the child's driver ~~driver's~~
1233 license is being withheld at the time the sanction for contempt
1234 is imposed, the period of suspension or revocation ordered under
1235 this paragraph shall begin on the date on which the child is
1236 otherwise eligible to drive.

1237 Section 6. Section 985.105, Florida Statutes, is repealed.

1238 Section 7. Subsection (1) of section 985.11, Florida
1239 Statutes, is amended to read:

1240 985.11 Fingerprinting and photographing.—

1241 (1) (a) A child who is charged with or found to have
1242 committed an offense that would be a felony if committed by an
1243 adult shall be fingerprinted, and the fingerprints shall ~~must~~ be
1244 submitted to the Department of Law Enforcement as provided in s.
1245 943.051(3) (a).

1246 (b) Unless the child is issued a civil citation or
1247 participating in a similar diversion program pursuant to s.

Page 43 of 118

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590-02104-14

2014700c1

1248 985.12, a child who is charged with or found to have committed
1249 one of the following offenses shall be fingerprinted, and the
1250 fingerprints shall be submitted to the Department of Law
1251 Enforcement as provided in s. 943.051(3) (b):
1252 1. Assault~~7~~ as defined in s. 784.011.
1253 2. Battery~~7~~ as defined in s. 784.03.
1254 3. Carrying a concealed weapon~~7~~ as defined in s. 790.01(1).
1255 4. Unlawful use of destructive devices or bombs~~7~~ as defined
1256 in s. 790.1615(1).
1257 5. Neglect of a child~~7~~ as defined in s. 827.03(1) (e).
1258 6. Assault on a law enforcement officer, a firefighter, or
1259 other specified officers~~7~~ as defined in s. 784.07(2) (a).
1260 7. Open carrying of a weapon~~7~~ as defined in s. 790.053.
1261 8. Exposure of sexual organs~~7~~ as defined in s. 800.03.
1262 9. Unlawful possession of a firearm~~7~~ as defined in s.
1263 790.22(5).
1264 10. Petit theft~~7~~ as defined in s. 812.014.
1265 11. Cruelty to animals~~7~~ as defined in s. 828.12(1).
1266 12. Arson~~7~~ resulting in bodily harm to a firefighter~~7~~ as
1267 defined in s. 806.031(1).
1268 13. Unlawful possession or discharge of a weapon or firearm
1269 at a school-sponsored event or on school property as defined in
1270 s. 790.115.

1271
1272 A law enforcement agency may fingerprint and photograph a child
1273 taken into custody upon probable cause that such child has
1274 committed any other violation of law, as the agency deems
1275 appropriate. Such fingerprint records and photographs shall be
1276 retained by the law enforcement agency in a separate file, and

Page 44 of 118

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590-02104-14

2014700c1

1277 these records and all copies thereof must be marked "Juvenile
 1278 Confidential." These records are not available for public
 1279 disclosure and inspection under s. 119.07(1) except as provided
 1280 in ss. 943.053 and 985.04(2), but ~~are shall be~~ available to
 1281 other law enforcement agencies, criminal justice agencies, state
 1282 attorneys, the courts, the child, the parents or legal
 1283 custodians of the child, their attorneys, and any other person
 1284 authorized by the court to have access to such records. In
 1285 addition, such records may be submitted to the Department of Law
 1286 Enforcement for inclusion in the state criminal history records
 1287 and used by criminal justice agencies for criminal justice
 1288 purposes. These records may, in the discretion of the court, be
 1289 open to inspection by anyone upon a showing of cause. The
 1290 fingerprint and photograph records shall be produced in the
 1291 court whenever directed by the court. Any photograph taken
 1292 pursuant to this section may be shown by a law enforcement
 1293 officer to any victim or witness of a crime for the purpose of
 1294 identifying the person who committed such crime.

1295 (c) The court ~~is shall be~~ responsible for the
 1296 fingerprinting of a any child at the disposition hearing if the
 1297 child has been adjudicated or had adjudication withheld for any
 1298 felony in the case currently before the court.

1299 Section 8. Subsection (2) of section 985.14, Florida
 1300 Statutes, is amended to read:

1301 985.14 Intake and case management system.—

1302 (2) The intake process shall be performed by the department
 1303 or juvenile assessment center personnel through a case
 1304 management system. The purpose of the intake process is to
 1305 assess the child's needs and risks and to determine the most

590-02104-14

2014700c1

1306 appropriate treatment plan and setting for the child's
 1307 programmatic needs and risks. The intake process consists of an
 1308 initial assessment and may be followed by a full mental health,
 1309 substance abuse, or psychosexual evaluation. The intake process
 1310 shall result in choosing the most appropriate services through a
 1311 balancing of the interests and needs of the child with those of
 1312 the family and the community public. The juvenile probation
 1313 officer shall ~~make be responsible for making~~ informed decisions
 1314 and recommendations to other agencies, the state attorney, and
 1315 the courts so that the child and family may receive the least
 1316 intrusive service alternative throughout the judicial process.
 1317 The department shall establish uniform procedures through which
 1318 ~~for~~ the juvenile probation officer may ~~to~~ provide a preliminary
 1319 screening of the child and family for substance abuse and mental
 1320 health services before ~~prior to~~ the filing of a petition or as
 1321 soon as possible thereafter and before ~~prior to~~ a disposition
 1322 hearing.

1323 Section 9. Section 985.145, Florida Statutes, is amended to
 1324 read:

1325 985.145 Responsibilities of the department juvenile
 1326 ~~probation officer~~ during intake; screenings and assessments.—

1327 (1) The department juvenile probation officer shall serve
 1328 as the primary case manager for the purpose of managing,
 1329 coordinating, and monitoring the services provided to the child.
 1330 Each program administrator within the Department of Children and
 1331 Families ~~Family Services~~ shall cooperate with the primary case
 1332 manager in carrying out the duties and responsibilities
 1333 described in this section. In addition to duties specified in
 1334 other sections and through departmental rules, the department

590-02104-14

2014700c1

1335 ~~assigned juvenile probation officer~~ shall be responsible for the
1336 following:

1337 (a) *Reviewing probable cause affidavit.*—The department
1338 ~~juvenile probation officer~~ shall make a preliminary
1339 determination as to whether the report, affidavit, or complaint
1340 is complete, consulting with the state attorney as ~~may be~~
1341 necessary. A report, affidavit, or complaint alleging that a
1342 child has committed a delinquent act or violation of law shall
1343 be made to the intake office operating in the county in which
1344 the child is found or in which the delinquent act or violation
1345 of law occurred. Any person or agency having knowledge of the
1346 facts may make such a written report, affidavit, or complaint
1347 and shall furnish to the intake office facts sufficient to
1348 establish the jurisdiction of the court and to support a finding
1349 by the court that the child has committed a delinquent act or
1350 violation of law.

1351 (b) *Notification concerning apparent insufficiencies in*
1352 *probable cause affidavit.*—In any case where the department
1353 ~~juvenile probation officer~~ or the state attorney finds that the
1354 report, affidavit, or complaint is insufficient by the standards
1355 for a probable cause affidavit, the department juvenile
1356 ~~probation officer~~ or state attorney shall return the report,
1357 affidavit, or complaint, without delay, to the person or agency
1358 originating the report, affidavit, or complaint or having
1359 knowledge of the facts or to the appropriate law enforcement
1360 agency having investigative jurisdiction of the offense, and
1361 shall request, and the person or agency shall promptly furnish,
1362 additional information in order to comply with the standards for
1363 a probable cause affidavit.

Page 47 of 118

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590-02104-14

2014700c1

1364 (c) *Screening.*—During the intake process, the department
1365 ~~juvenile probation officer~~ shall screen each child or shall
1366 cause each child to be screened in order to determine:

1367 1. Appropriateness for release; referral to a diversionary
1368 program, including, but not limited to, a teen court program;
1369 referral for community arbitration; or referral to some other
1370 program or agency for the purpose of nonofficial or nonjudicial
1371 handling.

1372 2. The presence of medical, psychiatric, psychological,
1373 substance abuse, educational, or career and technical education
1374 ~~vocational~~ problems, or other conditions that may have caused
1375 the child to come to the attention of law enforcement or the
1376 department. The child shall also be screened to determine
1377 whether the child poses a danger to himself or herself or others
1378 in the community. The results of this screening shall be made
1379 available to the court and to court officers. In cases where
1380 such conditions are identified and a nonjudicial handling of the
1381 case is chosen, the department juvenile probation officer shall
1382 attempt to refer the child to a program or agency, together with
1383 all available and relevant assessment information concerning the
1384 child's precipitating condition.

1385 (d) *Completing risk assessment instrument.*—The department
1386 ~~juvenile probation officer~~ shall ensure that a risk assessment
1387 instrument establishing the child's eligibility for detention
1388 has been accurately completed and that the appropriate
1389 recommendation was made to the court.

1390 (e) *Rights.*—The department juvenile probation officer shall
1391 inquire as to whether the child understands his or her rights to
1392 counsel and against self-incrimination.

Page 48 of 118

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590-02104-14

2014700c1

1393 (f) *Multidisciplinary assessment.*—The department juvenile
 1394 ~~probation officer~~ shall coordinate the multidisciplinary
 1395 assessment when required, which includes the classification and
 1396 placement process that determines the child's priority needs,
 1397 risk classification, and treatment plan. ~~If when~~ sufficient
 1398 evidence exists to warrant a comprehensive assessment and the
 1399 child fails to voluntarily participate in the assessment
 1400 efforts, the department juvenile probation officer shall inform
 1401 the court of the need for the assessment and the refusal of the
 1402 child to participate in such assessment. This assessment,
 1403 classification, and placement process shall develop into the
 1404 predisposition report.

1405 (g) *Comprehensive assessment.* ~~The juvenile probation~~
 1406 ~~officer~~, Pursuant to uniform procedures established by the
 1407 department and upon determining that the report, affidavit, or
 1408 complaint is complete, the department shall:

1409 1. Perform the preliminary screening and make referrals for
 1410 a comprehensive assessment regarding the child's need for
 1411 substance abuse treatment services, mental health services,
 1412 intellectual disability services, literacy services, or other
 1413 educational or treatment services.

1414 2. If indicated by the preliminary screening, provide for a
 1415 comprehensive assessment of the child and family for substance
 1416 abuse problems, using community-based licensed programs with
 1417 clinical expertise and experience in the assessment of substance
 1418 abuse problems.

1419 3. If indicated by the preliminary screening, provide for a
 1420 comprehensive assessment of the child and family for mental
 1421 health problems, using community-based psychologists,

590-02104-14

2014700c1

1422 psychiatrists, or other licensed mental health professionals who
 1423 have clinical expertise and experience in the assessment of
 1424 mental health problems.

1425 (h) *Referrals for services.*—The department juvenile
 1426 ~~probation officer~~ shall make recommendations for services and
 1427 facilitate the delivery of those services to the child,
 1428 including any mental health services, educational services,
 1429 family counseling services, family assistance services, and
 1430 substance abuse services.

1431 (i) *Recommendation concerning a petition.*—Upon determining
 1432 that the report, affidavit, or complaint complies with the
 1433 standards of a probable cause affidavit and that the interests
 1434 of the child and the public will be best served, the department
 1435 ~~juvenile probation officer~~ may recommend that a delinquency
 1436 petition not be filed. If such a recommendation is made, the
 1437 department juvenile probation officer shall advise in writing
 1438 the person or agency making the report, affidavit, or complaint,
 1439 the victim, if any, and the law enforcement agency having
 1440 investigative jurisdiction over the offense of the
 1441 recommendation; the reasons therefor; and that the person or
 1442 agency may submit, within 10 days after the receipt of such
 1443 notice, the report, affidavit, or complaint to the state
 1444 attorney for special review. The state attorney, upon receiving
 1445 a request for special review, shall consider the facts presented
 1446 by the report, affidavit, or complaint, and by the department
 1447 ~~juvenile probation officer who made the recommendation that no~~
 1448 ~~petition be filed~~, before making a final decision as to whether
 1449 a petition or information should or should not be filed.

1450 (j) *Completing intake report.*—Subject to the interagency

590-02104-14

2014700c1

1451 agreement authorized under this paragraph, the department the
 1452 ~~juvenile probation officer for each case in which a child is~~
 1453 ~~alleged to have committed a violation of law or delinquent act~~
 1454 ~~and is not detained~~ shall submit a written report to the state
 1455 attorney for each case in which a child is alleged to have
 1456 committed a violation of law or delinquent act and is not
 1457 detained. The report shall be submitted within 20 days after the
 1458 date the child is taken into custody and must include, including
 1459 the original police report, complaint, or affidavit, or a copy
 1460 thereof, and including a copy of the child's prior juvenile
 1461 record, ~~within 20 days after the date the child is taken into~~
 1462 ~~custody~~. In cases in which the child is in detention, the intake
 1463 office report must be submitted within 24 hours after the child
 1464 is placed into detention. The intake office report may include a
 1465 recommendation that a petition or information be filed or that
 1466 no petition or information be filed and may set forth reasons
 1467 for the recommendation. The state attorney and the department
 1468 may, on a district-by-district basis, enter into interagency
 1469 agreements denoting the cases that will require a recommendation
 1470 and those for which a recommendation is unnecessary.

1471 (2) ~~Before~~ Prior to requesting that a delinquency petition
 1472 be filed or ~~before~~ prior to filing a dependency petition, the
 1473 ~~department juvenile probation officer~~ may request the parent or
 1474 legal guardian of the child to attend a course of instruction in
 1475 parenting skills, training in conflict resolution, and the
 1476 practice of nonviolence; to accept counseling; or to receive
 1477 other assistance from any agency in the community which notifies
 1478 the clerk of the court of the availability of its services. If
 1479 ~~where~~ appropriate, the ~~department juvenile probation officer~~

Page 51 of 118

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590-02104-14

2014700c1

1480 shall request both parents or guardians to receive such parental
 1481 assistance. The ~~department juvenile probation officer~~ may, in
 1482 determining whether to request that a delinquency petition be
 1483 filed, take into consideration the willingness of the parent or
 1484 legal guardian to comply with such request. The parent or
 1485 guardian must provide the ~~department juvenile probation officer~~
 1486 with identifying information, including the parent's or
 1487 guardian's name, address, date of birth, social security number,
 1488 and driver ~~driver's~~ license number or identification card number
 1489 in order to comply with s. 985.039.

1490 (3) If ~~When~~ indicated by the comprehensive assessment, the
 1491 department is authorized to contract within appropriated funds
 1492 for services with a local nonprofit community mental health or
 1493 substance abuse agency licensed or authorized under chapter 394
 1494 or chapter 397 or other authorized nonprofit social service
 1495 agency providing related services. The determination of mental
 1496 health or substance abuse services shall be conducted in
 1497 coordination with existing programs providing mental health or
 1498 substance abuse services in conjunction with the intake office.

1499 (4) Client information resulting from the screening and
 1500 evaluation shall be documented under rules of the department and
 1501 shall serve to assist the ~~department juvenile probation officer~~
 1502 in providing the most appropriate services and recommendations
 1503 in the least intrusive manner. Such client information shall be
 1504 used in the multidisciplinary assessment and classification of
 1505 the child, but such information, and any information obtained
 1506 directly or indirectly through the assessment process, is
 1507 inadmissible in court ~~before~~ prior to the disposition hearing,
 1508 unless the child's written consent is obtained. At the

Page 52 of 118

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590-02104-14

2014700c1

1509 disposition hearing, documented client information shall serve
 1510 to assist the court in making the most appropriate custody,
 1511 adjudicatory, and dispositional decision.

1512 (5) If the screening and assessment indicate that the
 1513 interests of the child and the public will be best served, the
 1514 ~~department juvenile probation officer~~, with the approval of the
 1515 state attorney, may refer the child for care, diagnostic, and
 1516 evaluation services; substance abuse treatment services; mental
 1517 health services; intellectual disability services; a
 1518 diversionary, arbitration, or mediation program; community
 1519 service work; or other programs or treatment services
 1520 voluntarily accepted by the child and the child's parents or
 1521 legal guardian. If a child volunteers to participate in any work
 1522 program under this chapter or volunteers to work in a specified
 1523 state, county, municipal, or community service organization
 1524 supervised work program or to work for the victim, the child is
 1525 considered an employee of the state for the purposes of
 1526 liability. In determining the child's average weekly wage,
 1527 unless otherwise determined by a specific funding program, all
 1528 remuneration received from the employer is considered a
 1529 gratuity, and the child is not entitled to any benefits
 1530 otherwise payable under s. 440.15 regardless of whether the
 1531 child may be receiving wages and remuneration from other
 1532 employment with another employer and regardless of the child's
 1533 future wage-earning capacity.

1534 (6) The victim, if any, and the law enforcement agency that
 1535 investigated the offense shall be notified immediately by the
 1536 state attorney of the action taken under subsection (5).

1537 Section 10. Section 985.17, Florida Statutes, is created to

Page 53 of 118

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590-02104-14

2014700c1

1538 read:

1539 985.17 Prevention services.—

1540 (1) Prevention services decrease recidivism by addressing
 1541 the needs of at-risk youth and their families, preventing
 1542 further involvement in the juvenile justice system, protecting
 1543 public safety, and facilitating successful reentry into the
 1544 community. To assist in decreasing recidivism, the department's
 1545 prevention services should strengthen protective factors, reduce
 1546 risk factors, and use tested and effective approaches.

1547 (2) A primary focus of the department's prevention services
 1548 is to develop capacity for local communities to serve their
 1549 youth.

1550 (a) The department shall engage faith-based and community-
 1551 based organizations to provide a full range of voluntary
 1552 programs and services to prevent and reduce juvenile
 1553 delinquency, including, but not limited to, chaplaincy services,
 1554 crisis intervention counseling, mentoring, and tutoring.

1555 (b) The department shall establish volunteer coordinators
 1556 in each circuit and encourage the recruitment of volunteers to
 1557 serve as mentors for youth in department services.

1558 (c) The department shall promote the Invest In Children
 1559 license plate developed pursuant to s. 320.08058(11) to help
 1560 fund programs and services to prevent juvenile delinquency. The
 1561 department shall allocate moneys for programs and services
 1562 within each county based on that county's proportionate share of
 1563 the license plate annual use fee collected by the county
 1564 pursuant to s. 320.08058(11).

1565 (3) The department's prevention services for youth at risk
 1566 of becoming delinquent should focus on preventing initial or

Page 54 of 118

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590-02104-14

2014700c1

1567 further involvement in the juvenile justice system by including
 1568 services such as literacy services, gender-specific programming,
 1569 and recreational and after-school services and should include
 1570 targeted services to troubled, truant, ungovernable, abused,
 1571 trafficked, or runaway youth. To decrease the likelihood that a
 1572 youth will commit a delinquent act, the department may provide
 1573 specialized services addressing the strengthening of families,
 1574 job training, and substance abuse.

1575 (4) In an effort to decrease the prevalence of
 1576 disproportionate minority representation in the juvenile justice
 1577 system, the department's prevention services should address the
 1578 multiple needs of minority youth at risk of becoming delinquent.

1579 (5) The department shall expend funds related to prevention
 1580 services in a manner consistent with the policies expressed in
 1581 ss. 984.02 and 985.01. The department shall expend such funds in
 1582 a manner that maximizes accountability to the public and ensures
 1583 the documentation of outcomes.

1584 (a) As a condition of the receipt of state funds, entities
 1585 that receive or use state moneys to fund prevention services
 1586 through contracts with the department or grants from any entity
 1587 dispersed by the department shall:

1588 1. Design the programs providing such services to further
 1589 one or more of the following strategies:

1590 a. Encouraging youth to attend and succeed in school, which
 1591 may include special assistance and tutoring to address
 1592 deficiencies in academic performance and collecting outcome data
 1593 to reveal the number of days youth attended school while
 1594 participating in the program.

1595 b. Engaging youth in productive and wholesome activities

Page 55 of 118

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590-02104-14

2014700c1

1596 during nonschool hours which build positive character, instill
 1597 positive values, and enhance educational experiences.
 1598 c. Encouraging youth to avoid the use of violence.
 1599 d. Assisting youth in acquiring the skills needed to find
 1600 meaningful employment, which may include assistance in finding a
 1601 suitable employer for the youth.

1602 2. Provide the department with demographic information,
 1603 dates of services, and the type of interventions received by
 1604 each youth.

1605 (b) The department shall monitor output and outcome
 1606 measures for each program strategy in paragraph (a) and include
 1607 them in the annual Comprehensive Accountability Report published
 1608 pursuant to s. 985.632.

1609 (c) The department shall monitor all programs that receive
 1610 or use state moneys to fund juvenile delinquency prevention
 1611 services through contracts or grants with the department for
 1612 compliance with all provisions in the contracts or grants.

1613 Section 11. Section 985.24, Florida Statutes, is amended to
 1614 read:

1615 985.24 Use of detention; prohibitions.—

1616 (1) All determinations and court orders regarding the use
 1617 of ~~secure, nonsecure, or home~~ detention care must shall be based
 1618 primarily upon findings that the child:

1619 (a) Presents a substantial risk of not appearing at a
 1620 subsequent hearing;

1621 (b) Presents a substantial risk of inflicting bodily harm
 1622 on others as evidenced by recent behavior, including the illegal
 1623 possession of a firearm;

1624 (c) Presents a history of committing a property offense

Page 56 of 118

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590-02104-14

2014700c1

1625 ~~before~~ ~~prior~~ to adjudication, disposition, or placement;

1626 (d) Has committed contempt of court by:

1627 1. Intentionally disrupting the administration of the

1628 court;

1629 2. Intentionally disobeying a court order; or

1630 3. Engaging in a punishable act or speech in the court's

1631 presence which shows disrespect for the authority and dignity of

1632 the court; or

1633 (e) Requests protection from imminent bodily harm.

1634 (2) A child alleged to have committed a delinquent act or

1635 violation of law may not be placed into secure ~~or~~, nonsecure, ~~or~~

1636 ~~home~~ detention care for any of the following reasons:

1637 (a) To allow a parent to avoid his or her legal

1638 responsibility.

1639 (b) To permit more convenient administrative access to the

1640 child.

1641 (c) To facilitate further interrogation or investigation.

1642 (d) Due to a lack of more appropriate facilities.

1643 (3) A child alleged to be dependent under chapter 39 may

1644 not, under any circumstances, be placed into secure detention

1645 care.

1646 (4) The department may develop nonsecure, nonresidential

1647 evening-reporting centers as an alternative to placing a child

1648 in secure detention to serve children and families while

1649 awaiting court hearings. Evening-reporting centers may be

1650 collocated with the juvenile assessment center. At a minimum,

1651 evening-reporting centers shall be operated during the afternoon

1652 and evening hours and provide a highly structured program of

1653 supervision. Evening-reporting centers may also provide academic

Page 57 of 118

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590-02104-14

2014700c1

1654 tutoring, counseling, family engagement programs, and other

1655 activities.

1656 ~~(5)-(4)~~ The department shall continue to identify

1657 alternatives to secure detention care and shall develop such

1658 alternatives and annually submit them to the Legislature for

1659 authorization and appropriation.

1660 Section 12. Paragraph (b) of subsection (2) and subsection

1661 (4) of section 985.245, Florida Statutes, are amended to read:

1662 985.245 Risk assessment instrument.—

1663 (2)

1664 (b) The risk assessment instrument, at a minimum, shall

1665 consider ~~take into consideration~~, ~~but need not be limited to~~,

1666 prior history of failure to appear, prior offenses, offenses

1667 committed pending adjudication, any unlawful possession of a

1668 firearm, theft of a motor vehicle or possession of a stolen

1669 motor vehicle, and probation status at the time the child is

1670 taken into custody. The risk assessment instrument shall also

1671 consider ~~take into consideration~~ appropriate aggravating and

1672 mitigating circumstances, ~~and~~ shall be designed to target a

1673 narrower population of children than s. 985.255, ~~and~~. ~~The risk~~

1674 ~~assessment instrument~~ shall also include any information

1675 concerning the child's history of abuse and neglect. The risk

1676 assessment shall indicate whether detention care is warranted,

1677 and, if detention care is warranted, whether the child should be

1678 placed into secure ~~or~~, nonsecure, ~~or~~ ~~home~~ detention care.

1679 (4) If ~~For~~ a child who is under the supervision of the

1680 department through probation, ~~home detention~~, nonsecure

1681 detention, conditional release, postcommitment probation, or

1682 commitment ~~and who~~ is charged with committing a new offense, the

Page 58 of 118

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590-02104-14

2014700c1

1683 risk assessment instrument may be completed and scored based on
 1684 the underlying charge for which the child was placed under the
 1685 supervision of the department and the new offense.

1686 Section 13. Subsection (1) of section 985.25, Florida
 1687 Statutes, is amended to read:

1688 985.25 Detention intake.—

1689 (1) The ~~department juvenile probation officer~~ shall receive
 1690 custody of a child who has been taken into custody from the law
 1691 enforcement agency or court and shall review the facts in the
 1692 law enforcement report or probable cause affidavit and make such
 1693 further inquiry as may be necessary to determine whether
 1694 detention care is appropriate required.

1695 (a) During the period of time from the taking of the child
 1696 into custody to the date of the detention hearing, the initial
 1697 decision as to the child's placement into secure detention care
 1698 ~~or, nonsecure detention care, or home detention care~~ shall be
 1699 made by the department juvenile probation officer under ss.
 1700 985.24 and 985.245(1).

1701 (b) The ~~department juvenile probation officer~~ shall base
 1702 its the decision as to whether ~~or not~~ to place the child into
 1703 ~~secure detention care, home detention care,~~ or nonsecure
 1704 detention care on an assessment of risk in accordance with the
 1705 risk assessment instrument and procedures developed by the
 1706 department under s. 985.245. However, a child charged with
 1707 possessing or discharging a firearm on school property in
 1708 violation of s. 790.115 shall be placed in secure detention
 1709 care. A child who has been taken into custody on three or more
 1710 separate occasions within a 60-day period shall be placed in
 1711 secure detention care until the child's detention hearing.

Page 59 of 118

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590-02104-14

2014700c1

1712 (c) If the child's final score on the risk assessment
 1713 instrument indicates that juvenile probation officer determines
 1714 ~~that a child who is eligible for detention care is appropriate,~~
 1715 ~~but the department otherwise determines he or she based upon the~~
 1716 ~~results of the risk assessment instrument~~ should be released,
 1717 the department juvenile probation officer shall contact the
 1718 state attorney, who may authorize release.

1719 (d) If the child's final score on the risk assessment
 1720 instrument indicates that detention is not appropriate
 1721 authorized, the child may be released by the department juvenile
 1722 probation officer in accordance with ss. 985.115 and 985.13.

1723
 1724 ~~Under no circumstances shall~~ The department, juvenile probation
 1725 ~~officer or~~ the state attorney, or a law enforcement officer may
 1726 not authorize the detention of any child in a jail or other
 1727 facility intended or used for the detention of adults, without
 1728 an order of the court.

1729 Section 14. Section 985.255, Florida Statutes, is amended
 1730 to read:

1731 985.255 Detention criteria; detention hearing.—

1732 (1) Subject to s. 985.25(1), a child taken into custody and
 1733 placed into nonsecure or secure home detention care shall be
 1734 given a hearing within 24 hours after being taken into custody.
 1735 At the hearing, the court may order continued detention or
 1736 ~~detained in secure detention care prior to a detention hearing~~
 1737 ~~may continue to be detained by the court~~ if:

1738 (a) The child is alleged to be an escapee from a
 1739 residential commitment program, or an absconder from a
 1740 nonresidential commitment program, a probation program, or

Page 60 of 118

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590-02104-14

2014700c1

1741 conditional release supervision~~r~~ or is alleged to have escaped
1742 while being lawfully transported to or from a residential
1743 commitment program.

1744 (b) The child is wanted in another jurisdiction for an
1745 offense ~~that which~~, if committed by an adult, would be a felony.

1746 (c) The child is charged with a delinquent act or violation
1747 of law and requests in writing through legal counsel to be
1748 detained for protection from an imminent physical threat to his
1749 or her personal safety.

1750 (d) The child is charged with committing an offense of
1751 domestic violence as defined in s. 741.28 and is detained as
1752 provided in subsection (2).

1753 (e) The child is charged with possession or discharging a
1754 firearm on school property in violation of s. 790.115 or the
1755 illegal possession of a firearm.

1756 (f) The child is charged with a capital felony, a life
1757 felony, a felony of the first degree, a felony of the second
1758 degree which ~~that~~ does not involve a violation of chapter 893,
1759 or a felony of the third degree which ~~that~~ is also a crime of
1760 violence, including any such offense involving the use or
1761 possession of a firearm.

1762 (g) The child is charged with a felony of the ~~any~~ second
1763 degree or a felony of the third degree ~~felony~~ involving a
1764 violation of chapter 893 or a felony of the ~~any~~ third degree
1765 which ~~felony that~~ is not also a crime of violence, and the
1766 child:

1767 1. Has a record of failure to appear at court hearings
1768 after being properly notified in accordance with the Rules of
1769 Juvenile Procedure;

Page 61 of 118

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590-02104-14

2014700c1

1770 2. Has a record of law violations before ~~prior to~~ court
1771 hearings;

1772 3. Has already been detained or has been released and is
1773 awaiting final disposition of the case;

1774 4. Has a record of violent conduct resulting in physical
1775 injury to others; or

1776 5. Is found to have been in possession of a firearm.

1777 (h) The child is alleged to have violated the conditions of
1778 the child's probation or conditional release supervision.

1779 However, a child detained under this paragraph may be held only
1780 in a consequence unit as provided in s. 985.439. If a
1781 consequence unit is not available, the child shall be placed on
1782 nonsecure home detention with electronic monitoring.

1783 (i) The child is detained on a judicial order for failure
1784 to appear and has previously willfully failed to appear, after
1785 proper notice;~~r~~

1786 1. For an adjudicatory hearing on the same case regardless
1787 of the results of the risk assessment instrument; or

1788 2. At two or more court hearings of any nature on the same
1789 case, regardless of the results of the risk assessment
1790 instrument.

1791 A child may be held in secure detention for up to 72 hours in
1792 advance of the next scheduled court hearing pursuant to this
1793 paragraph. The child's failure to keep the clerk of court and
1794 defense counsel informed of a current and valid mailing address
1795 where the child will receive notice to appear at court
1796 proceedings does not provide an adequate ground for excusal of
1797 the child's nonappearance at the hearings.
1798

Page 62 of 118

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590-02104-14

2014700c1

1799 ~~(j) The child is detained on a judicial order for failure~~
 1800 ~~to appear and has previously willfully failed to appear, after~~
 1801 ~~proper notice, at two or more court hearings of any nature on~~
 1802 ~~the same case regardless of the results of the risk assessment~~
 1803 ~~instrument. A child may be held in secure detention for up to 72~~
 1804 ~~hours in advance of the next scheduled court hearing pursuant to~~
 1805 ~~this paragraph. The child's failure to keep the clerk of court~~
 1806 ~~and defense counsel informed of a current and valid mailing~~
 1807 ~~address where the child will receive notice to appear at court~~
 1808 ~~proceedings does not provide an adequate ground for excusal of~~
 1809 ~~the child's nonappearance at the hearings.~~

1810 (2) A child who is charged with committing an offense
 1811 classified as ~~of~~ domestic violence as defined in s. 741.28 and
 1812 whose risk assessment indicates secure detention is not
 1813 appropriate ~~who does not meet detention criteria~~ may be held in
 1814 secure detention if the court makes specific written findings
 1815 that:

1816 (a) Respite care for the child is not available; or—
 1817 (b) It is necessary to place the child in secure detention
 1818 in order to protect the victim from injury.

1819
 1820 The child may not be held in secure detention under this
 1821 subsection for more than 48 hours unless ordered by the court.
 1822 After 48 hours, the court shall hold a hearing if the state
 1823 attorney or victim requests that secure detention be continued.
 1824 The child may continue to be held in detention care if the court
 1825 makes a specific, written finding that respite care is
 1826 unavailable or it ~~detention care~~ is necessary to protect the
 1827 victim from injury. However, the child may not be held in

590-02104-14

2014700c1

1828 detention care beyond the time limits provided set forth in this
 1829 section or s. 985.26.

1830 (3) (a) ~~A child who meets any of the criteria in subsection~~
 1831 ~~(1) and who is ordered to be detained under that subsection~~
 1832 ~~shall be given a hearing within 24 hours after being taken into~~
 1833 ~~eustody.~~ The purpose of the detention hearing required under
 1834 subsection (1) is to determine the existence of probable cause
 1835 that the child has committed the delinquent act or violation of
 1836 law that he or she is charged with and the need for continued
 1837 detention. Unless a child is detained under paragraph (1) (d) or
 1838 paragraph (1) (e), the court shall use the results of the risk
 1839 assessment performed by the department juvenile probation
 1840 officer and, based on the criteria in subsection (1), shall
 1841 determine the need for continued detention. ~~A child placed into~~
 1842 ~~secure, nonsecure, or home detention care may continue to be so~~
 1843 ~~detained by the court.~~

1844 (b) If the court orders a placement more restrictive than
 1845 indicated by the results of the risk assessment instrument, the
 1846 court shall state, in writing, clear and convincing reasons for
 1847 such placement.

1848 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,
 1849 when a child is placed into secure or nonsecure detention care,
 1850 or into a respite home or other placement pursuant to a court
 1851 order following a hearing, the court order must include specific
 1852 instructions that direct the release of the child from such
 1853 placement by no later than 5 p.m. on the last day of the
 1854 detention period specified in s. 985.26 or s. 985.27, whichever
 1855 is applicable, unless the requirements of such applicable
 1856 provision have been met or an order of continuance has been

590-02104-14

2014700c1

1857 granted under s. 985.26(4). If the court order does not include
 1858 a date of release, the release date must be requested of the
 1859 court on the same date the youth was placed on detention care.
 1860 If a subsequent hearing is needed to provide additional
 1861 information to the court for safety planning, the initial order
 1862 placing the youth on detention care must reflect the next
 1863 detention review hearing, which should be held within 3 calendar
 1864 days after the child's initial detention placement.

1865 Section 15. Subsections (1) through (3) of section 985.26,
 1866 Florida Statutes, are amended to read:

1867 985.26 Length of detention.—

1868 (1) A child may not be placed into or held in secure or
 1869 nonsecure, or home detention care for more longer than 24 hours
 1870 unless the court orders such detention care, and the order
 1871 includes specific instructions that direct the release of the
 1872 child from such detention care, in accordance with s. 985.255.
 1873 The order shall be a final order, reviewable by appeal under s.
 1874 985.534 and the Florida Rules of Appellate Procedure. Appeals of
 1875 such orders ~~shall~~ take precedence over other appeals and other
 1876 pending matters.

1877 (2) A child may not be held in secure or, nonsecure, ~~or~~
 1878 ~~home~~ detention care under a special detention order for more
 1879 than 21 days unless an adjudicatory hearing for the case has
 1880 been commenced in good faith by the court. However, upon good
 1881 cause being shown that the nature of the charge requires
 1882 additional time for the prosecution or defense of the case, the
 1883 court may extend the length of detention for an additional 9
 1884 days if the child is charged with an offense that would be, if
 1885 committed by an adult, a capital felony, a life felony, a felony

Page 65 of 118

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590-02104-14

2014700c1

1886 of the first degree, or a felony of the second degree involving
 1887 violence against any individual.

1888 (3) Except as provided in subsection (2), a child may not
 1889 be held in secure ~~or~~ nonsecure, ~~or home~~ detention care for more
 1890 than 15 days following the entry of an order of adjudication.

1891 Section 16. Section 985.265, Florida Statutes, is amended
 1892 to read:

1893 985.265 Detention transfer and release; education; adult
 1894 jails.—

1895 (1) If a child is detained under this part, the department
 1896 may transfer the child from nonsecure ~~or home~~ detention care to
 1897 secure detention care only if significantly changed
 1898 circumstances warrant such transfer.

1899 (2) If a child is on release status and not detained under
 1900 this part, the child may be placed into secure or, nonsecure, ~~or~~
 1901 ~~home~~ detention care only pursuant to a court hearing in which
 1902 the original risk assessment instrument and the, rescored based
 1903 ~~on~~ newly discovered evidence or changed circumstances are
 1904 introduced into evidence with a rescored risk assessment
 1905 instrument with the results recommending detention, is
 1906 introduced into evidence.

1907 (3) (a) ~~If when~~ a juvenile sexual offender is placed in
 1908 detention, detention staff shall provide appropriate monitoring
 1909 and supervision to ensure the safety of other children in the
 1910 facility.

1911 (b) ~~If when~~ a juvenile charged with murder under s. 782.04,
 1912 sexual battery under chapter 794, stalking under s. 784.048, or
 1913 domestic violence as defined in s. 741.28, or an attempt to
 1914 commit any of these offenses ~~sexual offender, under this~~

Page 66 of 118

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590-02104-14

2014700c1

1915 ~~subsection,~~ is released from secure detention or transferred to
 1916 ~~home detention or~~ nonsecure detention, detention staff shall
 1917 immediately notify the appropriate law enforcement agency, and
 1918 school personnel, and the victim.

1919 (4) (a) While a child who is currently enrolled in school is
 1920 in nonsecure ~~or home~~ detention care, the child shall continue to
 1921 attend school unless otherwise ordered by the court.

1922 (b) While a child is in secure detention care, the child
 1923 shall receive education commensurate with his or her grade level
 1924 and educational ability.

1925 (5) The court shall order the delivery of a child to a jail
 1926 or other facility intended or used for the detention of adults:

1927 (a) If ~~When~~ the child has been transferred or indicted for
 1928 criminal prosecution as an adult under part X., ~~except that~~ The
 1929 court may not order or allow a child alleged to have committed a
 1930 misdemeanor who is being transferred for criminal prosecution
 1931 pursuant to either s. 985.556 or s. 985.557 to be detained or
 1932 held in a jail or other facility intended or used for the
 1933 detention of adults; however, such child may be held temporarily
 1934 in a detention facility; or

1935 (b) If ~~When~~ a child taken into custody in this state is
 1936 wanted by another jurisdiction for prosecution as an adult.

1937 A The child shall be housed separately from adult inmates to
 1938 prohibit the a child from having regular contact with
 1939 incarcerated adults, including trustees. As used in this
 1940 subsection, the term "regular contact" means sight and sound
 1941 contact. Separation of children from adults may not allow shall
 1942 ~~permit no~~ more than haphazard or accidental contact. The
 1943

590-02104-14

2014700c1

1944 receiving jail or other facility shall provide ~~contain~~ a
 1945 separate section for children and shall have an ~~adequate~~ adequate staff
 1946 adequate to supervise and monitor the child's activities at all
 1947 times. Supervision and monitoring of children includes physical
 1948 observation and documented checks by jail or receiving facility
 1949 supervisory personnel at intervals not to exceed 10 ~~15~~ minutes.
 1950 This subsection does not prohibit placing two or more children
 1951 in the same cell. ~~Under no circumstances shall~~ A child may not
 1952 be placed in a ~~the same~~ cell with an adult.

1953 Section 17. Section 985.27, Florida Statutes, is amended to
 1954 read:

1955 985.27 Postadjudication ~~Postcommitment~~ detention while
 1956 awaiting commitment placement.-

1957 (1) The court must place all children who are adjudicated
 1958 and awaiting placement in a commitment program in detention
 1959 care. Children who are in ~~home detention care or~~ nonsecure
 1960 detention care may be placed on electronic monitoring.

1961 (a) ~~A child who is awaiting placement in a low-risk~~
 1962 ~~residential program must be removed from detention within 5~~
 1963 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
 1964 ~~child held in secure detention during the 5 days must meet~~
 1965 ~~detention admission criteria under this part. A child who is~~
 1966 ~~placed in home detention care, nonsecure detention care, or home~~
 1967 ~~or nonsecure detention care with electronic monitoring, while~~
 1968 ~~awaiting placement in a minimum-risk or low-risk program, may be~~
 1969 ~~held in secure detention care for 5 days, if the child violates~~
 1970 ~~the conditions of the home detention care, the nonsecure~~
 1971 ~~detention care, or the electronic monitoring agreement. For any~~
 1972 ~~subsequent violation, the court may impose an additional 5 days~~

590-02104-14

2014700c1

1973 ~~in secure detention care.~~

1974 ~~(b)~~ A child who is awaiting placement in a nonsecure
 1975 ~~moderate-risk~~ residential program must be removed from detention
 1976 within 5 days, excluding Saturdays, Sundays, and legal holidays.
 1977 ~~A~~ ~~any~~ child held in secure detention during the 5 days must meet
 1978 detention admission criteria under this part. The department may
 1979 seek an order from the court authorizing continued detention for
 1980 a specific period of time necessary for the appropriate
 1981 residential placement of the child. However, such continued
 1982 detention in secure detention care may not exceed 15 days after
 1983 entry of the commitment order, excluding Saturdays, Sundays, and
 1984 legal holidays, and except as otherwise provided in this
 1985 section. A child who is placed in ~~home detention care~~, nonsecure
 1986 detention care, or ~~home~~ ~~or~~ nonsecure detention care with
 1987 electronic monitoring, while awaiting placement in a nonsecure
 1988 residential moderate-risk program, may be held in secure
 1989 detention care for 5 days, if the child violates the conditions
 1990 of ~~the home detention care~~, the nonsecure detention care, or the
 1991 electronic monitoring agreement. For any subsequent violation,
 1992 the court may impose an additional 5 days in secure detention
 1993 care.

1994 ~~(b)(e)~~ If the child is committed to a high-risk residential
 1995 program, the child must be held in secure detention care until
 1996 placement or commitment is accomplished.

1997 ~~(c)(d)~~ If the child is committed to a maximum-risk
 1998 residential program, the child must be held in secure detention
 1999 care until placement or commitment is accomplished.

2000 (2) Regardless of detention status, a child being
 2001 transported by the department to a residential commitment

Page 69 of 118

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590-02104-14

2014700c1

2002 facility of the department may be placed in secure detention for
 2003 up to 24 hours overnight, ~~not to exceed a 24-hour period~~, for
 2004 the specific purpose of ensuring the safe delivery of the child
 2005 to his or her residential commitment program, court,
 2006 appointment, transfer, or release.

2007 Section 18. Subsection (1) of section 985.275, Florida
 2008 Statutes, is amended to read:

2009 985.275 Detention of escapee or absconder on authority of
 2010 the department.—

2011 (1) If an authorized agent of the department has reasonable
 2012 grounds to believe that a ~~any~~ delinquent child committed to the
 2013 department has escaped from a residential commitment facility or
 2014 in the course of lawful transportation to or from such facility
 2015 from being lawfully transported thereto or therefrom, or has
 2016 absconded from a nonresidential commitment facility, the agent
 2017 shall notify law enforcement and, if the offense qualifies under
 2018 chapter 960, notify the victim, and make every reasonable effort
 2019 to locate the delinquent child. The child may be returned ~~take~~
 2020 ~~the child into active custody and may deliver the child to the~~
 2021 ~~facility or, if it is closer, to a detention center for return~~
 2022 ~~to the facility. However, a child may not be held in detention~~
 2023 ~~more longer~~ than 24 hours, excluding Saturdays, Sundays, and
 2024 legal holidays, unless a special order so directing is made by
 2025 the judge after a detention hearing resulting in a finding that
 2026 detention is required based on the criteria in s. 985.255. The
 2027 order must ~~shall~~ state the reasons for such finding. The reasons
 2028 are ~~shall be~~ reviewable by appeal or in habeas corpus
 2029 proceedings in the district court of appeal.

2030 Section 19. Paragraph (b) of subsection (4), paragraph (h)

Page 70 of 118

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590-02104-14 2014700c1

2031 of subsection (6), and paragraph (a) of subsection (7) of
2032 section 985.433, Florida Statutes, are amended to read:

2033 985.433 Disposition hearings in delinquency cases.—When a
2034 child has been found to have committed a delinquent act, the
2035 following procedures shall be applicable to the disposition of
2036 the case:

2037 (4) Before the court determines and announces the
2038 disposition to be imposed, it shall:

2039 (b) Discuss with the child his or her compliance with any
2040 predisposition ~~home~~ release plan or other plan imposed since the
2041 date of the offense.

2042 (6) The first determination to be made by the court is a
2043 determination of the suitability or nonsuitability for
2044 adjudication and commitment of the child to the department. This
2045 determination shall include consideration of the recommendations
2046 of the department, which may include a predisposition report.
2047 The predisposition report shall include, whether as part of the
2048 child's multidisciplinary assessment, classification, and
2049 placement process components or separately, evaluation of the
2050 following criteria:

2051 (h) The child's educational status, including, but not
2052 limited to, the child's strengths, abilities, and unmet and
2053 special educational needs. The report ~~must shall~~ identify
2054 appropriate educational and ~~career vocational~~ goals for the
2055 child. Examples of appropriate goals include:

- 2056 1. Attainment of a high school diploma or its equivalent.
- 2057 2. Successful completion of literacy course(s).
- 2058 3. Successful completion of career and technical
2059 educational ~~vocational~~ course(s).

590-02104-14 2014700c1

2060 4. Successful attendance and completion of the child's
2061 current grade, or recovery of credits of classes the child
2062 previously failed, if enrolled in school.

2063 5. Enrollment in an apprenticeship or a similar program.

2064
2065 It is the intent of the Legislature that the criteria set forth
2066 in this subsection are general guidelines to be followed at the
2067 discretion of the court and not mandatory requirements of
2068 procedure. It is not the intent of the Legislature to provide
2069 for the appeal of the disposition made under this section.

2070 (7) If the court determines that the child should be
2071 adjudicated as having committed a delinquent act and should be
2072 committed to the department, such determination shall be in
2073 writing or on the record of the hearing. The determination shall
2074 include a specific finding of the reasons for the decision to
2075 adjudicate and to commit the child to the department, including
2076 any determination that the child was a member of a criminal
2077 gang.

2078 (a) The department juvenile probation officer ~~shall~~
2079 recommend to the court the most appropriate placement and
2080 treatment plan, specifically identifying the restrictiveness
2081 level most appropriate for the child if commitment is
2082 recommended. If the court has determined that the child was a
2083 member of a criminal gang, that determination shall be given
2084 great weight in identifying the most appropriate restrictiveness
2085 level for the child. The court shall consider the department's
2086 recommendation in making its commitment decision.

2087 Section 20. Present subsections (4) through (6) of section
2088 985.435, Florida Statutes, are redesignated as subsections (5)

590-02104-14

2014700c1

2089 through (7), respectively, a new subsection (4) is added to that
2090 section, and subsection (3) and present subsection (4) of that
2091 section are amended, to read:

2092 985.435 Probation and postcommitment probation; community
2093 service.—

2094 (3) A probation program must also include a rehabilitative
2095 program component such as a requirement of participation in
2096 substance abuse treatment or in a school or career and technical
2097 ~~ether~~ educational program. The nonconsent of the child to
2098 treatment in a substance abuse treatment program does not
2099 preclude in no way precludes the court from ordering such
2100 treatment. Upon the recommendation of the department at the time
2101 of disposition, or subsequent to disposition pursuant to the
2102 filing of a petition alleging a violation of the child's
2103 conditions of postcommitment probation, the court may order the
2104 child to submit to random testing for the purpose of detecting
2105 and monitoring the use of alcohol or controlled substances.

2106 (4) A probation program may also include an alternative
2107 consequence component to address instances in which a child is
2108 noncompliant with technical conditions of his or her probation,
2109 but has not committed any new violations of law. The alternative
2110 consequence component shall be designed to provide swift and
2111 appropriate consequences to any noncompliance with technical
2112 conditions of probation. If the probation program includes this
2113 component, specific consequences that apply to noncompliance
2114 with specific technical conditions of probation must be detailed
2115 in the disposition order.

2116 (5)(4) An evaluation of the youth's risk to reoffend A
2117 classification scale for levels of supervision shall be provided

Page 73 of 118

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590-02104-14

2014700c1

2118 by the department, taking into account the child's needs and
2119 risks relative to probation supervision requirements to
2120 reasonably ensure the public safety. Probation programs for
2121 children shall be supervised by the department or by any other
2122 person or agency specifically authorized by the court. These
2123 programs must include, but are not limited to, structured or
2124 restricted activities as described in this section and s.
2125 985.439, and shall be designed to encourage the child toward
2126 acceptable and functional social behavior.

2127 Section 21. Paragraph (a) of subsection (1) and subsection
2128 (4) of section 985.439, Florida Statutes, are amended to read:

2129 985.439 Violation of probation or postcommitment
2130 probation.—

2131 (1)(a) This section is applicable when the court has
2132 jurisdiction over a child on probation or postcommitment
2133 probation, regardless of adjudication an adjudicated delinquent
2134 child.

2135 (4) Upon the child's admission, or if the court finds after
2136 a hearing that the child has violated the conditions of
2137 probation or postcommitment probation, the court shall enter an
2138 order revoking, modifying, or continuing probation or
2139 postcommitment probation. In each such case, the court shall
2140 enter a new disposition order and, in addition to the sanctions
2141 set forth in this section, may impose any sanction the court
2142 could have imposed at the original disposition hearing. If the
2143 child is found to have violated the conditions of probation or
2144 postcommitment probation, the court may:

2145 (a) Place the child in a consequence unit in that judicial
2146 circuit, if available, for up to 5 days for a first violation

Page 74 of 118

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590-02104-14

2014700c1

2147 and up to 15 days for a second or subsequent violation.

2148 (b) Place the child on nonsecure ~~home~~ detention with
2149 electronic monitoring. However, this sanction may be used only
2150 if a residential consequence unit is not available.

2151 (c) Modify or continue the child's probation program or
2152 postcommitment probation program.

2153 (d) Revoke probation or postcommitment probation and commit
2154 the child to the department.

2155 (e) If the violation of probation is technical in nature
2156 and not a new violation of law, place the child in an
2157 alternative consequence program designed to provide swift and
2158 appropriate consequences for any further violations of
2159 probation.

2160 1. Alternative consequence programs shall be established at
2161 the local level in coordination with law enforcement agencies,
2162 the chief judge of the circuit, the state attorney, and the
2163 public defender.

2164 2. Alternative consequence programs may be operated by an
2165 entity such as a law enforcement agency, the department, a
2166 juvenile assessment center, a county or municipality, or another
2167 entity selected by the department.

2168 3. Upon placing a child in an alternative consequence
2169 program, the court must approve specific consequences for
2170 specific violations of the conditions of probation.

2171 Section 22. Subsection (2) of section 985.441, Florida
2172 Statutes, is amended to read:

2173 985.441 Commitment.—

2174 (2) Notwithstanding subsection (1), the court having
2175 jurisdiction over an adjudicated delinquent child whose

590-02104-14

2014700c1

2176 ~~underlying offense is was~~ a misdemeanor, or a child who is
2177 currently on probation for a misdemeanor, may not commit the
2178 child for any misdemeanor offense or any probation violation
2179 that is technical in nature and not a new violation of law at a
2180 restrictiveness level other than minimum-risk nonresidential
2181 ~~unless the probation violation is a new violation of law~~
2182 ~~constituting a felony.~~ However, the court may commit such child
2183 to a nonsecure ~~low-risk or moderate-risk~~ residential placement
2184 if:

2185 (a) The child has previously been adjudicated or had
2186 adjudication withheld for a felony offense;

2187 (b) The child has previously been adjudicated or had
2188 adjudication withheld for three or more misdemeanor offenses
2189 within the preceding 18 months;

2190 (c) The child is before the court for disposition for a
2191 violation of s. 800.03, s. 806.031, or s. 828.12; or

2192 (d) The court finds by a preponderance of the evidence that
2193 the protection of the public requires such placement or that the
2194 particular needs of the child would be best served by such
2195 placement. Such finding must be in writing.

2196 Section 23. Paragraph (a) of subsection (1) and subsection
2197 (5) of section 985.46, Florida Statutes, are amended to read:
2198 985.46 Conditional release.—

2199 (1) The Legislature finds that:

2200 (a) Conditional release is the care, treatment, help,
2201 provision of transition-to-adulthood services, and supervision
2202 provided to juveniles released from residential commitment
2203 programs to promote rehabilitation and prevent recidivism.

2204 (5) Participation in the educational program by students of

590-02104-14

2014700c1

2205 compulsory school attendance age pursuant to s. 1003.21(1) and
 2206 (2) (a) is mandatory for juvenile justice youth on conditional
 2207 release or postcommitment probation status. A student of
 2208 noncompulsory school-attendance age who has not received a high
 2209 school diploma or its equivalent must participate in ~~an the~~
 2210 educational or career and technical educational program. A youth
 2211 who has received a high school diploma or its equivalent and is
 2212 not employed must participate in workforce development or other
 2213 career or technical education or attend a community college or a
 2214 university while in the program, subject to available funding.

2215 Section 24. Subsections (1) through (5) of section 985.461,
 2216 Florida Statutes, are amended to read:

2217 985.461 Transition to adulthood.—

2218 (1) The Legislature finds that ~~elder~~ youth are faced with
 2219 the need to learn how to support themselves within legal means
 2220 and overcome the stigma of being delinquent. In most cases,
 2221 parents expedite this transition. It is the intent of the
 2222 Legislature that the department provide ~~elder~~ youth in its
 2223 custody or under its supervision with opportunities for
 2224 participating in transition-to-adulthood services while in the
 2225 department's commitment programs or in probation or conditional
 2226 release programs in the community. These services should be
 2227 reasonable and appropriate for the youths' respective ages or
 2228 special needs and provide activities that build life skills and
 2229 increase the ability to live independently and become self-
 2230 sufficient.

2231 (2) Youth served by the department who are in the custody
 2232 of the Department of Children and Families ~~Family Services~~ and
 2233 who entered juvenile justice placement from a foster care

Page 77 of 118

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590-02104-14

2014700c1

2234 placement, if otherwise eligible, may receive independent living
 2235 transition services pursuant to s. 409.1451. Court-ordered
 2236 commitment or probation with the department is not a barrier to
 2237 eligibility for the array of services available to a youth who
 2238 is in the dependency foster care system only.

2239 (3) For a dependent child in the foster care system,
 2240 adjudication for delinquency does not, by itself, disqualify
 2241 such child for eligibility in the Department of Children and
 2242 Families' Family Services' independent living program.

2243 (4) As part of the child's treatment plan, the department
 2244 may provide transition-to-adulthood services to children
 2245 released from residential commitment. To support participation
 2246 in transition-to-adulthood services and subject to
 2247 appropriation, the department may:

2248 (a) Assess the child's skills and abilities to live
 2249 independently and become self-sufficient. The specific services
 2250 ~~to be~~ provided shall be determined using an assessment of his or
 2251 her readiness for adult life.

2252 (b) Use community reentry teams to assist in the
 2253 development of ~~Develop~~ a list of age-appropriate activities and
 2254 responsibilities to be incorporated in the child's written case
 2255 plan for any youth ~~17 years of age or older~~ who is under the
 2256 custody or supervision of the department. Community reentry
 2257 teams may include representation from school districts, law
 2258 enforcement, workforce development services, community-based
 2259 service providers, and the youth's family. Activities may
 2260 include, but are not limited to, life skills training, including
 2261 training to develop banking and budgeting skills, interviewing
 2262 and career planning skills, parenting skills, personal health

Page 78 of 118

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590-02104-14

2014700c1

2263 management, and time management or organizational skills;
2264 educational support; employment training; and counseling.

2265 (c) Provide information related to social security
2266 insurance benefits and public assistance.

2267 (d) Request parental or guardian permission for the youth
2268 to participate in transition-to-adulthood services. Upon such
2269 consent, age-appropriate activities shall be incorporated into
2270 the youth's written case plan. This plan may include specific
2271 goals and objectives and shall be reviewed and updated at least
2272 quarterly. If the parent or guardian is cooperative, the plan
2273 may not interfere with the parent's or guardian's rights to
2274 nurture and train his or her child in ways that are otherwise in
2275 compliance with the law and court order.

2276 (e) Contract for transition-to-adulthood services that
2277 include residential services and assistance and allow the child
2278 to live independently of the daily care and supervision of an
2279 adult in a setting that is not licensed under s. 409.175. A
2280 child under the care or supervision of the department ~~who has~~
2281 ~~reached 17 years of age but is not yet 19 years of age~~ is
2282 eligible for such services if he or she does not pose a danger
2283 to the public and is able to demonstrate minimally sufficient
2284 skills and aptitude for living under decreased adult
2285 supervision, as determined by the department, using established
2286 procedures and assessments.

2287 (f) Assist the youth in building a portfolio of educational
2288 and vocational accomplishments, necessary identification,
2289 resumes, and cover letters in an effort to enhance the youth's
2290 employability.

2291 (g) Collaborate with school district contacts to facilitate

Page 79 of 118

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590-02104-14

2014700c1

2292 appropriate educational services based on the youth's identified
2293 needs.

2294 (5) For a child ~~who is 17 years of age or older,~~ under the
2295 department's care or supervision, and without benefit of parents
2296 or legal guardians capable of assisting the child in the
2297 transition to adult life, the department may provide an
2298 assessment to determine the child's skills and abilities to live
2299 independently and become self-sufficient. Based on the
2300 assessment and within existing resources, services and training
2301 may be provided in order to develop the necessary skills and
2302 abilities ~~before the child's 18th birthday.~~

2303 Section 25. Paragraph (b) of subsection (3) of section
2304 985.481, Florida Statutes, is amended to read:

2305 985.481 Sexual offenders adjudicated delinquent;
2306 notification upon release.—

2307 (3)

2308 (b) ~~No later than November 1, 2007,~~ The department shall
2309 ~~must~~ make the information described in subparagraph (a)1.
2310 available electronically to the Department of Law Enforcement in
2311 its database and in a format that is compatible with the
2312 requirements of the Florida Crime Information Center.

2313 Section 26. Subsection (5) of section 985.4815, Florida
2314 Statutes, is amended to read:

2315 985.4815 Notification to Department of Law Enforcement of
2316 information on juvenile sexual offenders.—

2317 (5) In addition to notification and transmittal
2318 requirements imposed by any other ~~provision of law,~~ the
2319 department shall compile information on any sexual offender and
2320 provide the information to the Department of Law Enforcement. ~~Ne~~

Page 80 of 118

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590-02104-14

2014700c1

2321 ~~later than November 1, 2007,~~ The department shall ~~must~~ make the
 2322 information available electronically to the Department of Law
 2323 Enforcement in its database in a format that is compatible with
 2324 the requirements of the Florida Crime Information Center.

2325 Section 27. Subsection (2), paragraph (a) of subsection
 2326 (3), and paragraph (a) of subsection (9) of section 985.601,
 2327 Florida Statutes, are amended to read:

2328 985.601 Administering the juvenile justice continuum.—

2329 (2) The department shall develop and implement an
 2330 appropriate continuum of care that provides individualized,
 2331 multidisciplinary assessments, objective evaluations of relative
 2332 risks, and the matching of needs with placements for all
 2333 children under its care, and that uses a system of case
 2334 management to facilitate each child being appropriately
 2335 assessed, provided with services, and placed in a program that
 2336 meets the child's needs. The Legislature recognizes that the
 2337 purpose of the juvenile justice system is to increase public
 2338 safety by reducing juvenile delinquency and recognizes the
 2339 importance of ensuring that children who are assessed as low and
 2340 moderate risk to reoffend are considered for placement in a
 2341 nonresidential program.

2342 (3) (a) The department shall develop or contract for
 2343 diversified and innovative programs to provide rehabilitative
 2344 treatment, including early intervention and prevention,
 2345 diversion, comprehensive intake, case management, diagnostic and
 2346 classification assessments, trauma-informed care, individual and
 2347 family counseling, family engagement resources and programs,
 2348 gender-specific programming, shelter care, diversified detention
 2349 care emphasizing alternatives to secure detention, diversified

Page 81 of 118

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590-02104-14

2014700c1

2350 probation, halfway houses, foster homes, community-based
 2351 substance abuse treatment services, community-based mental
 2352 health treatment services, community-based residential and
 2353 nonresidential programs, mother-infant programs, and
 2354 environmental programs. The department may pay expenses in
 2355 support of innovative programs and activities that address the
 2356 identified needs and well-being of children in the department's
 2357 care or under its supervision. Each program shall place
 2358 particular emphasis on reintegration and conditional release for
 2359 all children in the program.

2360 (9) (a) The department shall operate a statewide, regionally
 2361 administered system of detention services for children, in
 2362 accordance with a comprehensive plan for the regional
 2363 administration of all detention services in the state. The plan
 2364 must provide for the maintenance of adequate availability of
 2365 detention services for all counties. The plan must cover all the
 2366 department's operating circuits, with each operating circuit
 2367 having access to a secure facility and nonsecure and home
 2368 detention programs. ~~and~~ The plan may be altered or modified by
 2369 the department of ~~Juvenile Justice~~ as necessary.

2370 Section 28. Section 985.605, Florida Statutes, is repealed.

2371 Section 29. Section 985.606, Florida Statutes, is repealed.

2372 Section 30. Section 985.61, Florida Statutes, is repealed.

2373 Section 31. Section 985.632, Florida Statutes, is reordered
 2374 and amended to read:

2375 985.632 Quality improvement ~~assurance~~ and cost-
 2376 effectiveness.—

2377 ~~(2) (+)~~ PERFORMANCE ACCOUNTABILITY.—It is the intent of the
 2378 Legislature that the department establish a performance

Page 82 of 118

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590-02104-14

2014700c1

2379 accountability system for each provider who contracts with the
 2380 department for the delivery of services to children. The
 2381 contract must include both output measures, such as the number
 2382 of children served, and outcome measures, such as program
 2383 completion and postcompletion recidivism. Each contractor shall
 2384 report performance results to the department annually. The
 2385 department's Bureau of Research and Planning shall summarize
 2386 performance results from all contracts and report the
 2387 information annually to the President of the Senate and the
 2388 Speaker of the House of Representatives in the Comprehensive
 2389 Accountability Report. The report must:

2390 (a) Ensure that information be provided to decisionmakers
 2391 in a timely manner so that resources are allocated to programs
 2392 that of the department which achieve desired performance levels.

2393 (b) Provide information about the cost of such programs and
 2394 their differential effectiveness so that the quality of such
 2395 programs can be compared and improvements made continually.

2396 (c) Provide information to aid in developing related policy
 2397 issues and concerns.

2398 (d) Provide information to the public about the
 2399 effectiveness of such programs in meeting established goals and
 2400 objectives.

2401 (e) Provide a basis for a system of accountability so that
 2402 each child client is afforded the best programs to meet his or
 2403 her needs.

2404 (f) Improve service delivery to children through the use of
 2405 technical assistance clients.

2406 (g) Modify or eliminate activities or programs that are not
 2407 effective.

Page 83 of 118

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590-02104-14

2014700c1

2408 (h) Collect and analyze available statistical data for the
 2409 purpose of ongoing evaluation of all programs.

2410 ~~(1)-(2)~~ DEFINITIONS.—As used in this section, the term:

2411 (a) "Program" means any facility, service, or program for
 2412 children which is operated by the department or by a provider
 2413 under contract with the department.

2414 ~~(a) "Client" means any person who is being provided~~
 2415 ~~treatment or services by the department or by a provider under~~
 2416 ~~contract with the department.~~

2417 (b) "Program component" means an aggregation of generally
 2418 related objectives which, because of their special character,
 2419 related workload, and interrelated output, can logically be
 2420 considered an entity for purposes of organization, management,
 2421 accounting, reporting, and budgeting.

2422 (c) "Program group" means a collection of programs with
 2423 sufficient similarity of functions, services, and children to
 2424 permit appropriate comparison among programs within the group.

2425 ~~(e) "Program effectiveness" means the ability of the~~
 2426 ~~program to achieve desired client outcomes, goals, and~~
 2427 ~~objectives.~~

2428 (3) COMPREHENSIVE ACCOUNTABILITY REPORT.—The department, in
 2429 consultation with the Office of Economic and Demographic
 2430 Research, the Office of Program Policy Analysis and Government
 2431 Accountability, and contract service providers, shall develop
 2432 and use a standard methodology for annually measuring,
 2433 evaluating, and reporting program outputs and child outcomes for
 2434 each program and program group. The standard methodology must:

2435 (a) Include common terminology and operational definitions
 2436 for measuring the performance of system and program

Page 84 of 118

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590-02104-14

2014700c1

2437 administration, program outputs, and program outcomes.

2438 (b) Specify program outputs for each program and for each
 2439 program group within the juvenile justice continuum.

2440 (c) Specify desired child outcomes and methods by which
 2441 child outcomes may be measured for each program and program
 2442 group.

2443 ~~(3) The department shall annually collect and report cost~~
 2444 ~~data for every program operated or contracted by the department.~~
 2445 ~~The cost data shall conform to a format approved by the~~
 2446 ~~department and the Legislature. Uniform cost data shall be~~
 2447 ~~reported and collected for state-operated and contracted~~
 2448 ~~programs so that comparisons can be made among programs. The~~
 2449 ~~department shall ensure that there is accurate cost accounting~~
 2450 ~~for state-operated services including market-equivalent rent and~~
 2451 ~~other shared cost. The cost of the educational program provided~~
 2452 ~~to a residential facility shall be reported and included in the~~
 2453 ~~cost of a program. The department shall submit an annual cost~~
 2454 ~~report to the President of the Senate, the Speaker of the House~~
 2455 ~~of Representatives, the Minority Leader of each house of the~~
 2456 ~~Legislature, the appropriate substantive and fiscal committees~~
 2457 ~~of each house of the Legislature, and the Governor, no later~~
 2458 ~~than December 1 of each year. Cost-benefit analysis for~~
 2459 ~~educational programs will be developed and implemented in~~
 2460 ~~collaboration with and in cooperation with the Department of~~
 2461 ~~Education, local providers, and local school districts. Cost~~
 2462 ~~data for the report shall include data collected by the~~
 2463 ~~Department of Education for the purposes of preparing the annual~~
 2464 ~~report required by s. 1003.52(19).~~

2465 (4)(a) COST-EFFECTIVENESS MODEL.The department, in

Page 85 of 118

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590-02104-14

2014700c1

2466 consultation with the Office of Economic and Demographic
 2467 Research and contract service providers, shall develop a cost-
 2468 effectiveness model and apply the model to each commitment
 2469 program. ~~Program recidivism rates shall be a component of the~~
 2470 ~~model.~~

2471 (a) The cost-effectiveness model must shall compare program
 2472 costs to expected and actual child recidivism rates client
 2473 outcomes and program outputs. It is the intent of the
 2474 Legislature that continual development efforts take place to
 2475 improve the validity and reliability of the cost-effectiveness
 2476 model.

2477 (b) The department shall rank commitment programs based on
 2478 the cost-effectiveness model, performance measures, and
 2479 adherence to quality improvement standards and shall ~~submit a~~
 2480 report this data in the annual Comprehensive Accountability
 2481 Report to the appropriate substantive and fiscal committees of
 2482 each house of the Legislature by December 31 of each year.

2483 (c) Based on reports of the department on child client
 2484 outcomes and program outputs and on the department's most recent
 2485 cost-effectiveness rankings, the department may terminate a
 2486 program operated by the department or a provider if the program
 2487 has failed to achieve a minimum standard threshold of program
 2488 effectiveness. This paragraph does not preclude the department
 2489 from terminating a contract as provided under this section or as
 2490 otherwise provided by law or contract, and does not limit the
 2491 department's authority to enter into or terminate a contract.

2492 (d) In collaboration with the Office of Economic and
 2493 Demographic Research, and contract service providers, the
 2494 department shall develop a work plan to refine the cost-

Page 86 of 118

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590-02104-14

2014700c1

2495 effectiveness model so that the model is consistent with the
 2496 performance-based program budgeting measures approved by the
 2497 Legislature to the extent the department deems appropriate. The
 2498 department shall notify the Office of Program Policy Analysis
 2499 and Government Accountability of any meetings to refine the
 2500 model.

2501 (e) Contingent upon specific appropriation, the department,
 2502 in consultation with the Office of Economic and Demographic
 2503 Research, and contract service providers, shall:

2504 1. Construct a profile of each commitment program that uses
 2505 the results of the quality improvement assurance report required
 2506 by this section, the cost-effectiveness report required in this
 2507 subsection, and other reports available to the department.

2508 2. Target, for a more comprehensive evaluation, any
 2509 commitment program that has achieved consistently high, low, or
 2510 disparate ratings in the reports required under subparagraph 1.
 2511 and target, for technical assistance, any commitment program
 2512 that has achieved low or disparate ratings in the reports
 2513 required under subparagraph 1.

2514 3. Identify the essential factors that contribute to the
 2515 high, low, or disparate program ratings.

2516 4. Use the results of these evaluations in developing or
 2517 refining juvenile justice programs or program models, child
 2518 client outcomes and program outputs, provider contracts, quality
 2519 improvement assurance standards, and the cost-effectiveness
 2520 model.

2521 (5) QUALITY IMPROVEMENT; MINIMUM STANDARDS.—The department
 2522 shall:

2523 (a) Establish a comprehensive quality improvement assurance

590-02104-14

2014700c1

2524 system for each program operated by the department or operated
 2525 by a provider under contract with the department. Each contract
 2526 entered into by the department must provide for quality
 2527 improvement assurance.

2528 (b) Provide operational definitions of and criteria for
 2529 quality improvement assurance for each specific program
 2530 component.

2531 (c) Establish quality improvement assurance goals and
 2532 objectives for each specific program component.

2533 (d) Establish the information and specific data elements
 2534 required for the quality improvement assurance program.

2535 (e) Develop a quality improvement assurance manual of
 2536 specific, standardized terminology and procedures to be followed
 2537 by each program.

2538 (f) Evaluate each program operated by the department or a
 2539 provider under a contract with the department annually and
 2540 establish minimum standards thresholds for each program
 2541 component. If a provider fails to meet the established minimum
 2542 standards thresholds, ~~such failure shall cause~~ the department
 2543 shall ~~to~~ cancel the provider's contract unless the provider
 2544 complies ~~achieves compliance~~ with minimum standards thresholds
 2545 within 6 months or unless there are documented extenuating
 2546 circumstances. In addition, the department may not contract with
 2547 the same provider for the canceled service for ~~a period of~~ 12
 2548 months. If a department-operated program fails to meet the
 2549 established minimum standards thresholds, the department must
 2550 take necessary and sufficient steps to ensure, and document
 2551 program changes to achieve, compliance with the established
 2552 minimum standards thresholds. If the department-operated program

590-02104-14 2014700c1

2553 fails to achieve compliance with the established minimum
 2554 ~~standards thresholds~~ within 6 months and if there are no
 2555 documented extenuating circumstances, the department ~~shall must~~
 2556 notify the Executive Office of the Governor and the Legislature
 2557 of the corrective action taken. Appropriate corrective action
 2558 may include, but is not limited to:

- 2559 1. Contracting out for the services provided in the
- 2560 program;
- 2561 2. Initiating appropriate disciplinary action against all
- 2562 employees whose conduct or performance is deemed to have
- 2563 materially contributed to the program's failure to meet
- 2564 established minimum thresholds;
- 2565 3. Redesigning the program; or
- 2566 4. Realigning the program.

2567 (6) COMPREHENSIVE ACCOUNTABILITY REPORT; SUBMITTAL.—No
 2568 later than February 1 of each year, the department shall submit
 2569 the Comprehensive Accountability an annual Report to the
 2570 Governor, the President of the Senate, the Speaker of the House
 2571 of Representatives, the Minority Leader of each house of the
 2572 Legislature, and the appropriate substantive and fiscal
 2573 committees of each house of the Legislature, and the Governor,
 2574 ~~no later than February 1 of each year.~~ The Comprehensive
 2575 Accountability annual Report must contain, at a minimum, for
 2576 each specific program component: a comprehensive description of
 2577 the population served by the program; a specific description of
 2578 the services provided by the program; cost; a comparison of
 2579 expenditures to federal and state funding; immediate and long-
 2580 range concerns; and recommendations to maintain, expand,
 2581 improve, modify, or eliminate each program component so that

590-02104-14 2014700c1

2582 changes in services lead to enhancement in program quality. The
 2583 department shall ensure the reliability and validity of the
 2584 information contained in the report.

2585 ~~(7)-(6)~~ ONGOING EVALUATION.—The department shall collect and
 2586 analyze available statistical data for the purpose of ongoing
 2587 evaluation of all programs. The department shall provide the
 2588 Legislature with necessary information and reports to enable the
 2589 Legislature to make informed decisions regarding the
 2590 effectiveness of, and any needed changes in, services, programs,
 2591 policies, and laws.

2592 Section 32. Paragraph (a) of subsection (1) and paragraph
 2593 (b) of subsection (3) of section 985.644, Florida Statutes, are
 2594 amended to read:

2595 985.644 Departmental contracting powers; personnel
 2596 standards and screening.—

2597 (1) The department may contract with the Federal
 2598 Government, other state departments and agencies, county and
 2599 municipal governments and agencies, public and private agencies,
 2600 and private individuals and corporations in carrying out the
 2601 purposes of, and the responsibilities established in, this
 2602 chapter.

2603 (a) Each contract entered into by the department for
 2604 services delivered on an appointment or intermittent basis by a
 2605 provider that does not have regular custodial responsibility for
 2606 children, and each contract with a school for ~~before or~~
 2607 ~~aftercare~~ services, must ensure that all owners, operators, and
 2608 personnel who have direct contact with children are subject to
 2609 level 2 background screening pursuant to chapter 435.

2610 (3)

590-02104-14

2014700c1

2611 (b) ~~Certified Except for~~ law enforcement, correctional, and
 2612 correctional probation officers, pursuant to s. 943.13, are not
 2613 required to submit to level 2 screenings while employed by a law
 2614 enforcement agency or correctional facility. ~~to whom s.~~

2615 ~~943.13(5) applies.~~ The department shall electronically submit to
 2616 the Department of Law Enforcement:

2617 1. Fingerprint information obtained during the employment
 2618 screening required by subparagraph (a)1.

2619 2. Fingerprint information for all persons employed by the
 2620 department, or by a provider under contract with the department,
 2621 in delinquency facilities, services, or programs if such
 2622 fingerprint information has not ~~previously~~ been previously
 2623 electronically submitted pursuant to this section to the
 2624 Department of Law Enforcement under this paragraph.

2625 Section 33. Section 985.6441, Florida Statutes, is created
 2626 to read:

2627 985.6441 Health care services.—

2628 (1) As used in this section, the term:

2629 (a) "Hospital" means a hospital licensed under chapter 395.

2630 (b) "Health care provider" has the same meaning as provided
 2631 in s. 766.105.

2632 (2) The following reimbursement limitations apply to the
 2633 compensation of health care providers by the department:

2634 (a) If there is no contract between the department and a
 2635 hospital or a health care provider providing services at a
 2636 hospital, payments to such hospital or such health care provider
 2637 may not exceed 110 percent of the Medicare allowable rate for
 2638 any health care service provided.

2639 (b) If a contract has been executed between the department

590-02104-14

2014700c1

2640 and a hospital or a health care provider providing services at a
 2641 hospital, the department may continue to make payments for
 2642 health care services at the currently contracted rates through
 2643 the current term of the contract; however, payments may not
 2644 exceed 110 percent of the Medicare allowable rate after the
 2645 current term of the contract expires or after the contract is
 2646 renewed during the 2013-2014 fiscal year.

2647 (c) Payments may not exceed 110 percent of the Medicare
 2648 allowable rate under a contract executed on or after July 1,
 2649 2014, between the department and a hospital or a health care
 2650 provider providing services at a hospital.

2651 (d) Notwithstanding paragraphs (a)-(c), the department may
 2652 pay up to 125 percent of the Medicare allowable rate for health
 2653 care services at a hospital that demonstrates or has
 2654 demonstrated through hospital-audited financial data a negative
 2655 operating margin for the previous fiscal year to the Agency for
 2656 Health Care Administration.

2657 (e) The department may execute a contract for health care
 2658 services at a hospital for rates other than rates based on a
 2659 percentage of the Medicare allowable rate.

2660 Section 34. Section 985.66, Florida Statutes, is amended to
 2661 read:

2662 985.66 Juvenile justice training ~~academies~~; staff
 2663 development and training; Juvenile Justice Training Trust Fund.—

2664 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
 2665 provide a systematic approach to staff development and training
 2666 for judges, state attorneys, public defenders, law enforcement
 2667 officers, school district personnel, and juvenile justice
 2668 program staff which meets that will meet the needs of such

590-02104-14

2014700c1

2669 persons in ~~the their~~ discharge of their duties while at the same
 2670 time meeting the requirements for the American Correction
 2671 Association accreditation by the Commission on Accreditation for
 2672 Corrections, it is the purpose of the Legislature to require the
 2673 department to establish, maintain, and oversee the operation of
 2674 juvenile justice training programs and courses ~~academies~~ in the
 2675 state. The purpose of the Legislature in establishing staff
 2676 development and training programs is to provide employees of the
 2677 department or any private or public entity or contract providers
 2678 who provide services or care for youth under the responsibility
 2679 of the department with the knowledge and skills to appropriately
 2680 interact with youth and provide such care foster better staff
 2681 ~~morale and reduce mistreatment and aggressive and abusive~~
 2682 ~~behavior in delinquency programs;~~ to positively impact the
 2683 recidivism of children in the juvenile justice system; and to
 2684 afford greater protection of the public through an improved
 2685 level of services delivered by a professionally trained juvenile
 2686 justice program staff to children who are alleged to be or who
 2687 have been found to be delinquent.

2688 (2) STAFF DEVELOPMENT AND TRAINING.—The department shall:

2689 (a) Designate the number and location of the training
 2690 programs and courses ~~academies~~; assess, design, develop,
 2691 implement, evaluate, maintain, and update the curriculum to be
 2692 used in the training of juvenile justice ~~program~~ staff;
 2693 establish timeframes for participation in and completion of
 2694 training by juvenile justice ~~program~~ staff; develop, implement,
 2695 score, analyze, maintain, and update job-related examinations;
 2696 develop, implement, analyze, and update the types and
 2697 frequencies of evaluations of the training programs, courses,

Page 93 of 118

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590-02104-14

2014700c1

2698 and instructors ~~academies; and manage~~ ~~approve, modify, or~~
 2699 ~~disapprove~~ the budget and contracts for all the training
 2700 ~~deliverables~~ ~~academies,~~ and the contractor ~~to be selected to~~
 2701 ~~organize and operate the training academies and to provide the~~
 2702 ~~training curriculum.~~

2703 (b) Establish uniform minimum job-related preservice and
 2704 inservice training courses and examinations for juvenile justice
 2705 ~~program~~ staff.

2706 (c) Consult and cooperate with the state or any political
 2707 subdivision; any private entity or contractor; and with private
 2708 and public universities, colleges, community colleges, and other
 2709 educational institutions concerning the development of juvenile
 2710 justice training and programs or courses of instruction,
 2711 including, but not limited to, education and training in the
 2712 areas of juvenile justice.

2713 (d) Enter into contracts and agreements with other
 2714 agencies, organizations, associations, corporations,
 2715 individuals, or federal agencies as necessary in the execution
 2716 of the powers of the department or the performance of its
 2717 duties.

2718 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department shall
 2719 establish a certifiable program for juvenile justice training
 2720 pursuant to this section, and all department program staff, ~~and~~
 2721 Providers who deliver direct care services pursuant to contract
 2722 with the department shall ~~be required to~~ participate in and
 2723 successfully complete the department-approved program of
 2724 training pertinent to their areas of responsibility. Judges,
 2725 state attorneys, ~~and~~ public defenders, law enforcement officers,
 2726 ~~and~~ school district personnel, and employees of contract

Page 94 of 118

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590-02104-14

2014700c1

2727 providers who provide services or care for youth under the
 2728 responsibility of the department may participate in such a
 2729 training program. For the juvenile justice program staff, the
 2730 ~~department shall~~, based on a job-task analysis:

2731 (a) The department shall design, implement, maintain,
 2732 evaluate, and revise a basic training program, including a
 2733 competency-based examination, for the purpose of providing
 2734 minimum employment training qualifications for all juvenile
 2735 justice personnel. All program staff of the department and
 2736 providers who deliver direct-care services who are hired after
 2737 October 1, 1999, shall, at a ~~must meet the following~~ minimum
 2738 ~~requirements:~~

2739 1. Be at least 19 years of age.

2740 2. Be a high school graduate or its equivalent, as
 2741 determined by the department.

2742 3. Not have been convicted of any felony or a misdemeanor
 2743 involving perjury or a false statement, or have received a
 2744 dishonorable discharge from any of the Armed Forces of the
 2745 United States. A ~~Any~~ person who, after September 30, 1999,
 2746 pleads guilty or nolo contendere to or is found guilty of any
 2747 felony or a misdemeanor involving perjury or false statement is
 2748 not eligible for employment, notwithstanding suspension of
 2749 sentence or withholding of adjudication. Notwithstanding this
 2750 subparagraph, a ~~any~~ person who pled nolo contendere to a
 2751 misdemeanor involving a false statement before October 1, 1999,
 2752 and ~~who~~ has had such record of that plea sealed or expunged is
 2753 not ineligible for employment for that reason.

2754 4. Abide by ~~all the provisions of~~ s. 985.644(1) regarding
 2755 fingerprinting, and background investigations, and other

590-02104-14

2014700c1

2756 screening requirements ~~for personnel~~.

2757 5. Execute and submit to the department an affidavit-of-
 2758 application form, approved ~~adopted~~ by the department, attesting
 2759 to his or her compliance with subparagraphs 1.-4. The affidavit
 2760 must be executed under oath and constitutes an official
 2761 statement under s. 837.06. The affidavit must include a
 2762 conspicuous statement ~~language~~ that the intentional false
 2763 execution of the affidavit constitutes a misdemeanor of the
 2764 second degree. The employing agency shall retain the affidavit.

2765 (b) The department shall design, implement, maintain,
 2766 evaluate, and revise an advanced training program, including a
 2767 competency-based examination for each training course, which is
 2768 intended to enhance knowledge, skills, and abilities related to
 2769 job performance.

2770 (c) The department shall design, implement, maintain,
 2771 evaluate, and revise a career development training program,
 2772 including a competency-based examination for each training
 2773 course. Career development courses are intended to prepare
 2774 personnel for promotion.

2775 (d) The department is encouraged to design, implement,
 2776 maintain, evaluate, and revise juvenile justice training
 2777 courses, or to enter into contracts for such training courses,
 2778 that are intended to provide for the safety and well-being of
 2779 both citizens and juvenile offenders.

2780 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

2781 (a) There is created within the State Treasury a Juvenile
 2782 Justice Training Trust Fund to be used by the department for the
 2783 purpose of funding the development and updating of a job-task
 2784 analysis of juvenile justice personnel; the development,

590-02104-14

2014700c1

2785 implementation, and updating of job-related training courses and
2786 examinations; and the cost of juvenile justice training courses.

2787 (b) One dollar from every noncriminal traffic infraction
2788 collected pursuant to ss. 318.14(10) (b) and 318.18 shall be
2789 deposited into the Juvenile Justice Training Trust Fund.

2790 (c) In addition to the funds generated by paragraph (b),
2791 the trust fund may receive funds from any other public or
2792 private source.

2793 (d) Funds that are not expended by the end of the budget
2794 cycle or through a supplemental budget approved by the
2795 department shall revert to the trust fund.

2796 ~~(5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—~~
2797 ~~The number, location, and establishment of juvenile justice~~
2798 ~~training academies shall be determined by the department.~~

2799 (5)(6) SCHOLARSHIPS AND STIPENDS.—The department shall
2800 establish criteria to award scholarships or stipends to
2801 qualified juvenile justice personnel who are residents of the
2802 state ~~and who~~ want to pursue a bachelor's or associate in arts
2803 degree in juvenile justice or a related field. The department
2804 shall administer ~~handle the administration of~~ the scholarship or
2805 stipend. The Department of Education shall manage ~~handle~~ the
2806 notes issued for the payment of the scholarships or stipends.
2807 All scholarship and stipend awards shall be paid from the
2808 Juvenile Justice Training Trust Fund upon vouchers approved by
2809 the Department of Education and properly certified by the Chief
2810 Financial Officer. Before ~~Prior to~~ the award of a scholarship or
2811 stipend, the juvenile justice employee must agree in writing to
2812 practice her or his profession in juvenile justice or a related
2813 field for 1 month for each month of grant or to repay the full

Page 97 of 118

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590-02104-14

2014700c1

2814 amount of the scholarship or stipend together with interest at
2815 the rate of 5 percent per annum over a period of up to ~~not to~~
2816 ~~exceed~~ 10 years. Repayment ~~is shall be made~~ payable to the state
2817 for deposit into the Juvenile Justice Training Trust Fund.

2818 ~~(6)(7) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK~~
2819 ~~MANAGEMENT TRUST FUND.—~~Pursuant to s. 284.30, the Division of
2820 Risk Management of the Department of Financial Services is
2821 authorized to insure a private agency, individual, or
2822 corporation operating a state-owned training school under a
2823 contract to carry out the purposes and responsibilities of any
2824 program of the department. The coverage authorized under this
2825 subsection is subject to ~~herein shall be under~~ the same general
2826 terms and conditions as the coverage afforded ~~the department is~~
2827 ~~insured for its responsibilities under chapter 284.~~

2828 Section 35. Subsection (5) of section 985.664, Florida
2829 Statutes, is amended to read:

2830 985.664 Juvenile justice circuit advisory boards.—

2831 ~~(5)(a) To form the initial juvenile justice circuit~~
2832 ~~advisory board, the Secretary of Juvenile Justice, in~~
2833 ~~consultation with the juvenile justice county councils in~~
2834 ~~existence on October 1, 2013, shall appoint the chair of the~~
2835 ~~board, who must meet the board membership requirements in~~
2836 ~~subsection (4). Within 45 days after being appointed, the chair~~
2837 ~~shall appoint the remaining members to the juvenile justice~~
2838 ~~circuit advisory board and submit the appointments to the~~
2839 ~~department for approval.~~

2840 ~~(b) Thereafter,~~ When a vacancy in the office of the chair
2841 occurs, ~~the Secretary of Juvenile Justice, in consultation with~~
2842 the juvenile justice circuit advisory board, ~~shall~~ appoint a new

Page 98 of 118

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590-02104-14

2014700c1

2843 chair, who must meet the board membership requirements in
 2844 subsection (4). The chair shall appoint members to vacant seats
 2845 within 45 days after the vacancy and submit the appointments to
 2846 the department for approval. The chair serves at the pleasure of
 2847 the Secretary of Juvenile Justice.

2848 Section 36. Subsections (1) and (4) of section 985.672,
 2849 Florida Statutes, are amended to read:

2850 985.672 Direct-support organization; definition; use of
 2851 property; board of directors; audit.—

2852 (1) DEFINITION.—As used in this section, the term “direct-
 2853 support organization” means an organization whose sole purpose
 2854 is to support the juvenile justice system and which is:

2855 (a) A corporation not-for-profit incorporated under chapter
 2856 617 and ~~which is~~ approved by the Department of State;

2857 (b) Organized and operated to conduct programs and
 2858 activities; to raise funds; to request and receive grants,
 2859 gifts, and bequests of moneys; to acquire, receive, hold,
 2860 invest, and administer, in its own name, securities, funds,
 2861 objects of value, or other ~~property~~, real or personal property;
 2862 and to make expenditures to or for the direct or indirect
 2863 benefit of the Department of Juvenile Justice or the juvenile
 2864 justice system operated by a county commission or a circuit
 2865 board;

2866 (c) Determined by the Department of Juvenile Justice to be
 2867 consistent with the goals of the juvenile justice system, in the
 2868 best interest of the state, and in accordance with the adopted
 2869 goals and mission of the Department of Juvenile Justice.

2870 Expenditures of the organization shall be expressly used for the
 2871

590-02104-14

2014700c1

2872 prevention and amelioration of ~~to prevent and ameliorate~~
 2873 juvenile delinquency. Such funds ~~The expenditures of the direct-~~
 2874 ~~support organization~~ may not be used for the purpose of lobbying
 2875 as defined in s. 11.045.

2876 (4) USE OF PROPERTY.—The department may allow ~~permit~~,
 2877 without charge, appropriate use of fixed property, and
 2878 facilities, and personnel services of the juvenile justice
 2879 system by the direct-support organization, subject to the
 2880 provisions of this section. For the purposes of this subsection,
 2881 the term “personnel services” includes full-time or part-time
 2882 personnel as well as payroll processing services.

2883 (a) The department may prescribe any condition with which
 2884 the direct-support organization must comply in order to use
 2885 fixed property or facilities of the juvenile justice system.

2886 (b) The department may not permit the use of any fixed
 2887 property or facilities of the juvenile justice system by the
 2888 direct-support organization if it does not provide equal
 2889 membership and employment opportunities to all persons
 2890 regardless of race, color, religion, sex, age, or national
 2891 origin.

2892 (c) The department shall adopt rules prescribing the
 2893 procedures by which the direct-support organization is governed
 2894 and any conditions with which a direct-support organization must
 2895 comply to use property or facilities of the department.

2896 Section 37. Section 985.682, Florida Statutes, is amended
 2897 to read:

2898 985.682 Siting of facilities; ~~study; criteria.~~—

2899 ~~(1) The department is directed to conduct or contract for a~~
 2900 ~~statewide comprehensive study to determine current and future~~

590-02104-14

2014700c1

2901 needs for all types of facilities for children committed to the
 2902 custody, care, or supervision of the department under this
 2903 chapter.
 2904 ~~(2) The study shall assess, rank, and designate appropriate~~
 2905 ~~sites, and shall be reflective of the different purposes and~~
 2906 ~~uses for all facilities, based upon the following criteria:~~
 2907 ~~(a) Current and future estimates of children originating~~
 2908 ~~from each county;~~
 2909 ~~(b) Current and future estimates of types of delinquent~~
 2910 ~~acts committed in each county;~~
 2911 ~~(c) Geographic location of existing facilities;~~
 2912 ~~(d) Availability of personnel within the local labor~~
 2913 ~~market;~~
 2914 ~~(e) Current capacity of facilities in the area;~~
 2915 ~~(f) Total usable and developable acreage of various sites~~
 2916 ~~based upon the use and purpose of the facility;~~
 2917 ~~(g) Accessibility of each site to existing utility,~~
 2918 ~~transportation, law enforcement, health care, fire protection,~~
 2919 ~~refuse collection, water, and sewage disposal services;~~
 2920 ~~(h) Susceptibility of each site to flooding hazards or~~
 2921 ~~other adverse natural environmental consequences;~~
 2922 ~~(i) Site location in relation to desirable and undesirable~~
 2923 ~~proximity to other public facilities, including schools;~~
 2924 ~~(j) Patterns of residential growth and projected population~~
 2925 ~~growth; and~~
 2926 ~~(k) Such other criteria as the department, in conjunction~~
 2927 ~~with local governments, deems appropriate.~~
 2928 ~~(3) The department shall recommend certification of the~~
 2929 ~~study by the Governor and Cabinet within 2 months after its~~

Page 101 of 118

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590-02104-14

2014700c1

2930 receipt.
 2931 ~~(4) Upon certification of the study by the Governor and~~
 2932 ~~Cabinet, the department shall notify those counties designated~~
 2933 ~~as being in need of a facility.~~
 2934 (1) ~~(5)~~ When the department or a contracted provider
 2935 proposes a site for a juvenile justice facility, the department
 2936 or provider shall request that the local government having
 2937 jurisdiction over such proposed site determine whether ~~or not~~
 2938 the proposed site is appropriate for public use under local
 2939 government comprehensive plans, local land use ordinances, local
 2940 zoning ordinances or regulations, and other local ordinances in
 2941 effect at the time of such request. If no such determination is
 2942 made within 90 days after the request, it is ~~shall be~~ presumed
 2943 that the proposed site is in compliance with such plans,
 2944 ordinances, or regulations.
 2945 (2) ~~(6)~~ If the local government determines within 90 days
 2946 after the request that construction of a facility on the
 2947 proposed site does not comply with any such plan, ordinance, or
 2948 regulation, the department may request a modification of such
 2949 plan, ordinance, or regulation without having an ownership
 2950 interest in such property. For the purposes of this section,
 2951 modification includes, but is not limited to, a variance,
 2952 rezoning, special exception, or any other action of the local
 2953 government having jurisdiction over the proposed site which
 2954 would authorize siting of a facility.
 2955 (3) ~~(7)~~ Upon receipt of a request for modification from the
 2956 department, the local government may recommend and hold a public
 2957 hearing on the request for modification in the same manner as
 2958 for a rezoning as provided under the appropriate special or

Page 102 of 118

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590-02104-14

2014700c1

2959 local law or ordinance, except that such proceeding shall be
 2960 recorded by tape or by a certified court reporter and made
 2961 available for transcription at the expense of any interested
 2962 party.

2963 ~~(4)(8)~~ If when the department requests such a modification
 2964 and it is denied by the local government, the local government
 2965 or the department shall initiate the dispute resolution process
 2966 established under s. 186.509 to reconcile differences on the
 2967 siting of correctional facilities between the department, local
 2968 governments, and private citizens. If the regional planning
 2969 council has not established a dispute resolution process
 2970 pursuant to s. 186.509, the department shall establish, by rule,
 2971 procedures for dispute resolution. The dispute resolution
 2972 process ~~must~~ shall require the parties to commence meetings to
 2973 reconcile their differences. If the parties fail to resolve
 2974 their differences within 30 days after the denial, ~~they the~~
 2975 ~~parties~~ shall engage in voluntary mediation or a similar
 2976 process. If the parties fail to resolve their differences by
 2977 mediation within 60 days after the denial, or if no action is
 2978 taken on the department's request within 90 days after the
 2979 request, the department must appeal the decision of the local
 2980 government on the requested modification of local plans,
 2981 ordinances, or regulations to the Governor and Cabinet. A ~~Any~~
 2982 dispute resolution process initiated under this section must
 2983 conform to the time limitations set forth in this subsection
 2984 ~~herein~~. However, upon agreement of all parties, the time limits
 2985 may be extended, but ~~in no event may~~ the dispute resolution
 2986 process may not extend beyond ~~over~~ 180 days.

2987 ~~(5)(9)~~ The Governor and Cabinet shall consider the

Page 103 of 118

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590-02104-14

2014700c1

2988 following when determining whether to grant the appeal from the
 2989 decision of the local government on the requested modification:

2990 (a) The record of the proceedings before the local
 2991 government.

2992 (b) Reports and studies by any other agency relating to
 2993 matters within the jurisdiction of such agency which may be
 2994 potentially affected by the proposed site.

2995 ~~(c) The statewide study, as established in subsection (1),~~
 2996 ~~either~~ Existing studies; reports and information maintained by
 2997 the department as the Governor and Cabinet may request
 2998 addressing the feasibility and availability of alternative sites
 2999 in the general area; and the need for a facility in the area
 3000 based on the average number of petitions, commitments, and
 3001 transfers into the criminal court from the county to state
 3002 facilities for the 3 most recent 3 calendar years.

3003 ~~(6)(10)~~ The Governor and Cabinet, upon determining that the
 3004 local government has not recommended a ne feasible alternative
 3005 site and that the interests of the state in providing facilities
 3006 outweigh the concerns of the local government, shall authorize
 3007 construction and operation of a facility on the proposed site
 3008 notwithstanding any local plan, ordinance, or regulation.

3009 ~~(7)(11)~~ The Governor and Cabinet may adopt rules ~~of~~
 3010 ~~procedure~~ to govern these proceedings in accordance with ~~the~~
 3011 ~~provisions~~ of s. 120.54.

3012 ~~(8)(12)~~ Actions taken by the department or the Governor and
 3013 Cabinet pursuant to this section are not ~~shall not be~~ subject to
 3014 ~~the provisions~~ of ss. 120.56, 120.569, and 120.57. The decision
 3015 by the Governor and Cabinet is ~~shall be~~ subject to judicial
 3016 review pursuant to s. 120.68 in the District Court of Appeal,

Page 104 of 118

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590-02104-14

2014700c1

3017 First District.

3018 ~~(9)(13)~~ All other departments and agencies of the state
3019 shall cooperate fully with the department to accomplish the
3020 siting of facilities for juvenile offenders.

3021 ~~(10)(14)~~ It is the intent of the Legislature to expedite
3022 the siting of, acquisition of land for, and construction by the
3023 Department of Juvenile Justice of state juvenile justice
3024 facilities operated by the department or a private vendor under
3025 contract with the department. Other agencies shall cooperate
3026 with the department and expeditiously fulfill their
3027 responsibilities to avoid unnecessary delay in the siting of,
3028 acquisition of land for, and construction of state juvenile
3029 justice facilities. This section and all other laws of the state
3030 shall be construed to accomplish this intent. This section takes
3031 ~~shall take~~ precedence over any other law ~~to the contrary~~.

3032 ~~(11)(15)~~ (a) The department shall acquire land and erect
3033 juvenile justice facilities necessary to accommodate children
3034 committed to the custody, care, or supervision of the
3035 department, and shall make additional alterations to facilities
3036 to accommodate any increase in the number of children. The
3037 department shall establish adequate accommodations for staff of
3038 the department who are required to reside continuously within
3039 the facilities.

3040 (b) Notwithstanding s. 255.25(1) and contingent upon
3041 available funds, the department may enter into lease-purchase
3042 agreements to provide juvenile justice facilities for housing
3043 committed youths, ~~contingent upon available funds~~. The
3044 facilities provided through such agreements must meet the
3045 program plan and specifications of the department. The

Page 105 of 118

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590-02104-14

2014700c1

3046 department may enter into such lease agreements with private
3047 corporations and other governmental entities. However, with the
3048 exception of contracts entered into with other governmental
3049 entities, and notwithstanding s. 255.25(3) (a), a lease agreement
3050 may not be entered into except upon advertisement for the
3051 receipt of competitive bids and award to the lowest and best
3052 bidder ~~except if contracting with other governmental entities~~.

3053 (c) A lease-purchase agreement that is for a term extending
3054 beyond the end of a fiscal year is subject to ~~the provisions of~~
3055 s. 216.311.

3056 ~~(12)(16)~~ (a) Notwithstanding s. 253.025 or s. 287.057, if
3057 ~~when~~ the department finds it necessary for timely site
3058 acquisition, it may contract, without using the competitive
3059 selection procedure, with an appraiser whose name is on the list
3060 of approved appraisers maintained by the Division of State Lands
3061 of the Department of Environmental Protection under s.
3062 253.025(6) (b). If ~~When~~ the department directly contracts for
3063 appraisal services, it must contract with an approved appraiser
3064 who is not employed by the same appraisal firm for review
3065 services.

3066 (b) Notwithstanding s. 253.025(6), the department may
3067 negotiate and enter into an option contract before an appraisal
3068 is obtained. The option contract must state that the final
3069 purchase price may not exceed the maximum value allowed by law.
3070 The consideration for such an option contract may not exceed 10
3071 percent of the estimate obtained by the department or 10 percent
3072 of the value of the parcel, whichever amount is greater.

3073 (c) This subsection applies only to a purchase or
3074 acquisition of land for juvenile justice facilities. This

Page 106 of 118

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590-02104-14

2014700c1

3075 subsection does not modify the authority of the Board of
 3076 Trustees of the Internal Improvement Trust Fund or the Division
 3077 of State Lands of the Department of Environmental Protection to
 3078 approve any contract for purchase of state lands as provided by
 3079 law or to require policies and procedures to obtain clear legal
 3080 title to parcels purchased for state purposes.

3081 ~~(13)-(17)~~ The department may sell, to the best possible
 3082 advantage, any detached parcels of land belonging to the bodies
 3083 of land purchased for the state juvenile justice facilities. The
 3084 department may purchase any parcel of land contiguous with the
 3085 lands purchased for state juvenile justice facilities.

3086 ~~(14)-(18)~~ The department may begin preliminary site
 3087 preparation and obtain the appropriate permits for the
 3088 construction of a juvenile justice facility after approval of
 3089 the lease-purchase agreement or option contract by the Board of
 3090 Trustees of the Internal Improvement Trust Fund ~~of the lease~~
 3091 ~~purchase agreement or option contract if, in the department~~
 3092 determines that department's discretion, commencing construction
 3093 is in the best interests of the state.

3094 ~~(15)-(19)~~ If insofar as the provisions of this section is
 3095 are inconsistent with the provisions of any other general,
 3096 special, or local law, general, special, or local, the
 3097 ~~provisions of this section is~~ are controlling. Additionally, the
 3098 criteria and procedures established under set forth in this
 3099 section supersede and are in lieu of any review and approval
 3100 required by s. 380.06.

3101 Section 38. Section 985.69, Florida Statutes, is amended to
 3102 read:

3103 985.69 Repair and maintenance ~~One-time startup~~ funding for

Page 107 of 118

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590-02104-14

2014700c1

3104 juvenile justice purposes.—Funds from juvenile justice
 3105 appropriations may be used ~~utilized as one-time startup funding~~
 3106 for juvenile justice purposes that include, but are not limited
 3107 to, remodeling or renovation of existing facilities,
 3108 construction costs, leasing costs, purchase of equipment and
 3109 furniture, site development, and other necessary and reasonable
 3110 costs associated with the repair and maintenance ~~startup~~ of
 3111 facilities or programs.

3112 Section 39. Section 985.694, Florida Statutes, is repealed.

3113 Section 40. Paragraph (a) of subsection (1) of section
 3114 985.701, Florida Statutes, is reordered and amended to read:

3115 985.701 Sexual misconduct prohibited; reporting required;
 3116 penalties.—

3117 (1) (a) 1. As used in this section subsection, the term:
 3118 ~~c.a.~~ "Sexual misconduct" means fondling the genital area,
 3119 groin, inner thighs, buttocks, or breasts of a person; the oral,
 3120 anal, or vaginal penetration by or union with the sexual organ
 3121 of another; or the anal or vaginal penetration of another by any
 3122 other object. The term does not include an act done for a bona
 3123 fide medical purpose or an internal search conducted in the
 3124 lawful performance of duty by an employee of the department or
 3125 an employee of a provider under contract with the department.

3126 ~~a.b.~~ "Employee" means a includes paid staff ~~member members,~~
 3127 a volunteer volunteers, or an intern and interns who works ~~work~~
 3128 in a department program or a program operated by a provider
 3129 under a contract.

3130 b. "Juvenile offender" means a person of any age who is
 3131 detained or supervised by, or committed to the custody of, the
 3132 department.

Page 108 of 118

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590-02104-14

2014700c1

3133 2. An employee who engages in sexual misconduct with a
 3134 juvenile offender ~~detained or supervised by, or committed to the~~
 3135 ~~custody of, the department~~ commits a felony of the second
 3136 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3137 775.084. An employee may be found guilty of violating this
 3138 subsection without having committed the crime of sexual battery.

3139 3. The consent of the juvenile offender to any act of
 3140 sexual misconduct is not a defense to prosecution under this
 3141 subsection.

3142 4. This subsection does not apply to an employee of the
 3143 department, ~~or an employee~~ of a provider under contract with the
 3144 department, who:

3145 a. Is legally married to a juvenile offender who is
 3146 detained or supervised by, or committed to the custody of, the
 3147 department.

3148 b. Has no reason to believe that the person with whom the
 3149 employee engaged in sexual misconduct is a juvenile offender
 3150 ~~detained or supervised by, or committed to the custody of, the~~
 3151 ~~department.~~

3152 Section 41. Section 985.702, Florida Statutes, is created
 3153 to read:

3154 985.702 Willful and malicious neglect of a juvenile
 3155 offender prohibited; reporting required; penalties.-

3156 (1) As used in this section, the term:

3157 (a) "Employee" means a paid staff member, volunteer, or
 3158 intern who works in a department program or a program operated
 3159 by a provider under a contract with the department.

3160 (b) "Juvenile offender" means a person of any age who is
 3161 detained by, or committed to the custody of, the department.

590-02104-14

2014700c1

3162 (c) "Neglect" means:

3163 1. An employee's failure or omission to provide a juvenile
 3164 offender with the proper level of care, supervision, and
 3165 services necessary to maintain the juvenile offender's physical
 3166 and mental health, including, but not limited to, adequate food,
 3167 nutrition, clothing, shelter, supervision, medicine, and medical
 3168 services; or

3169 2. An employee's failure to make a reasonable effort to
 3170 protect a juvenile offender from abuse, neglect, or exploitation
 3171 by another person.

3172 (2) (a) An employee who willfully and maliciously neglects a
 3173 juvenile offender without causing great bodily harm, permanent
 3174 disability, or permanent disfigurement to a juvenile offender,
 3175 commits a felony of the third degree, punishable as provided in
 3176 s. 775.082, s. 775.083, or s. 775.084.

3177 (b) An employee who willfully and maliciously neglects a
 3178 juvenile offender and in so doing causes great bodily harm,
 3179 permanent disability, or permanent disfigurement to a juvenile
 3180 offender, commits a felony of the second degree, punishable as
 3181 provided in s. 775.082, s. 775.083, or s. 775.084.

3182 (c) Notwithstanding prosecution, any violation of paragraph
 3183 (a) or paragraph (b), as determined by the Public Employees
 3184 Relations Commission, constitutes sufficient cause under s.
 3185 110.227 for dismissal from employment with the department, and a
 3186 person who commits such violation may not again be employed in
 3187 any capacity in connection with the juvenile justice system.

3188 (3) An employee who witnesses the neglect of a juvenile
 3189 offender shall immediately report the incident to the
 3190 department's incident hotline and prepare, date, and sign an

590-02104-14

2014700c1

3191 independent report that specifically describes the nature of the
 3192 incident, the location and time of the incident, and the persons
 3193 involved. The employee shall deliver the report to the
 3194 employee's supervisor or program director, who must provide
 3195 copies to the department's inspector general and the circuit
 3196 juvenile justice manager. The inspector general shall
 3197 immediately conduct an appropriate administrative investigation,
 3198 and, if there is probable cause to believe that a violation of
 3199 subsection (2) has occurred, the inspector general shall notify
 3200 the state attorney in the circuit in which the incident
 3201 occurred.

3202 (4) (a) A person who is required to prepare a report under
 3203 this section and who knowingly or willfully fails to do so, or
 3204 who knowingly or willfully prevents another person from doing
 3205 so, commits a misdemeanor of the first degree, punishable as
 3206 provided in s. 775.082 or s. 775.083.

3207 (b) A person who knowingly or willfully submits inaccurate,
 3208 incomplete, or untruthful information with respect to a report
 3209 required under this section commits a misdemeanor of the first
 3210 degree, punishable as provided in s. 775.082 or s. 775.083.

3211 (c) A person who knowingly or willfully coerces or
 3212 threatens any other person with the intent to alter testimony or
 3213 a written report regarding the neglect of a juvenile offender
 3214 commits a felony of the third degree, punishable as provided in
 3215 s. 775.082, s. 775.083, or s. 775.084.

3216 Section 42. Paragraphs (c) and (f) of subsection (3) of
 3217 section 943.0582, Florida Statutes, are amended to read:

3218 943.0582 Prearrest, postarrest, or teen court diversion
 3219 program expunction.-

Page 111 of 118

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590-02104-14

2014700c1

3220 (3) The department shall expunge the nonjudicial arrest
 3221 record of a minor who has successfully completed a prearrest or
 3222 postarrest diversion program if that minor:

3223 (c) Submits to the department, with the application, an
 3224 official written statement from the state attorney for the
 3225 county in which the arrest occurred certifying that he or she
 3226 has successfully completed that county's prearrest or postarrest
 3227 diversion program, that his or her participation in the program
 3228 was based on an arrest for a nonviolent misdemeanor, and that he
 3229 or she has not otherwise been charged by the state attorney with
 3230 or found to have committed any criminal offense or comparable
 3231 ordinance violation.

3232 (f) Has never, prior to filing the application for
 3233 expunction, been charged by the state attorney with or been
 3234 found to have committed any criminal offense or comparable
 3235 ordinance violation.

3236 Section 43. Section 945.75, Florida Statutes, is repealed.

3237 Section 44. Paragraphs (e) through (i) of subsection (2),
 3238 paragraphs (g) and (k) of subsection (3), paragraph (b) of
 3239 subsection (5), paragraph (d) of subsection (8), and paragraph
 3240 (c) of subsection (10) of section 121.0515, Florida Statutes,
 3241 are amended to read:

3242 121.0515 Special Risk Class.-

3243 (2) MEMBERSHIP.-

3244 ~~(e) Effective July 1, 2001, "special risk member" includes~~
 3245 ~~any member who is employed as a youth custody officer by the~~
 3246 ~~Department of Juvenile Justice and meets the special criteria~~
 3247 ~~set forth in paragraph (3)(g).~~

3248 (e)(f) Effective October 1, 2005, through June 30, 2008,

Page 112 of 118

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590-02104-14

2014700c1

3249 the member must be employed by a law enforcement agency or
 3250 medical examiner's office in a forensic discipline and meet the
 3251 special criteria set forth in paragraph (3) (g) ~~(3) (h)~~.

3252 ~~(f) (g)~~ Effective July 1, 2008, the member must be employed
 3253 by the Department of Law Enforcement in the crime laboratory or
 3254 by the Division of State Fire Marshal in the forensic laboratory
 3255 and meet the special criteria set forth in paragraph (3) (h)
 3256 ~~(3) (i)~~.

3257 ~~(g) (h)~~ Effective July 1, 2008, the member must be employed
 3258 by a local government law enforcement agency or medical
 3259 examiner's office and meet the special criteria set forth in
 3260 paragraph (3) (i) ~~(3) (j)~~.

3261 ~~(h) (i)~~ Effective August 1, 2008, "special risk member"
 3262 includes any member who meets the special criteria for continued
 3263 membership set forth in paragraph (3) (j) ~~(3) (k)~~.

3264 (3) CRITERIA.—A member, to be designated as a special risk
 3265 member, must meet the following criteria:

3266 ~~(g) Effective July 1, 2001, the member must be employed as~~
 3267 ~~a youth custody officer and be certified, or required to be~~
 3268 ~~certified, in compliance with s. 943.1395. In addition, the~~
 3269 ~~member's primary duties and responsibilities must be the~~
 3270 ~~supervised custody, surveillance, control, investigation,~~
 3271 ~~apprehension, arrest, and counseling of assigned juveniles~~
 3272 ~~within the community.~~

3273 ~~(j) (k)~~ The member must have already qualified for and be
 3274 actively participating in special risk membership under
 3275 paragraph (a), paragraph (b), or paragraph (c), must have
 3276 suffered a qualifying injury as defined in this paragraph, must
 3277 not be receiving disability retirement benefits as provided in

Page 113 of 118

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590-02104-14

2014700c1

3278 s. 121.091(4), and must satisfy the requirements of this
 3279 paragraph.

3280 1. The ability to qualify for the class of membership
 3281 defined in paragraph (2) (h) ~~(2) (i)~~ occurs when two licensed
 3282 medical physicians, one of whom is a primary treating physician
 3283 of the member, certify the existence of the physical injury and
 3284 medical condition that constitute a qualifying injury as defined
 3285 in this paragraph and that the member has reached maximum
 3286 medical improvement after August 1, 2008. The certifications
 3287 from the licensed medical physicians must include, at a minimum,
 3288 that the injury to the special risk member has resulted in a
 3289 physical loss, or loss of use, of at least two of the following:
 3290 left arm, right arm, left leg, or right leg; and:

3291 a. That this physical loss or loss of use is total and
 3292 permanent, except if the loss of use is due to a physical injury
 3293 to the member's brain, in which event the loss of use is
 3294 permanent with at least 75 percent loss of motor function with
 3295 respect to each arm or leg affected.

3296 b. That this physical loss or loss of use renders the
 3297 member physically unable to perform the essential job functions
 3298 of his or her special risk position.

3299 c. That, notwithstanding this physical loss or loss of use,
 3300 the individual can perform the essential job functions required
 3301 by the member's new position, as provided in subparagraph 3.

3302 d. That use of artificial limbs is not possible or does not
 3303 alter the member's ability to perform the essential job
 3304 functions of the member's position.

3305 e. That the physical loss or loss of use is a direct result
 3306 of a physical injury and not a result of any mental,

Page 114 of 118

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590-02104-14

2014700c1

3307 psychological, or emotional injury.

3308 2. For the purposes of this paragraph, "qualifying injury"
 3309 means an injury sustained in the line of duty, as certified by
 3310 the member's employing agency, by a special risk member that
 3311 does not result in total and permanent disability as defined in
 3312 s. 121.091(4)(b). An injury is a qualifying injury if the injury
 3313 is a physical injury to the member's physical body resulting in
 3314 a physical loss, or loss of use, of at least two of the
 3315 following: left arm, right arm, left leg, or right leg.
 3316 Notwithstanding any other provision of this section, an injury
 3317 that would otherwise qualify as a qualifying injury is not
 3318 considered a qualifying injury if and when the member ceases
 3319 employment with the employer for whom he or she was providing
 3320 special risk services on the date the injury occurred.

3321 3. The new position, as described in sub-subparagraph 1.c.,
 3322 that is required for qualification as a special risk member
 3323 under this paragraph is not required to be a position with
 3324 essential job functions that entitle an individual to special
 3325 risk membership. Whether a new position as described in sub-
 3326 subparagraph 1.c. exists and is available to the special risk
 3327 member is a decision to be made solely by the employer in
 3328 accordance with its hiring practices and applicable law.

3329 4. This paragraph does not grant or create additional
 3330 rights for any individual to continued employment or to be hired
 3331 or rehired by his or her employer that are not already provided
 3332 within the Florida Statutes, the State Constitution, the
 3333 Americans with Disabilities Act, if applicable, or any other
 3334 applicable state or federal law.

3335 (5) REMOVAL OF SPECIAL RISK CLASS MEMBERSHIP.—

Page 115 of 118

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590-02104-14

2014700c1

3336 (b) Any member who is a special risk member on July 1,
 3337 2008, and who became eligible to participate under paragraph
 3338 ~~(3)(g)~~ ~~(3)(h)~~ but fails to meet the criteria for Special Risk
 3339 Class membership established by paragraph ~~(3)(h)~~ ~~(3)(i)~~ or
 3340 paragraph ~~(3)(i)~~ ~~(3)(j)~~ shall have his or her special risk
 3341 designation removed and thereafter shall be a Regular Class
 3342 member and earn only Regular Class membership credit. The
 3343 department may review the special risk designation of members to
 3344 determine whether or not those members continue to meet the
 3345 criteria for Special Risk Class membership.

3346 (8) SPECIAL RISK ADMINISTRATIVE SUPPORT CLASS.—

3347 (d) Notwithstanding any other provision of this subsection,
 3348 this subsection does not apply to any special risk member who
 3349 qualifies for continued membership pursuant to paragraph ~~(3)(j)~~
 3350 ~~(3)(k)~~.

3351 (10) CREDIT FOR UPGRADED SERVICE.—

3352 (c) Any member of the Special Risk Class who has earned
 3353 creditable service through June 30, 2008, in another membership
 3354 class of the Florida Retirement System in a position with the
 3355 Department of Law Enforcement or the Division of State Fire
 3356 Marshal and became covered by the Special Risk Class as
 3357 described in paragraph ~~(3)(h)~~ ~~(3)(i)~~, or with a local government
 3358 law enforcement agency or medical examiner's office and became
 3359 covered by the Special Risk Class as described in paragraph
 3360 ~~(3)(i)~~ ~~(3)(j)~~, which service is within the purview of the
 3361 Special Risk Class, and is employed in such position on or after
 3362 July 1, 2008, may purchase additional retirement credit to
 3363 upgrade such service to Special Risk Class service, to the
 3364 extent of the percentages of the member's average final

Page 116 of 118

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590-02104-14

2014700c1

3365 compensation provided in s. 121.091(1)(a)2. The cost for such
 3366 credit must be an amount representing the actuarial accrued
 3367 liability for the difference in accrual value during the
 3368 affected period of service. The cost shall be calculated using
 3369 the discount rate and other relevant actuarial assumptions that
 3370 were used to value the Florida Retirement System Pension Plan
 3371 liabilities in the most recent actuarial valuation. The division
 3372 shall ensure that the transfer sum is prepared using a formula
 3373 and methodology certified by an enrolled actuary. The cost must
 3374 be paid immediately upon notification by the division. The local
 3375 government employer may purchase the upgraded service credit on
 3376 behalf of the member if the member has been employed by that
 3377 employer for at least 3 years.

3378 Section 45. Subsection (5) of section 985.045, Florida
 3379 Statutes, is amended to read:

3380 985.045 Court records.—

3381 (5) This chapter does not prohibit a circuit court from
 3382 providing a restitution order containing the information
 3383 prescribed in s. 985.0301(5)(e) ~~s. 985.0301(5)(h)~~ to a
 3384 collection court or a private collection agency for the sole
 3385 purpose of collecting unpaid restitution ordered in a case in
 3386 which the circuit court has retained jurisdiction over the child
 3387 and the child's parent or legal guardian. The collection court
 3388 or private collection agency shall maintain the confidential
 3389 status of the information to the extent such confidentiality is
 3390 provided by law.

3391 Section 46. Section 985.721, Florida Statutes, is amended
 3392 to read:

3393 985.721 Escapes from secure detention or residential

Page 117 of 118

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590-02104-14

2014700c1

3394 commitment facility.—An escape from:

3395 (1) Any secure detention facility maintained for the
 3396 temporary detention of children, pending adjudication,
 3397 disposition, or placement;

3398 (2) Any residential commitment facility described in s.
 3399 985.03(41) ~~s. 985.03(46)~~, maintained for the custody, treatment,
 3400 punishment, or rehabilitation of children found to have
 3401 committed delinquent acts or violations of law; or

3402 (3) Lawful transportation to or from any such secure
 3403 detention facility or residential commitment facility,

3404
 3405 constitutes escape within the intent and meaning of s. 944.40
 3406 and is a felony of the third degree, punishable as provided in
 3407 s. 775.082, s. 775.083, or s. 775.084.

3408 Section 47. This act shall take effect July 1, 2014.

Page 118 of 118

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Committee:

APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE

Senator Bradley, Chair
Senator Joyner, Vice Chair

Meeting Packet

Wednesday, March 19, 2014

9:30—10:30 a.m.

Mallory Horne Committee Room, 37 Senate Office Building

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
1		DEPARTMENT OF LEGAL AFFAIRS						1	
2		START-UP 2014-15 (Recurring continuation of current law and policy)	1,295.50	41,435,018	41,435,018		150,945,394	2	
3	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					67,795	Technical issue - Because of the shortage due to nonrecurring funding used for the FY 2013-14 distribution, this issue adds back the prorated amount to fully fund the 9 months in FY 2013-14.	3
4	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		15,167	15,167		123,801	Technical issue	4
5	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					24,138	Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2012-13.	5
6	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		11,888	11,888		97,034	Technical issue	6
7	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		502	502			Technical adjustment to fund the department's increased data center cost at the Northwood Shared Resource Center.	7
8	3005100	STATEWIDE PROSECUTION	2.00	522,288	503,423	18,865		Provides funds to hire additional staff to prosecute cases involving illegal pain management clinics, human trafficking, and organized retail theft.	8
9	3005300	CRIME STOPPER GRANT PROGRAM STAFFING	1.00				55,382	Provides funds to hire an additional full-time employee to meet increased workload.	9
10	3005400	VICTIM'S COMPENSATION BUREAU STAFFING	3.00				166,148	Provides funds to hire 3 additional full-time employees to process crime victims' benefits.	10
11	3005600	CRIMINAL APPEALS WORKLOAD	10.00	1,000,000	1,000,000			Provides funds to fill attorney positions to alleviate workload issues. Current staffing levels require requests for extension of deadlines in most cases.	11
12	36302C0	E-DISCOVERY AND DATA MANAGEMENT	2.00	390,240	382,694	7,546	602,500	Provides funds for E-Discovery and E-Mail archiving technology and internet bandwidth.	12
13	36203C0	INFORMATION TECHNOLOGY BUSINESS CONTINUITY AND DISASTER RECOVERY		245,000	51,000	194,000			13
14	4000040	CIVIL LEGAL ASSISTANCE		2,000,000	2,000,000			Improves access to justice system.	14

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal					Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
15	4002330	INCREASE LAW LIBRARY FUNDING		150,000	150,000				15
16	4000390	CUBAN-AMERICAN BAR ASSOCIATION		100,000		100,000		Funds to provide free legal assistance to low income families.	16
17	4100215	QUIGLEY HOUSE		400,000	400,000			Funds to support services provided by a domestic violence and sexual assault center in Clay County.	17
18	4100216	JUSTICE COALITION		300,000	300,000			Funds to provide crisis counseling, referral, education, and advocacy for violent crime victims.	18
19	4000391	VIRGIL HAWKINS FLORIDA CHAPTER BAR ASSOCIATION		100,000		100,000			19
20	4100217	FLORIDA URBAN LEAGUE		309,000	309,000			Funding to support the Crime Prevention and Intervention program and the Black on Black Crime program.	20
21	4100218	MEDICAID FRAUD CONTROL UNIT DATA MINING INITIATIVE		1,500,000		1,500,000		Funds to complete the Data Mining Initiative (begun in FY 2013-14) to enable detection of criminal networks engaging in fraud that are not discoverable with current limitations in technology and data integration. Funds will be triple-matched by Federal grant (\$4.5 million).	21
22	4100221	CHILD SAFETY MATTERS PROGRAM		1,900,000	1,900,000			Education program provided to Florida public elementary schools to help prevent bullying, cyberbullying, and all forms of child abuse.	22
23								23
24	TOTAL: DEPARTMENT OF LEGAL AFFAIRS		1,313.50	50,379,103	48,458,692	1,920,411	152,082,192		24
25									25
26	DEPARTMENT OF CORRECTIONS								26
27		START-UP 2014-15 (Recurring continuation of current law and policy)	23,268.00	2,163,534,934	2,163,534,934		71,887,115		27
28	160P010	PROGRAM COMPONENT TECHNICAL CORRECTIONS - ADD		1,176,849	1,176,849			Technical issue - Realignment of budget between program component to ensure proper identification of substance abuse funding.	28
29	160P020	PROGRAM COMPONENT TECHNICAL CORRECTIONS - DEDUCT		(1,176,849)	(1,176,849)				29

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
30	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					63,259	Technical issue - Because of the shortage due to nonrecurring funding used for the FY 2013-14 distribution, this issue adds back the prorated amount to fully fund the 9 months in FY 2013-14.	30
31	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		541,423	541,423		74,307	Technical issue	31
32	1800010	CONSOLIDATE SUBSTANCE ABUSE PROGRAMS - DEDUCT		(1,176,849)	(1,176,849)			Consolidates funding for substance abuse counselors into the Education and Programs program area. This was inadvertently omitted when substance abuse funding was consolidated in FY 2013-14.	32
33	1800020	CONSOLIDATE SUBSTANCE ABUSE PROGRAMS - ADD		1,176,849	1,176,849			Technical issue	33
34	2300050	CONTRACT WORK RELEASE AND TRANSITION CENTERS		46,674	46,674				34
35	2300100	SUBSTANCE ABUSE		602,036	602,036				35
36	2300070	HEALTH SERVICES		10,403,110	10,403,110			Increases the per diem rate for the two health services contracts to reflect a 3.63% increase in the Medical Consumer Price Index.	36
37	2401510	REPLACE PRISONER TRANSPORT BUSES AND VANS		500,000		500,000		Funds replacement cost for inmate transport buses and vans that exceed DMS disposal criteria.	37
38	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS		(81,486)	(81,486)			Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2012-13.	38
39	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		424,359	424,359		58,240	Technical issue	39
40	3000150	INCREASE IN CRIMINAL JUSTICE ESTIMATING CONFERENCE INMATE POPULATION	215.00	22,348,890	20,767,655	1,581,235		Funds costs for increase of 1,849 inmates based on CJEC held February 27, 2014.	40
41	3000151	INCREASE FUNDING FOR BASIC EDUCATION PROGRAMS		1,000,000	1,000,000			Provides additional funding for GED and related educational programs.	41
42	3000170	ELECTRONIC MONITORING		2,887,996	2,887,996			Provides additional funding for electronic monitoring of inmates in work release facilities.	42

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
43	3000550	OKEECHOBEE WORK CAMP SUPPORT COSTS	53.00	2,087,209	1,841,880	245,329		Funds to open and operate new 444 bed work camp, including funding for substance abuse treatment.	43
44	3000560	SANTA ROSA WORK CAMP SUPPORT COSTS	53.00	3,665,836	3,420,507	245,329		Funds to open and operate new 432 bed work camp, including funding for substance abuse treatment.	44
45	3000630	CROSS CITY WORK CAMP SUPPORT COSTS	53.00	2,397,242	2,151,913	245,329		Funds to open and operate new 432 bed work camp, including funding for substance abuse treatment.	45
46	3000670	EVERGLADES RE-ENTRY CENTER	57.00	5,580,168	5,323,347	256,821		Funds to open and operate a new 432 bed re-entry center with a specialized academic and vocational education program.	46
47	3000680	BAKER RE-ENTRY CENTER	57.00	3,676,769	3,419,948	256,821		Funds to open and operate a new 432 bed re-entry center with a specialized academic and vocational education program.	47
48	3200010	REDUCE FEDERAL FUNDING					(805,576)	Funds technical adjustment to reduce trust fund authority associated with expired grant.	48
49	33V1620	VACANT POSITION REDUCTIONS	(11.00)					Reduces 11 administrative-type positions that have been vacant for at least two years.	49
50	33011C0	REDUCED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(345,734)	(345,734)			Reduction to meet projected billings for Southwood Shared Resource Center.	50
51	3303500	REDUCTION DUE TO CONSOLIDATION INTO THE FLORIDA FACILITIES POOL		(43,156)	(43,156)			Savings associated with DMS' reconfiguration of Trammel Building in Tampa that will allow relocation of a probation office from leased space to state-owned space.	51
52	36307C0	AUTOMATED TIME AND ATTENDANCE		9,734,141	1,000,000	8,734,141		Installation of time and attendance system, including upgrading internet bandwidth and installing time clocks.	52
53	4001200	COMPOST EQUIPMENT FOR DADE CORRECTIONAL INSTITUTION		100,000		100,000		Funds to purchase a compost machine for installation at Dade CI	53
54	4300040	RESTORE CRITICAL SALARY LAPSE REDUCTIONS		11,679,757	11,679,757			Funds to fill full time certified officer positions in order to reduce the vacancy rate to 8 percent in 33 facilities.	54

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
55	4700650	INCREASE FUNDING FOR COMMUNITY CORRECTIONS RESIDENTIAL SUBSTANCE ABUSE PROGRAMS		5,000,000	5,000,000			Adds 278 residential substance abuse treatment beds for offenders court-ordered into treatment as a condition of community supervision.	55
56	5100179	OPERATION NEW HOPE RE-ENTRY INITIATIVE PROGRAM		675,000		675,000		Funds to operate a reentry program for inmates, community supervisees, and recently released offenders who are returning to Duval County and surrounding counties.	56
57	5100180	READY4WORK RE-ENTRY INITIATIVE - HILLSBOROUGH COUNTY		250,000		250,000		Funds to replicate Operation New Hope reentry program for inmates, community supervisees, and recently released offenders who are returning to Hillsborough County and surrounding counties.	57
58	5100181	SMART HORIZONS ON-LINE EDUCATION		500,000		500,000		Funds online high-school diploma program for eligible inmates.	58
59	5100182	LOWELL CORRECTIONAL INSTITUTION FARM EQUIPMENT		100,000		100,000		Provides funding for farm equipment at Lowell CI.	59
60	5100183	WESTCARE FLORIDA GULFCOAST		150,000		150,000		Funds secure residential drug treatment center in Pinellas County.	60
61	5100184	INMATE VERIFICATION SOLUTION PILOT PROGRAM		75,000		75,000		Funds automated system to record when correctional officers conduct checks of inmate areas.	61
62	990D000	DEBT SERVICE		(8,200,000)		(8,200,000)		Reduction in funding needed for debt service payments because DOC can use residual excess bond proceeds for part of payment for Fy 2014-15.	62
63	990F000	SUPPORT FACILITIES		4,000,000		4,000,000		Construction of a new food service facility at Tomoka Correctional Institution. Current facility is in need of major renovations.	63
64	990M000	MAINTENANCE AND REPAIR		2,600,563		2,600,563		Funds improvements to security systems and various maintenance and repairs at institutions including roof repairs or replacements, upgrade or replacement of electrical distribution systems, and upgrade or repair of wastewater treatment plants and lift stations.	64

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR		
65								65
66		TOTAL: DEPARTMENT OF CORRECTIONS	23,745.00	2,245,890,731	2,233,575,163	12,315,568	71,277,345	66
67								67
68		DEPARTMENT OF LAW ENFORCEMENT						68
69		START-UP 2014-15 (Recurring continuation of current law and policy)	1,710.00	91,159,542	91,159,542		150,817,874	69
70	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					65,165	70
							Technical issue - Because of the shortage due to nonrecurring funding used for the FY 2013-14 distribution, this issue adds back the prorated amount to fully fund the 9 months in FY 2013-14.	
71	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		9,267	9,267		67,975	71
72	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT					1,880,000	72
							Funds the final stage of the Biometric Identification System (fingerprint records system) upgrade.	
73	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					141,065	73
							Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2012-13.	
74	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		7,264	7,264		53,279	74
							Technical issue	
75	3000220	FIREARM PURCHASE PROGRAM - NEW WORKLOAD	18.00				1,134,206	75
							Adds 18 full time positions due to increased workload in the Firearm Purchase Program, which provides background checks requested by firearms dealers.	
76	3000600	IMPROVED GOVERNMENT ACCOUNTABILITY AND SUPPORT FOR LAW ENFORCEMENT OPERATIONS	11.00				702,036	76
77	30006C0	EXPAND CYBER CRIME CAPACITY AND CAPABILITY	9.00	925,056	859,564	65,492		77
							Adds 9 FTE positions, including 7 Special Agents, to combat cyber attacks against small businesses and citizens.	
78	30045C0	SUPPORT CRITICAL INFORMATION SYSTEMS					1,598,000	78
							Funds to contract for specialized information technology maintenance and support of FDLE information systems.	
79	36115C0	REPLACE COMPUTERIZED CRIMINAL HISTORY SYSTEM (CCH)					2,873,237	79
							Funds to begin replacement of the Computerized Criminal History system.	

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
80	4100500	CRIMINAL JUSTICE STANDARDS AND TRAINING TRUST FUND SOLVENCY		3,900,000		3,900,000		Restores officer training funds to \$67 per officer.	80
81	4300500	FIREARM PURCHASE PROGRAM - WORKLOAD CONTINUATION	18.00				1,049,169	Converts 18 OPS positions to full time positions due to increased workload in the Firearm Purchase Program, which provides background checks requested by firearms dealers.	81
82	44001C0	ADDITIONAL SPENDING AUTHORITY FOR DEFERRED PAYMENT CONTRACTS					335,400	Funds payments on the financed portion of Phase II of the Biometric Information System (fingerprint records system) upgrade.	82
83	5100195	GADSDEN COUNTY SHERIFF'S COMMUNITY AND RECREATIONAL CENTER		200,000		200,000			83
84	5100197	CITY OF MIAMI GARDEN - CRIME WATCH		500,000		500,000			84
85	5100198	CRIME WATCH MIAMI-DADE		100,000		100,000		Funds Miami-Dade County's Citizen Crime Watch program, which oversees neighborhood crime watch programs and provides crime prevention information to the public.	85
86	5100199	ANTI-SYNTHETIC DESIGNER DRUG INITIATIVE		47,000		47,000		Funds an anti-synthetic designer drug initiative to combat the spreading sale and manufacture of these dangerous drugs in City of Ft. Lauderdale.	86
87	8503000	MAINTENANCE CONTRACTS FOR LABORATORY EQUIPMENT		880,000	880,000			Funds to cover increased maintenance costs for crime laboratory equipment.	87
88									88
89	TOTAL: DEPARTMENT OF LAW ENFORCEMENT		1,766.00	97,728,129	92,915,637	4,812,492	160,717,406		89
90									90
91	FLORIDA PAROLE COMMISSION								91
92		START-UP 2014-15 (Recurring continuation of current law and policy)	122.00	8,748,802	8,748,802		54,630		92
93	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					80	Technical issue - Because of the shortage due to nonrecurring funding used for the FY 2013-14 distribution, this issue adds back the prorated amount to fully fund the 9 months in FY 2013-14.	93
94	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		24,966	24,966			Technical issue	94
95	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		19,568	19,568			Technical issue	95

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
96	3000100	GOVERNOR AND CLEMENCY BOARD'S CLEMENCY INVESTIGATIONS WORKLOAD	9.00	462,132	428,175	33,957		Adds 9 new full time positions to address caseload of 20,674 pending clemency investigations.	96
97	3000700	FUND CLEMENCY PHONE OPERATORS		46,500	46,500			Funds OPS positions to answer the toll free phone line for inquiries about clemency.	97
98	4001100	CAPITAL CLEMENCY WORKLOAD TO PAROLE COMMISSION		125,000	96,463	28,537		Funds Parole Commission to contract with private attorneys to represent death-sentenced inmates in clemency petitions.	98
99									99
100	TOTAL: FLORIDA PAROLE COMMISSION		131.00	9,426,968	9,364,474	62,494	54,710		100
101									101
102	FLORIDA DEPARTMENT OF JUVENILE JUSTICE								102
103		START-UP 2014-15 (Recurring continuation of current law and policy)	3,482.50	352,989,178	352,989,178		167,313,386		103
104	160F400	TRANSFER GENERAL REVENUE BUDGET BETWEEN BUDGET ENTITIES - ADD		225,000	225,000			Technical issue	104
105	160F410	TRANSFER GENERAL REVENUE BUDGET BETWEEN BUDGET ENTITIES - DEDUCT		(225,000)	(225,000)			Technical issue	105
106	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					117,242	Technical issue - Because of the shortage due to nonrecurring funding used for the FY 2013-14 distribution, this issue adds back the prorated amount to fully fund the 9 months in FY 2013-14.	106
107	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		132,461	132,461		69,065	Technical issue	107
108	1700010	BEHAVIORAL HEALTH OVERLAY AND HEALTH CARE SERVICES FOR NON- SECURE RESIDENTIAL PROGRAMS - ADD		7,475,061	7,475,061			In June 2013, the Centers for Medicare and Medicaid Services issued a determination that the youth in residential commitment programs are no longer eligible for Medicaid participation during their stay in a program. This issue transfers the GR match from AHCA.	108
109	2000110	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES - ADD					246,445	Technical issue - realignment of the prorated trust fund amount for the FY 2013-14 salary increase.	109
110	2000120	REALIGNMENT OF EXPENDITURES BETWEEN BUDGET ENTITIES - DEDUCT					(246,445)	Technical issue - see above	110

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
111	2000250	REALIGNMENT OF RESIDENTIAL COMMITMENT BUDGET USED TO PRIVATIZE STATE-OPERATED RESIDENTIAL COMMITMENT FACILITIES - ADD		12,131,436	12,131,436		3,213,767	Technical issue - realignment of DJJ's appropriation categories in their residential program.	111
112	2000260	REALIGNMENT OF RESIDENTIAL COMMITMENT BUDGET USED TO PRIVATIZE STATE-OPERATED RESIDENTIAL COMMITMENT FACILITIES - DEDUCT		(12,131,436)	(12,131,436)		(3,213,767)	Technical issue - see above	112
113	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS		(70,488)	(70,488)			Allocates the agency's payments to the Division of Administration Hearings. The amount is based on the actual number of hearing hours utilized by the agency in FY 2012-13.	113
114	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		103,821	103,821		54,132	Technical issue	114
115	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		122,714	122,714			Technical adjustment to fund the department's increased data center cost at the Northwood Shared Resource Center.	115
116	3300400	REDUCE EXCESS TRUST AUTHORITY					(1,938,247)	Technical adjustment to reduce trust fund authority associated with expired grant.	116
117	3301500	POSITION REDUCTIONS	(217.00)					Reduces department positions due to the department privatizing five state-operated residential facilities.	117
118	5001395	FLORIDA ALLIANCE OF BOYS AND GIRLS CLUBS		4,000,000	4,000,000			Provides additional funding to the Florida Alliance of Boys and Girls Clubs.	118
119	5001396	BIG BROTHERS BIG SISTERS OF FLORIDA		1,100,000	1,100,000			Provides funds to the Big Brothers Big Sisters that will increase prevention and intervention services in DJJ.	119
120	5001401	CORPORATION TO DEVELOP COMMUNITIES (CDC) OF TAMPA PREVENTION PROGRAM		25,000		25,000		Funds the CDC of Tampa, which provides work readiness training, job placement, mentoring, and educational services in the Tampa Bay area.	120
121	5001402	YOUTH ADVOCATE PROGRAM		200,000		200,000		Funds program that provides community-based advocacy and family support services to youth who are at risk of involvement with the juvenile justice system.	121

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
122	5001398	PASCO ASSOCIATION OF CHALLENGED KID'S SUMMER CAMP PROGRAM		36,000	36,000			Funds the Pasco Association for Challenged Kids, Inc., a summer camp program for kids with all types of disabilities.	122
123	5001399	INCREASED FUNDING FOR THE PRODIGY PROGRAM		200,000	200,000			Provides additional funds to expand the PRODIGY program in Pasco County at the Lacoochee-Trilby Community Center.	123
124	5001400	TIME TO BE PARENTS AGAIN PROGRAM		200,000	200,000			Funds Brevard County Sheriff's Office seminars on online safety and other parenting issues.	124
125	5001405	BROWARD COUNTY JUVENILE ASSESSMENT CENTER		200,000		200,000		Provides start-up cost for a juvenile assessment center in Broward County.	125
126	5001880	EXPAND PACE CENTER FOR GIRLS PROGRAM		2,000,000	2,000,000			Creates a PACE Center for Girls Program in Clay County and fully funds the new Miami-Dade center. As well as additional slots statewide.	126
127	5100020	REPLACEMENT FUNDING FOR BEHAVIORAL HEALTH OVERLAY AND HEALTH CARE SERVICES FOR NON-SECURE RESIDENTIAL PROGRAMS		10,761,242	10,761,242			In June 2013, the Centers for Medicare and Medicaid Services issued a determination that the youth in residential commitment programs are no longer eligible for Medicaid participation during their stay in a program. This issue replaces the portion of claims previously paid by the federal government.	127
128	5203590	EXPAND CHILDREN IN NEED OF SERVICES AND FAMILIES IN NEED OF SERVICES		3,400,000	3,400,000			Expands CINS/FINS services in underserved areas of the state.	128
129	990C000	CODE CORRECTIONS		737,565		737,565		Funds the department's fixed capital outlay, repair and maintenance requirements.	129
130	990M000	MAINTENANCE AND REPAIR		2,179,100		2,179,100		Funds the department's fixed capital outlay, repair and maintenance requirements.	130
131									131
132		TOTAL: FLORIDA DEPARTMENT OF JUVENILE JUSTICE	3,265.50	385,791,654	382,449,989	3,341,665	165,615,578		132
133									133
134		SUPREME COURT							134
135		START-UP 2014-15 (Recurring continuation of current law and policy)	271.50	12,438,099	12,438,099	-	18,635,143		135

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
136	160F070	ADJUSTMENT TO CURRENT YEAR ESTIMATED EXPENDITURES - DEDUCT					(3,000)	Technical issue	136
137	160F080	ADJUSTMENT TO CURRENT YEAR ESTIMATED EXPENDITURES - ADD					3,000	Technical issue	137
138	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					14,945	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	138
139	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		26,475	26,475		51,331	Technical issue	139
140	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		20,751	20,751		40,232	Technical issue	140
141	3000080	DEATH PENALTY CASE PROCESSING	1.00	59,717	55,899	3,818		Funds position to monitor the proceedings in all courts (trial court, supreme court and the federal courts) of all persons convicted and sentenced to death in order to confirm their warrant ready status, pursuant to the Timely Justice Act.	141
142	3001700	CASE PROCESSING SUPPORT	1.00	76,331	72,513	3,818		Funds paralegal to assist staff attorneys with processing of routine substantive cases and amendments to rules, forms, and standard jury instructions.	142
143									143
144	TOTAL: SUPREME COURT		273.50	12,621,373	12,613,737	7,636	18,741,651		144
145									145
146	JUDICIAL ADMINISTERED FUNDS								146
147		START-UP 2014-15 (Recurring continuation of current law and policy)	18.00	-	0	0	0		147
148	33V0260	REDUCE DUE PROCESS CONTINGENCY POSITIONS	(6.00)					Reduces excess positions in this category, as recommended by the Governor.	148
149	5401234	SMALL COUNTY COURTHOUSE REPAIRS AND RENOVATIONS		200,000		200,000		Funds repairs to Calhoun County Historic Courthouse.	149
150									150
151	TOTAL: JUDICIAL ADMINISTERED FUNDS		12.00	200,000	0	200,000	0		151
152									152
153	DISTRICT COURTS OF APPEAL								153
154		START-UP 2014-15 (Recurring continuation of current law and policy)	433.00	25,414,722	25,414,722	-	17,750,978		154
155	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					15,020	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	155

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
156	7000210	BUILDING, FACILITIES MAINTENANCE, AND OPERATIONAL UPKEEP		400,000	400,000			Provides a recurring maintenance fund to address on-going maintenance issues in DCAs (e.g., 3rd DCA workstations and 2nd DCA parking lot and roof repairs.)	156
157	990M000	MAINTENANCE AND REPAIR		2,911,357		2,911,357		Funds driveway expansion for the 2nd DCA, security and building code upgrades in the 3rd DCA, HVAC replacement in the 5th.	157
158	990S000	SPECIAL PURPOSE		7,427,969		7,427,969		Funds planning and site prep for a new DCA building in the 4th DCA, funds 1/2 the cost of the new building, and funds an emergency generator and hurricane shutters for the 3rd DCA.	158
159								159	
160	TOTAL: DISTRICT COURTS OF APPEAL		433.00	36,154,048	25,814,722	10,339,326	17,765,998		160
161								161	
162	TRIAL COURTS							162	
163		START-UP 2014-15 (Recurring continuation of current law and policy)	3,595.00	313,360,765	313,360,765	-	76,354,947		163
164	160F030	ADJUSTMENT TO CURRENT YEAR ESTIMATED EXPENDITURES - DEDUCT		(27,000)	(27,000)			Technical issue - Transfer across appropriation categories, pursuant to BA# B7129.	164
165	160F040	ADJUSTMENT TO CURRENT YEAR ESTIMATED EXPENDITURES - ADD		27,000	27,000			Technical issue - Transfer across appropriation categories, pursuant to BA# B7129.	165
166	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					66,736	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	166
167	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		410,111	410,111		91,434	Technical issue	167
168	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		321,438	321,438		71,664	Technical issue	168
169	3000080	DEATH PENALTY CASE PROCESSING	27.00	1,918,731	1,842,571	76,160		Funds law clerks to assist trial court judges in processing complex capital post-conviction actions.	169
170	3000115	FUNDING FOR CHILDREN'S ADVOCACY CENTERS		4,500,000	4,500,000			The legislature funded this issue last session, which allows CAC to serve abused and neglected children. This issue adds some additional funding for medical services teams and funds the issue with recurring dollars.	170

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
171	3000120	TRIAL COURTS GENERAL COUNSEL SUPPORT	10.00	1,181,043	1,157,243	23,800		Funds general counsel support for 10 small to medium sized circuits, who provide direction, legal research, and advice and counsel to chief judges and court staff.	171
171A	3000314	24x7 SOBRIETY MONITORING PROGRAM		75,000		75,000		Funds a evidence-based sobriety monitoring pilot program in the 4th Circuit.	171A
172	3000316	DOMESTIC VIOLENCE GPS PROGRAM		316,000	316,000			This is an issue the legislature funded in the current year, a domestic violence GPS program in the 18th Circuit. This issue funds the program with recurring GR.	172
173	3000318	MENTAL HEALTH DIVERSION PROGRAM		250,000		250,000		Funds contract with S.Fla. Behavioral Health Network to provide MH services to defendants in an 11th circuit diversion program.	173
174	3000420	SENIOR JUDGE SUPPORT TO COUNTY CLERK		88,415	88,415			Another issue funded in current year, senior judge support for Citrus County. This issue funds it with recurring GR.	174
175	36305C0	FINANCIAL ASSISTANCE TO COUNTIES FOR COURT RELATED TECHNOLOGY RESPONSIBILITIES		50,000		50,000		Funds information system for Village of Virginia Gardens PD.	175
176	5406010	POST-ADJUDICATORY DRUG COURT		5,543,957	5,543,957			Funds post-adjudicatory drug court at its current level in recurring dollars.	176
177	5406020	VIVITROL TO TREAT ALCOHOL- OR OPIOID-ADDICTED OFFENDERS		1,000,000	1,000,000			Funds use of Vivitrol to reduce relapse of offenders in drug court and other court-ordered treatment.	177
178	5406030	VETERANS' COURTS		800,000	800,000			Funds veterans' courts with recurring dollars in four counties (Okaloosa, Pasco, Pinellas, and Clay) and adds Duval County funding.	178
179	990S000	NEW COURTHOUSE IN WASHINGTON COUNTY		6,000,000		6,000,000		Funds construction of a new county courthouse in Washington County.	179
180									180
181		TOTAL:TRIAL COURTS	3,632.00	335,815,460	329,340,500	6,474,960	76,584,781		181
182									182
183		JUDICIAL QUALIFICATIONS COMMISSION							183
184		START-UP 2014-15 (Recurring continuation of current law and policy)	5.00	932,849	932,849	-	-		184
185									185
186									186
187		TOTAL:JUDICIAL QUALIFICATIONS COMMISSION	5.00	932,849	932,849	0	0		187

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
188								188	
189		JUSTICE ADMINISTRATIVE COMMISSION						189	
190		START-UP 2014-15 (Recurring continuation of current law and policy)	94.00	86,149,398	86,149,398	-	898,719	190	
191	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT		205,120		205,120		Update of Citrix hardware and software. Senate It staff recommended funding this issue and it's in the Governor's budget.	191
192	3000470	INCREASE CITIZEN REVIEW PANEL WORKLOAD		250,000	250,000			Enhanced workload for panels, which determine whether state and local agencies are effectively discharging their child protection responsibilities.	192
193	3000520	JUSTICE ADMINISTRATIVE COMMISSION WORKLOAD	3.00	203,280	199,665	3,615		Funds staff to address increased financial services, public records, and help desk workload.	193
194	30010C0	INCREASED WORKLOAD FOR PRIMARY DATA CENTER TO SUPPORT AN AGENCY		35,390	35,390			Technical issue	194
195	3301210	REDUCE CAPITAL CLEMENCY FUNDS		(50,000)	(50,000)			Reduces funding for capital clemency in the judiciary. Remaining cases are paid from funds in the 10th PD. New funding for this function was placed in the Parole Commission.	195
196	36306C0	UNIFORM STATEWIDE PUBLIC DEFENDER CASELOAD MANAGEMENT NETWORK		375,000		375,000		Funds a uniform, statewide, case management network using system developed by the 4th Cir. PD. The servers and software will be hosted and maintained by the FPDA. This issue was funded by the legislature last year but was vetoed. Senate IT staff recommended funding this issue.	196
197	4202200	AUTHORITY FOR QUALIFIED TRANSPORTATION BENEFITS PROGRAM					40,584	Funds additional budget authority for employee transportation benefits program.	197
198	5200030	INCREASE IN FLAT FEE RATES FOR EIGHT CRITICAL CASE TYPES		2,000,000	2,000,000			Funds an increase in the flat fees rates paid to court-appointed attorneys in 8 critical case types. This issue has an accompanying conforming bill.	198
199									199
200		TOTAL:JUSTICE ADMINISTRATIVE COMMISSION	97.00	89,168,188	88,584,453	583,735	939,303		200
201									201
202		GUARDIAN AD LITEM							202
203		START-UP 2014-15 (Recurring continuation of current law and policy)	590.00	36,913,715	36,913,715	-	320,249		203

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

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			FTE	TOTAL GR	RECUR GR	N/R GR	TRUST FUNDS		
204	160E470	REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR PRIMARY DATA CENTER BILLING - DEDUCT		(202,143)	(202,143)			Technical issue	204
205	160E480	REALIGNMENT OF AGENCY SPENDING AUTHORITY FOR PRIMARY DATA CENTER BILLING - ADD		202,143	202,143			Technical issue	205
206	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		45,691	45,691			Technical issue	206
207	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		35,812	35,812			Technical issue	207
208	3000370	INCREASE STAFF TO REPRESENT ALL CHILDREN	105.50	6,055,258	6,055,258			GAL's request will allow them to serve 100% of the children in out-of-home care and post-placement supervision and 80% of all children under court supervision.	208
209	33011C0	REDUCED WORKLOAD FOR A PRIMARY DATA CENTER TO SUPPORT AN AGENCY		(25,000)	(25,000)			Technical issue	209
210	36311C0	TRANSFER DATA PROCESSING SERVICES TO NEW PRIMARY DATA CENTER - ADD		25,000		25,000		Technical issue	210
211									211
212	TOTAL: GUARDIAN AD LITEM		695.50	43,050,476	43,025,476	25,000	320,249		212
213									213
214	STATE ATTORNEYS								214
215		START-UP 2014-15 (Recurring continuation of current law and policy)	6,065.25	328,870,374	328,870,374	-	93,184,367		215
216	1600110	ADJUSTMENT TO CURRENT YEAR ESTIMATED EXPENDITURES					49,982	Technical issue - Reapproval of a 3rd SA FY 2013-14 budget amendment.	216
217	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					105,903	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	217
218	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		15,495	15,495		20,862	Technical issue	218
219	2000100	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - ADD					505,234	Technical issue - Realigns budget authority in two appropriation categories.	219
220	2000200	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - DEDUCT					(505,234)	Technical issue - Realigns budget authority in two appropriation categories.	220
221	2301900	BUILDING RENTAL FOR PRIVATELY OWNED OFFICE SPACE					38,173	The 11th SA provides Child Support Enforcement (CSE) services in Miami-Dade County pursuant to a cost reimbursable contract with the DOR. This issue addresses the required building rental cost increase between FY 2013-14 and FY 2014-15.	221
222	2401500	REPLACEMENT OF MOTOR VEHICLES					1,456,909	Funds a total of 68 vehicles for 17 SAs.	222

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
223	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		12,144	12,144		16,350	Technical issue	223
224	3000640	ENHANCED OTHER PERSONAL SERVICES		648,752	648,752		67,174	Funds OPS positions for a number of SA offices to support attorneys, e.g., legal interns, file imaging, temps, clerks, secretaries.	224
225	3001250	STATE ATTORNEY WORKLOAD INCREASE		3,000,000	3,000,000				225
226	3004400	CRIMES AGAINST THE ELDERLY PROSECUTION UNIT	3.00	162,408	154,500	7,908		Funds SA unit to target crimes against the elderly in 20th circuit.	226
227	3004500	SPECIAL PROSECUTION UNIT FOR VETERANS	7.00	711,355	693,147	18,208		Funds state attorney staff to support veterans' courts in the 6th, 8th, 15th, and 17th circuits.	227
228	3301510	REDUCE TRUST FUND AUTHORITY					(854,432)	Technical issue - Reduces excess trust authority for 7 SA offices.	228
229	3402720	TRANSFER FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND TO STATE ATTORNEYS REVENUE TRUST FUND - ADD					40,498	Technical issue	229
230	3402730	TRANSFER FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND TO STATE ATTORNEYS REVENUE TRUST FUND - DEDUCT					(40,498)	Technical issue	230
231	36301C0	SUPREME COURT MANDATE SC11-399 FOR ELECTRONIC FILING	21.00	1,357,457	1,303,931	53,526		Funds SA staff and equipment to support the Supreme Court's implementation of electronic filing	231
232	4200A70	STATE ATTORNEY EQUITY					400,000	4th SA is asking for \$400K in salary and rate to address turnover and improve hiring.	232
233	4200140	DELETE EXCESS GRANTS AND DONATIONS TRUST FUND AUTHORITY					(52,942)	Technical issue - reduces excess trust authority	233
234	4200370	PRISON DIVERSION PROGRAM -10TH JUDICIAL CIRCUIT	11.00				782,264	Funds a drug diversion program in the 10th circuit for first-time offenders who have been charged with non-violent and non-trafficking drug offenses. This is an entirely new program that would be offered to offenders who have requested participation but have been denied because of a language barrier.	234
235	4300250	MAXIMIZE USE OF TRUST FUND REVENUES FOR OPERATING EXPENDITURES					700,496	Use of TF revenues to pay for expenditures	235
236	4300500	DELETE EXCESS FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND AUTHORITY					(219,914)	Technical issue - reduces excess trust authority	236
237									237
238	TOTAL: STATE ATTORNEYS		6,107.25	334,777,985	334,698,343	79,642	95,695,192		238

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #
			FTE	TOTAL GR	RECUR GR	N/R GR		
239								239
240		PUBLIC DEFENDERS						240
241		START-UP 2014-15 (Recurring continuation of current law and policy)	2,799.00	171,959,529	171,959,529	-	35,389,686	241
242	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					33,931	242
							Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	
243	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		26,136	26,136		35,190	243
244	2000100	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - ADD		100,000	100,000			244
							Technical issue - Realigns budget authority in two appropriation categories.	
245	2000200	REALIGNMENT OF ADMINISTRATIVE EXPENDITURES - DEDUCT		(100,000)	(100,000)			245
							Technical issue - Realigns budget authority in two appropriation categories.	
246	2401500	REPLACEMENT OF MOTOR VEHICLES		106,000		106,000	132,000	246
							Funds a total of 11 vehicles for 17 PDs.	
247	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		20,484	20,484		27,581	247
							Technical issue	
248	3000640	ENHANCED OTHER PERSONAL SERVICES		513,907	198,507	315,400		248
							Funds OPS positions for a number of PD offices to support attorneys, e.g., secretaries, witness interviewers, interns, temps	
249	3001350	PUBLIC DEFENDER WORKLOAD INCREASE		1,500,000	1,500,000			249
250	3001960	CLEMENCY FOR CAPITAL CASES		125,000		125,000		250
							This provides funding to complete the six capital clemency cases already assigned to the PD in the 10th judicial circuit.	
251	3004600	VETERANS' COURT SERVICES DIVISION	5.00	477,603	461,421	16,182		251
							Funds attorneys and support staff for Veterans' Courts in the 8th, 4th, and 18th circuits.	
252	3009960	CAPITAL CASE QUALIFYING TRAINING		11,360	11,360			252
							Funds requires capital level attorneys to attend a capital case qualifying training course every two years, as required by rule. (13TH)	
253	3301210	REDUCE CAPITAL CLEMENCY FUNDS		(200,000)	(200,000)			253
							Eliminates funding for capital clemency in the judiciary and shifts this funding to the Parole Commission.	
254	3301510	REDUCE TRUST FUND AUTHORITY					(577,501)	254
							Technical issue - Reduces excess trust authority	
255	3402940	TRANSFER GRANTS AND DONATIONS TRUST FUND AUTHORITY TO THE PUBLIC DEFENDERS REVENUE TRUST FUND - ADD					300,000	255
							Technical issue - Realigns trust fund authority across two TFs.	

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
 Chairman's Proposal

LINE #	ISSUE #	ISSUE TITLE	Chairman's Proposal				Comments	LINE #	
			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
256	3402950	TRANSFER GRANTS AND DONATIONS TRUST FUND AUTHORITY TO THE PUBLIC DEFENDERS REVENUE TRUST FUND - DEDUCT					(300,000)	Technical issue - realigns trust fund authority across two TFs.	256
257	36224C0	COUNTY AGREEMENT FOR INFORMATION TECHNOLOGY PERSONNEL SERVICES					64,277	Funds S&B w/family insurance only, no FTE for PD12. Sarasota County Budget Department approved to reimburse the state our IT person \$40,000.	257
258	36301C0	SUPREME COURT MANDATE SC11-399 FOR ELECTRONIC FILING					14,446	Supports e-filing for 3rd PD	258
259	3800280	FLORIDA BAR TRAINING REQUIREMENTS FOR NEW ASSISTANT PUBLIC DEFENDERS		4,200	4,200			Supports training program for 13th PD for 30 new attorneys per year at a cost of \$140 per attorney.	259
260	4300200	MAXIMIZE USE OF INDIGENT CRIMINAL DEFENSE TRUST FUNDS FOR OPERATING EXPENDITURES					211,633	Supports e-filing in 3rd, 4th, 18th, and 20th PDs.	260
261	4300250	MAXIMIZE USE OF TRUST FUND REVENUES FOR OPERATING EXPENDITURES					60,000	Funds trust fund authority to pay for expenditures	261
262	5000600	IMPLEMENTATION OF ELECTRONIC FILING	2.00	140,833	96,277	44,556		Supports e-filing for 13th and 16th PD	262
263	51R0100	SALARY RATE ADJUSTMENT FOR 13TH PD (\$500,000)						Increase in salary rate for 13th PD to help address turnover.	263
264									264
265	TOTAL: PUBLIC DEFENDERS		2,806.00	174,685,052	174,077,914	607,138	35,391,243		265
266									266
267	APPELLATE PUBLIC DEFENDERS								267
268		START-UP 2014-15 (Recurring continuation of current law and policy)	178.00	14,927,225	14,927,225	-	161,148		268
269	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					92	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	269
270	2000A10	REALIGNMENT OF PUBLIC DEFENDER APPELLATE BUDGET AUTHORITY - ADD		110,000	110,000			Realigns salary and rate appropriated last session from the appellate PD in the 11th to the offices in the 2nd, 7th, 10th and 15th judicial circuits.	270
271	2000A20	REALIGNMENT OF PUBLIC DEFENDER APPELLATE BUDGET AUTHORITY - DEDUCT		(110,000)	(110,000)			See above issue.	271
272	3000640	ENHANCED OTHER PERSONAL SERVICES		50,000		50,000		Provides funding for 2nd circuit PDA for temporary attorneys.	272
273									273
274	TOTAL: APPELLATE PUBLIC DEFENDERS		178.00	14,977,225	14,927,225	50,000	161,240		274
275									275
276	CAPITAL COLLATERAL REGIONAL COUNSELS								276

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
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			FTE	TOTAL GR	RECUR GR	N/R GR			TRUST FUNDS
277		START-UP 2014-15 (Recurring continuation of current law and policy)	77.00	7,731,686	7,731,686	-	409,236		277
278	2301900	BUILDING RENTAL FOR PRIVATELY OWNED OFFICE SPACE		15,490	15,490			Funds rent increase for both the middle and south CCRCs.	278
279	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT		80,865		80,865		Funds computers, software. Senate IT approved this request.	279
280	3000450	CAPITAL COLLATERAL CASE STATUS WORKLOAD					200,000	Increases trust fund authority to fund CCRC-M and CCRC-S case related costs and expenditures.	280
281	3000640	ENHANCED OTHER PERSONAL SERVICES		62,995	62,995			Funds E-filing and other part-time support	281
282	5100200	CAPITAL POST CONVICTION LITIGATION	3.00	387,182	375,863	11,319		Funds an attorney, an investigator, and legal assistant for CCRC-N to handle pending cases anticipated for FY 2014-15.	282
283									283
284		TOTAL: CAPITAL COLLATERAL REGIONAL COUNSELS	80.00	8,278,218	8,186,034	92,184	609,236		284
285									285
286		REGIONAL CONFLICT COUNSEL							286
287		START-UP 2014-15 (Recurring continuation of current law and policy)	412.00	39,400,167	39,400,167	-	1,126,287		287
288	1607290	PRORATED TRUST FUND AMOUNT FOR FISCAL YEAR 2013-14 SALARY INCREASE					80	Technical issue - Adds back prorated nonrecurring dollars to fully fund the last 9 months in FY 2013-14.	288
289	1609500	OTHER PERSONAL SERVICES HEALTH INSURANCE		144,180	144,180			Technical issue	289
290	2301900	BUILDING RENTAL FOR PRIVATELY OWNED OFFICE SPACE		121,784	121,784			Addresses rent for unfunded offices in the 1st RCC opened in FY 2012-13 and rent in the 4th RCC in Martin County. The FL DC ruled that counties are not responsible to provide space or fund offices for the RCCs.	290
291	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT		230,320		230,320		Replaces one-third of computers that are past the RCC's 3-year replacement policy.	291
292	2609500	ANNUALIZATION OF ISSUES PARTIALLY FUNDED IN PRIOR YEAR OTHER PERSONAL SERVICES HEALTH INSURANCE ANNUALIZATION		113,006	113,006			Technical issue	292
293	3000380	CRIMINAL CONFLICT AND REGIONAL COUNSEL CAPITAL ATTORNEYS	4.00	482,639	452,455	30,184		Provides funding to address capital case workload for the 2nd, 3rd, and 5th RCC.	293
294	3001360	CRIMINAL CONFLICT AND REGIONAL COUNSEL APPEALS ATTORNEYS	2.00	166,330	151,454	14,876		Funds staff for scanning e-filing documents.	294

FY 2014-15 BUDGET ISSUES
 BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
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			FTE	TOTAL GR	RECUR GR	N/R GR		
295	3001980	CAPITAL CASE MITIGATION	2.00	168,506	160,960	7,546	Funding for capital case mitigation in the 4th RCC.	295
296	3301710	REDUCE UNFUNDED TRUST AUTHORITY					(95,193)	296
297	36301C0	SUPREME COURT MANDATE SC11-399 FOR ELECTRONIC FILING		175,609	70,786	104,823	Funds computers and OPS to assist with e-filing.	297
298								298
299	TOTAL: REGIONAL CONFLICT COUNSEL		420.00	41,002,541	40,614,792	387,749	1,031,174	299
300								300
301	TOTAL 2014-15/JA COMMITTEE		44,960.25	3,880,880,000	3,839,580,000	41,300,000	796,987,298	301

**Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review**

	PROVISO	KEEP/DELETE/REVISE
1.	<p><u>DEPARTMENT OF CORRECTIONS</u></p> <p>From the funds in Specific Appropriations 602 through 736, each provider contracting with the Department of Corrections must provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents must include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department.</p> <p>Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p>	Keep
2.	<p>The Department of Corrections shall develop and use a uniform format and uniform methodologies for the purpose of reporting annually to the Governor and to the Legislature on the state prison system. Such reports shall include a comprehensive plan for current facility use and any departures from planned facility use, including opening new facilities, renovating or closing existing facilities, and advancing or delaying the opening of new or renovated facilities. The report shall include the maximum capacity of currently operating facilities and the potential maximum capacity of facilities that the department could make operational within the fiscal year. The report shall also identify appropriate sites for future facilities and provide information to support specified locations, such as availability of personnel in local labor markets. Reports should include updated infrastructure needs for existing or future facilities. Each report should reconcile capacity figures to the immediately preceding report. For the purpose of this paragraph, maximum capacity shall be calculated and displayed pursuant to section 944.023(1)(b), Florida Statutes. The department may provide additional analysis of current and future bed needs based on such factors as deemed necessary by the Secretary. The next report shall be due January 1, 2014.</p>	Keep
3.	<p>From the funds in Specific Appropriations 602 through 736, the Department of Corrections shall, before closing, substantially reducing the use of, or changing the purpose of any state correctional institution as defined in section 944.02, Florida Statutes, submit its proposal to the Governor's Office of Policy and Budget and the chairs of the Senate Appropriations Committee and the House Appropriations Committee for review.</p>	Keep
4.	<p>Funds in Specific Appropriation 602 through 736 shall not be used to pay for unoccupied space currently being leased by the Department of Corrections in the event the leases are vacant on or after July 1, 2013, and for which it has been determined by the Secretary of the department that there is no longer a need.</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

5.	Funds in Specific Appropriation 615 are from reimbursements from the U. S. Government for incarcerating aliens in Florida's prisons. If total reimbursements exceed \$9,300,000, the department shall submit a budget amendment in accordance with all applicable provisions of chapter 216, Florida Statutes, requesting additional budget authority to transfer the balance to the General Revenue Fund.	Revise
6.	From the funds in Specific Appropriations 644K , 644X and 644AK, a total of \$1,074,362 is provided as payment in lieu of ad valorem taxation for distribution to local government taxing authorities. Funding is provided as follows: \$269,324 for the Bay Correctional Facility, \$339,242 for the Moore Haven Correctional Facility, \$275,560 for the South Bay Correctional Facility, \$100,000 for the Gadsden Correctional Facility and \$90,236 for the Lake City Correctional Facility. These funds may not be distributed if there are outstanding claims for ad valorem taxes due on the property at issue and may not be distributed until the property is reclassified on the real property and tangible personal property rolls as State Government property back to the date the finance corporation or other state entity acquired the title thereto. These distributions shall be adjusted, with respect to any facility, to reimburse the Department of Corrections for the total amounts expended by the state in resisting the imposition of such ad valorem tax claims, including all attorneys' fees and costs actually incurred by the state's agencies.	Keep
7.	Funds and positions in Specific Appropriations 602 through 678 and 701 through 736 support the state's inmate population. These funds and positions are sufficient to provide housing and security for 100,359 inmates when fully annualized. Variable expenses, maintenance, and health services funds are provided for an average daily population of 100,028 inmates.	Revise
8.	Funds and positions in Specific Appropriations 602 through 678 and 701 through 736 are provided to address security needs for the prison population expected in Fiscal Year 2013-2014, as projected by the Criminal Justice Estimating Conference.	Keep
9.	From the funds in Specific Appropriations 602 through 678 and 701 through 736, the Department of Corrections shall open the 432-bed Gadsden Re-Entry Center as a substance abuse treatment and vocational training center serving inmates within three years of release from prison. The Department of Corrections will issue a competitive solicitation for program services for inmates at the Gadsden Re-Entry Center. The program will be performance-based to maximize the number of inmates receiving treatment. At least 70 percent of the inmate population shall be actively enrolled in treatment programs. In addition, an advisory group for the re-entry program will be established by the Department of Corrections to provide accountability through oversight in program planning, design and evaluation to ensure that the re-entry program provides the optimal performance.	Revise
10.	From the funds in Specific Appropriation 644C, \$142,900 from recurring general revenue funds is provided to the City of Pahokee as a payment in lieu of taxes for the Sago Palm facility.	Keep
11.	From the funds in Specific Appropriation 657, \$34,504,901 in general revenue funds is provided to the Department of Corrections to ensure all general revenue public worksquads are maintained. The Department of Corrections shall, before eliminating any general revenue funded public worksquad officer positions, submit its proposal to the Governor's Office of	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	Policy and Budget and the chairs of the Senate Appropriations Committee and the House Appropriations Committee for review and approval.	Keep																						
12.	Funds and positions in Specific Appropriation 661 from the Correctional Work Program Trust Fund are provided for interagency contracted services funded by state agencies or local governments. These positions and funds shall be released as needed upon execution of interagency community service squad contracts.	Keep																						
13.	From the funds provided in Specific Appropriation 662, \$3,780,123 is provided for the Department of Corrections to provide electronic monitoring for inmates in privately operated work release facilities while in the community under work release assignment.	Revise																						
14.	From the funds in Specific Appropriation 662, no privately operated work release center may house more than 200 inmates at any given time. In addition, each facility with 100 or more inmates in its work release program must have at least one certified correctional officer on premises at all times.	Keep																						
15.	From funds in Specific Appropriation 668T, \$1,000,000 in recurring general revenue funds is provided to continue the victim notification system (VINE).	Keep																						
16.	<p>Funds in Specific Appropriation 677 are provided for payments required under the master lease purchase agreement used to secure the certificates of participation issued to finance or refinance the following correctional facilities:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Bay Correctional Facility.....</td> <td style="text-align: right;">3,419,078</td> </tr> <tr> <td>Moore Haven Correctional Facility (Glades County).....</td> <td style="text-align: right;">3,059,759</td> </tr> <tr> <td>South Bay Correctional Facility (Palm Beach County)...</td> <td style="text-align: right;">5,046,757</td> </tr> <tr> <td>Graceville Correctional Facility (Jackson County).....</td> <td style="text-align: right;">7,513,941</td> </tr> <tr> <td>Okeechobee Correctional Institution.....</td> <td style="text-align: right;">3,448,894</td> </tr> <tr> <td>Blackwater River Correctional Facility (Santa Rosa County)..</td> <td style="text-align: right;">10,716,494</td> </tr> <tr> <td>Gadsden Correctional Facility.....</td> <td style="text-align: right;">3,043,688</td> </tr> <tr> <td>Lake City Correctional Facility (Columbia County).....</td> <td style="text-align: right;">2,621,618</td> </tr> <tr> <td>Demilly Correctional Institution (Polk County).....</td> <td style="text-align: right;">1,386,375</td> </tr> <tr> <td>Sago Palm Work Camp (Palm Beach County).....</td> <td style="text-align: right;">1,473,625</td> </tr> <tr> <td>Various DOC Facility Projects - Series 2009 B and C Bonds...</td> <td style="text-align: right;">30,609,155</td> </tr> </table> <p>Series 2009 B and C Bonds include various facility construction projects for the following Department of Corrections facilities: Mayo Annex (Lafayette County), Suwannee Annex (Suwannee County), Lowell Reception Center (Marion County), Lancaster Secure Housing Unit (Gilchrist County), Liberty Work Camp (Liberty County), Franklin Work Camp (Franklin County), Cross City Work Camp (Dixie County), Okeechobee Work Camp (Okeechobee County), New River Work Camp (Bradford County), Santa Rosa Work Camp (Santa Rosa County), Hollywood Work Release Center (Broward County), Kissimmee Work Release</p>	Bay Correctional Facility.....	3,419,078	Moore Haven Correctional Facility (Glades County).....	3,059,759	South Bay Correctional Facility (Palm Beach County)...	5,046,757	Graceville Correctional Facility (Jackson County).....	7,513,941	Okeechobee Correctional Institution.....	3,448,894	Blackwater River Correctional Facility (Santa Rosa County)..	10,716,494	Gadsden Correctional Facility.....	3,043,688	Lake City Correctional Facility (Columbia County).....	2,621,618	Demilly Correctional Institution (Polk County).....	1,386,375	Sago Palm Work Camp (Palm Beach County).....	1,473,625	Various DOC Facility Projects - Series 2009 B and C Bonds...	30,609,155	Revise
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Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	Center (Osceola County), Lake City Work Release Center (Columbia County), Santa Fe Work Release Center (Alachua County), Everglades Re-Entry Center (Dade County), Baker Re-Entry Center (Baker County), and Pat Thomas Re-Entry Center (Gadsden County).	Revise
17.	The funds in Specific Appropriation 677 reflect \$27,000,000 in surplus bond construction proceeds.	Revise
18.	Funds in Specific Appropriation 691 are provided to continue rent payments for individual private contracts for rental of office/building space at a rate not to exceed the rate for each contract in effect on June 30, 2013. Price level increases are not provided for rent payments for Department of Corrections' private leases in the 2013-2014 fiscal year. No other funds are appropriated or shall be transferred by the department for such increases.	Keep
19.	From the funds in Specific Appropriation 692A, \$675,000 is provided from nonrecurring general revenue funds for the Operation New Hope re-entry initiative, a program that provides case management, life-coaching, job training and job placement services to assist offenders on community supervision transition back into the community and workforce in Duval County.	Revise
20.	From the funds in Specific Appropriation 692A, \$250,000 is provided from nonrecurring general revenue funds for the Ready4Work re-entry program, which provides case management, life-coaching, job training and job placement services to assist offenders on community supervision transition back into the community and workforce in Hillsborough County.	Revise
21.	Pursuant to sections 944.012(6)(c), 921.00241 and 775.082(10), Florida Statutes, \$700,143 in recurring general revenue funds are provided in Specific Appropriation 700 to continue Judicial/DOC pilot programs for offenders who would be sentenced to prison, but could be diverted to appropriate programs that allow the offender to retain community support, access drug treatment and/or employment opportunities while receiving life-skills assistance in a structured environment. These treatment programs may include drug treatment, residential and outpatient treatment programming, day reporting or other services to reduce recidivism. These pilot programs shall continue to use evidence-based practices and graduated incentives that are anticipated to result in a reduction in prison admissions for that community.	Keep
22.	From the funds in Specific Appropriation 707, \$100,000 in recurring general revenue funds is provided for Hepatitis B vaccinations for inmates.	Keep
23.	From funds in Specific Appropriation 721, \$500,000 from recurring general revenue funds and \$1,000,000 from nonrecurring general revenue funds are provided to expand a pilot online career education program to serve up to 1,000 inmates through an AdvancED/SACS accredited online school district that offers career-based online high school diplomas designed to prepare adults for transition into the workplace. The department shall provide a report regarding the progress of the inmates in the online diploma and career certificate programs to the chairs of the Senate Appropriations Committee and the House Appropriations Committee by December 31, 2013.	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

24.	From the funds in Specific Appropriation 731, \$200,000 in recurring general revenue funds may be used to expand Horizon volunteer faith and character peer-to-peer program activities at Wakulla Correctional Institution and up to 7 additional prisons, including Computer Lab, Quest and Realizing Educational Emotional and Finance Smarts (REEFS) transition programs.	Keep
25.	From the funds in Specific Appropriation 736, \$600,000 in recurring general revenue funds is provided for the Drug Abuse Comprehensive Coordinating Office, Inc. (DACCO) in Hillsborough County.	Keep
26.	<u>JUSTICE ADMINISTRATIVE COMMISSION</u> The positions in Specific Appropriation 741 are provided for State Attorneys and Public Defenders to use for grants received from counties during Fiscal Year 2013-2014 for the purpose of prosecution of local ordinance violations pursuant to section 27.34, Florida Statutes, or defense of persons accused of violating local ordinances pursuant to section 27.54, Florida Statutes. Use of these positions is contingent upon the Justice Administrative Commission notifying the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee and the Governor's Office of Policy and Budget. Such notification is subject to the legislative review and objection provisions of chapter 216, Florida Statutes. Rate may be established for these positions consistent with the salaries provided for in the grant.	Keep
27.	Funds in Specific Appropriation 743 are provided for attorney fees and case-related expenses associated with prosecuting and defending sexual predator civil commitment cases. Case-related expenses are limited to expert witness fees, clinical evaluations, court reporter costs, and foreign language interpreters. The maximum amount to be paid by the Justice Administrative Commission for medical experts for sexual predator civil commitment cases is \$200 per hour and all related travel costs must be apportioned to the associated case. The Justice Administrative Commission is authorized to pay up to \$5,000 per case for case-related expenses incurred by the State Attorney, the Public Defender, or the Criminal Conflict and Civil Regional Counsel, or court appointed counsel where there is an ethical conflict, for a combined maximum of \$10,000 for case-related expenses per case, unless the court orders payment of a greater amount. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee describing, by judicial circuit: requests for payments of case-related expenses received; court orders received directing payment of such expenses; and actual encumbrances and disbursements from this special appropriations category.	Keep
28.	From the funds in Specific Appropriation 744, \$323,000 in recurring general revenue funds shall be used by the Justice Administrative Commission to contract with attorneys selected by the Guardian ad Litem Program to represent dependent children with disabilities in, or being considered for placement in, skilled nursing facilities. Attorney fees shall not exceed \$4,500 per child per year and due process costs shall not exceed \$5,000 per year per child. Funds anticipated to be in excess of those necessary to represent these children may be used for attorney training on legal issues involving children with disabilities.	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

29.	The funds in Specific Appropriation 744A are provided for the Public Defenders' offices who are appointed to one or more capital clemency cases. Any Public Defender's office that has been appointed is authorized to submit budget amendments in accordance with the provisions of chapter 216, Florida Statutes, to transfer budget from the Justice Administrative Commission.	Delete
30.	<p>Funds in Specific Appropriation 746 are provided for the Public Defenders' due process costs as specified in section 29.006, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p> <p>1st Judicial Circuit..... 823,448 2nd Judicial Circuit..... 656,793 3rd Judicial Circuit..... 147,619 4th Judicial Circuit..... 1,273,749 5th Judicial Circuit..... 871,658 6th Judicial Circuit..... 1,189,457 7th Judicial Circuit..... 675,912 8th Judicial Circuit..... 479,128 9th Judicial Circuit..... 1,151,167 10th Judicial Circuit..... 757,431 11th Judicial Circuit..... 3,319,357 12th Judicial Circuit..... 647,744 13th Judicial Circuit..... 1,890,561 14th Judicial Circuit..... 328,641 15th Judicial Circuit..... 837,310 16th Judicial Circuit..... 114,835 17th Judicial Circuit..... 1,374,773 18th Judicial Circuit..... 644,172 19th Judicial Circuit..... 601,795 20th Judicial Circuit..... 877,484</p> <p>From the funds credited for use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	<p>1st Judicial Circuit..... 190,611 2nd Judicial Circuit..... 323,698 3rd Judicial Circuit..... 52,251 6th Judicial Circuit..... 103,493 7th Judicial Circuit..... 37,310 8th Judicial Circuit..... 83,798 9th Judicial Circuit..... 481,878 10th Judicial Circuit..... 68,975 11th Judicial Circuit..... 121,996 12th Judicial Circuit..... 153,205 13th Judicial Circuit..... 784,106 14th Judicial Circuit..... 134,089 15th Judicial Circuit..... 93,646 16th Judicial Circuit..... 74,983 17th Judicial Circuit..... 60,851</p>	Keep
31.	<p>Funds in Specific Appropriation 747 are provided for case fees and expenses of court-appointed counsel in civil conflict cases and child dependency cases. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of these case payments to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee by judicial circuit, which shall include, but not be limited to: information on requests for payments received; court orders received directing payment; and actual encumbrances and disbursements and performance measures for court appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type from this special appropriations category.</p> <p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for the following dependency and civil cases is set as follows:</p> <p>ADMISSION OF INMATE TO MENTAL HEALTH FACILITY..... 300 ADULT PROTECTIVE SERVICES ACT - Ch. 415, F.S..... 500 BAKER ACT/MENTAL HEALTH - Ch. 394, F.S..... 400 CINS/FINS - Ch. 984, F.S..... 750 CIVIL APPEALS..... 400 DEPENDENCY - Up to 1 Year..... 800</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	DEPENDENCY - Each Year after 1st Year..... 200 DEPENDENCY - No Petition Filed or Dismissed at Shelter..... 200 DEPENDENCY APPEALS..... 1,000 DEVELOPMENTALLY DISABLED ADULT - Ch. 393, F.S..... 400 EMANCIPATION - Section 743.015, F.S..... 400 GUARDIANSHIP - EMERGENCY - Ch. 744, F.S..... 400 GUARDIANSHIP - Ch. 744, F.S..... 400 MARCHMAN ACT/SUBSTANCE ABUSE - Ch. 397, F.S..... 300 MEDICAL PROCEDURES - Section 394.459(3), F.S..... 400 PARENTAL NOTIFICATION OF ABORTION ACT..... 400 TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Up to 1 Year..... 1,000 TERMINATION OF PARENTAL RIGHTS - Ch. 39, F.S. - Each Year after 1st Year..... 200 TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Up to 1 year 1,000 TERMINATION OF PARENTAL RIGHTS - Ch. 63, F.S. - Each Year after 1st Year..... 200 TERMINATION OF PARENTAL RIGHTS APPEALS..... 2,000 TUBERCULOSIS - Ch. 392, F.S..... 300	Keep
32.	Funds in Specific Appropriation 749 are provided for court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law. Pursuant to section 27.5304 (12), Florida Statutes, if funds in this category are insufficient to pay the amounts ordered by the court above the flat fees, the amounts ordered above the flat fees shall be paid from the due process funds or other funds, as necessary, appropriated to the state court system in this Act.	Delete
33.	Funds in Specific Appropriation 750 are provided for case fees as specified in section 27.5304, Florida Statutes, and expenses as specified in section 29.007, Florida Statutes, of court-appointed counsel for indigent criminal defendants and for due process costs for those individuals the court finds indigent for costs. The Justice Administrative Commission shall submit quarterly reports, in an electronic format, of criminal conflict case payments and performance measures for court-appointed counsel including: average time to complete cases by case type; number of bar complaints for state paid cases; percent of initial invoices to the Justice Administrative Commission that are rejected; percent of initial invoices filed with the Justice Administrative Commission within 90 days after closure of the case; number of cases by type; and total cost per case by type to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee by judicial circuit.	Keep
34.	From the funds in Specific Appropriation 750, a total of \$216,934 shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Courts Administrator on behalf of the circuit courts operating shared court reporting and interpreter services.	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

35.	<p>The maximum flat fee to be paid by the Justice Administrative Commission for attorney fees for criminal conflict cases is set as follows:</p> <p>POSTCONVICTION - Rules 3.850, 3.801 & 3.800, Fl.R.Crim. Proc 1,000</p> <p>CAPITAL - 1ST DEGREE MURDER (LEAD COUNSEL)..... 15,000</p> <p>CAPITAL - 1ST DEGREE MURDER (CO-COUNSEL)..... 15,000</p> <p>CAPITAL - 1ST DEGREE MURDER (NON-DEATH)..... 2,500</p> <p>CAPITAL SEXUAL BATTERY..... 2,000</p> <p>CAPITAL APPEALS..... 2,000</p> <p>CONTEMPT PROCEEDINGS..... 400</p> <p>CRIMINAL TRAFFIC..... 400</p> <p>EXTRADITION..... 500</p> <p>FELONY - LIFE..... 2,500</p> <p>FELONY - PUNISHABLE BY LIFE..... 2,000</p> <p>FELONY 1ST DEGREE..... 1,500</p> <p>FELONY 2ND DEGREE..... 1,000</p> <p>FELONY 3RD DEGREE..... 750</p> <p>FELONY OR MISDEMEANOR - NO INFORMATION FILED..... 400</p> <p>FELONY APPEALS..... 1,500</p> <p>JUVENILE DELINQUENCY - 1ST DEGREE FELONY..... 600</p> <p>JUVENILE DELINQUENCY - 2ND DEGREE..... 400</p> <p>JUVENILE DELINQUENCY - 3RD DEGREE..... 300</p> <p>JUVENILE DELINQUENCY - FELONY LIFE..... 700</p> <p>JUVENILE DELINQUENCY - MISDEMEANOR..... 300</p> <p>JUVENILE DELINQUENCY - DIRECT FILE OR NO PETITION FILED..... 300</p> <p>JUVENILE DELINQUENCY APPEALS..... 1,000</p> <p>MISDEMEANOR..... 400</p> <p>MISDEMEANOR APPEALS..... 750</p> <p>VIOLATION OF PROBATION - FELONY (INCLUDES VOCC)..... 500</p> <p>VIOLATION OF PROBATION - MISDEMEANOR (INCLUDES VOCC)..... 300</p> <p>VIOLATION OF PROBATION (VOCC) JUVENILE DELINQUENCY..... 300</p>	Revise
36.	<p>Funds for costs and related expenses to be paid through Specific Appropriations 747, 750, and 752 shall be subject to the following:</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	<p>The hourly rate for mitigation specialists in capital death cases shall not exceed \$75.00 per hour.</p> <p>The maximum amount to be paid by the Justice Administrative Commission for non-attorney due process services other than those specified, shall not exceed the rates in effect for the 2007-2008 fiscal year.</p> <p>The maximum amount to be paid by the Justice Administrative Commission for investigators is \$40 per hour. The maximum amount to be paid for court reporting and transcribing costs is as follows:</p> <ol style="list-style-type: none"> 1. Depositions Appearance fees: 1st hour: \$50.00; thereafter \$25.00 per hour. The fee is to be paid to the court reporter whether or not a transcript is ordered. 2. Deposition transcript fee (Original & one copy): 10 business day delivery: \$4.00 per page 5 business day delivery: \$5.50 per page 24 hours delivery: \$7.50 per page Additional copies: \$0.50 per page 3. Appellate/hearing/trial transcript fee (Original & all copies needed with a minimum of 2 copies): 10 business day delivery: \$5.00 per page 5 business day delivery: \$6.50 per page 24 hours delivery: \$8.50 per page Copies (when original previously ordered): \$0.50 per page. 4. Transcription from tapes or audio recordings (other than depositions or hearings): Either \$35 per hour listening fee or \$3.00 per page whichever is greater. 5. Video Services: \$100 per hour per location with two-hour minimum. 	Keep
37.	<p>Funds in Specific Appropriation 751 are provided for the State Attorneys' due process costs as specified in section 29.005, Florida Statutes. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee. Funds shall initially be credited for the use of each circuit in the amounts listed below, and may be adjusted pursuant to the provisions of section 29.015, Florida Statutes.</p> <p>1st Judicial Circuit 589,778 2nd Judicial Circuit..... 313,621 3rd Judicial Circuit..... 116,632 4th Judicial Circuit..... 430,775 5th Judicial Circuit..... 324,016 6th Judicial Circuit..... 583,557</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

<p>7th Judicial Circuit..... 439,107 8th Judicial Circuit..... 220,834 9th Judicial Circuit..... 462,458 10th Judicial Circuit..... 287,769 11th Judicial Circuit..... 2,060,821 12th Judicial Circuit..... 260,084 13th Judicial Circuit..... 554,781 14th Judicial Circuit..... 109,918 15th Judicial Circuit..... 690,934 16th Judicial Circuit..... 85,391 17th Judicial Circuit..... 1,232,097 18th Judicial Circuit..... 351,573 19th Judicial Circuit..... 252,226 20th Judicial Circuit..... 600,274</p> <p>From the funds credited for the use in the following circuits, the amounts specified below shall be transferred in quarterly increments within 10 days after the beginning of each quarter to the Office of State Court Administrator on behalf of the circuit courts operating shared court reporting or interpreter services:</p> <p>1st Judicial Circuit..... 18,232 2nd Judicial Circuit..... 16,650 3rd Judicial Circuit..... 10,456 6th Judicial Circuit..... 25,443 7th Judicial Circuit..... 12,818 8th Judicial Circuit..... 21,937 9th Judicial Circuit..... 26,007 10th Judicial Circuit..... 3,980 11th Judicial Circuit..... 426,986 12th Judicial Circuit..... 19,650 13th Judicial Circuit..... 45,716 15th Judicial Circuit..... 61,252 16th Judicial Circuit..... 4,315 17th Judicial Circuit..... 20,081</p>	<p>Keep</p>
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Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

38.	Funds in Specific Appropriation 752 are provided to pay for criminal conflict, dependency and other civil cases for which appointment was made during Fiscal Years 2004-2005, 2005-2006, and 2006-2007. The Justice Administrative Commission shall submit quarterly reports of expenditures by circuit in an electronic format to the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee.	Keep
39.	From the funds provided in Specific Appropriation 756, the State Attorneys and Public Defenders shall transfer cash from their Grants and Donations Trust Fund, Child Support Enforcement Trust Fund, State Attorney Revenue Trust Fund, Public Defender Revenue Trust Fund, and Indigent Criminal Defense Trust Fund in proportion to their positions funded from these sources to the Justice Administrative Commission to pay the Human Resources Services contract in the Department of Management Services.	Keep
40.	Funds and positions in Specific Appropriations 759 through 768, shall first be used to represent children involved in dependency proceedings. Once all children in dependency proceedings are represented, the funds may be used to represent children in other proceedings as authorized by law.	Keep
41.	The Prosecution Coordination Office's budgeting, legal, training and education needs may be funded by each State Attorney's office within the funds provided in Specific Appropriations 777 through 902. Funding for this office shall not exceed \$450,000 from the State Attorney's Revenue Trust Fund.	Keep
42.	From the positions and funds provided in Specific Appropriation 794, three full-time equivalent positions with associated rate of 159,225 and \$224,957 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	Keep
43.	From the positions and funds provided in Specific Appropriation 826, five full-time equivalent positions with associated salary rate of 267,173 and \$387,207 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.	Keep
44.	From the positions and funds provided in Specific Appropriation 839, three full-time equivalent positions with associated salary rate of 254,047 and \$362,380 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud. Additionally, two full-time equivalent positions with associated salary rate of 91,981 and \$133,307 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.	Keep
45.	From the positions and funds provided in Specific Appropriation 851, two full-time equivalent positions with associated salary rate of 94,177 and \$136,488 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud. Additionally, two full-time equivalent positions with associated salary rate of 85,834 and \$124,398 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

46.	<p>From the positions and funds provided in Specific Appropriation 864, two full-time equivalent positions with associated salary rate of 101,694 and \$143,720 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.</p> <p>Additionally, two full-time equivalent positions with associated salary rate of 107,261 and \$143,720 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.</p>	Keep
47.	<p>From the positions and funds provided in Specific Appropriation 876, two full-time equivalent positions with associated salary rate of 100,947 and \$143,720 from the Grants and Donations Trust Fund are provided for prosecution of insurance fraud.</p> <p>Additionally, two full-time equivalent positions with associated salary rate of 107,261 and \$143,720 from the Grants and Donations Trust Fund are provided solely for prosecution of workers compensation insurance fraud.</p>	Keep
48.	<p>The Public Defenders Coordination Office's budgeting, legal, training and education needs may be funded by each Public Defender's office within the funds provided in Specific Appropriations 903 through 1008.</p> <p>Funding for this office shall not exceed \$450,000 from the Indigent Criminal Defense Trust Fund. In addition, each Public Defender Office must submit to the Florida Public Defenders Association on a quarterly basis the caseload report developed by the Association.</p>	Keep
49.	<p><u>JUVENILE JUSTICE</u></p> <p>From the funds in Specific Appropriations 1074 through 1166, each provider who contracts with the Department of Juvenile Justice shall provide the department with a proposal prior to the release of funds that details the services that will be delivered, the expected results, and recommended performance measures. The department and each provider must execute a contract before the release of any funds, and the contract documents shall include mutually agreed upon performance measures. Each provider must provide quarterly performance reports to the department. Funds shall only be released to providers whose performance reports indicate successful compliance with the performance measures described in the contract.</p>	Keep
50.	<p>From the funds in Specific Appropriations 1074 through 1166, the Department of Juvenile Justice shall establish a performance accountability system for each provider who contracts with the department for the delivery of services to children at-risk of future involvement in the criminal justice system, as determined by the department. The contract shall include both output measures, such as the number of children served, and outcome measures, such as program completion. The contractor shall report performance results annually to the department. The department's Office of Program Accountability shall summarize performance results from all contracts and report the information annually to the Legislature.</p>	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

51.	From the funds in Specific Appropriations 1074 through 1166, the Department of Juvenile Justice is directed to withhold funds from contract payments to any provider if that provider failed to comply with contract requirements that it maintain property insurance and if the failure to do so resulted in uninsured losses. The amount withheld shall not exceed the amount of the uninsured loss and may be reduced by other remedial actions agreed upon by the department and the provider.	Keep
52.	From the funds in Specific Appropriations 1074 through 1166, the Department of Juvenile Justice must, before implementing any departmental reorganization plans, submit its proposal to the Governor's Office of Policy and Budget and to the Legislative Budget Commission for approval.	Keep
53.	Funds in Specific Appropriations 1074 through 1166 shall not be used to pay for unoccupied space currently being leased by the Department of Juvenile Justice in the event the leases are vacant on or after July 1, 2013, and for which it has been determined by the Secretary of the department that there is no longer a need	Keep
54.	From the funds in Specific Appropriations 1087 through 1106, the department may contract for services consistent with the department's Juvenile Detention Alternative Initiative (JDAI) and the Annie E. Casey Foundation to divert youth from secure detention to alternative community based services. These services should be designed using in-home and community advocacy to reduce the need for more expensive restrictive placements, build community capacity to reduce recidivism, create supported work opportunities for youth, and improve community safety.	Keep
55.	Funds in Specific Appropriation 1091 are provided for services to youth at risk of commitment, which are eligible to be placed in evidence-based and other alternative programs for family therapy services. These services shall be provided as an alternative to commitment. The Department of Juvenile Justice and each participating court may jointly develop criteria to identify youth appropriate for diversion into the Redirections Program.	Keep
56.	From the funds in Specific Appropriation 1091, the Department of Juvenile Justice may transfer up to \$2,000,000 from the General Revenue Fund to the Agency for Health Care Administration to provide Medicaid coverage for children eligible for specialized mental health services.	Keep
57.	From the funds in Specific Appropriations 1128 through 1152, the department shall provide a weekly residential resource utilization report that identifies operating capacity, current placements, vacant placements, number of youth waiting placement and the percent of use for all residential commitment beds. The department may increase or decrease beds or overlay services provided that the change will better serve taxpayers and the youth under its care. Notification and justification of changes will be provided to the Governor's Office of Policy and Budget, the chair of the Senate Appropriations Committee and the chair of the House Appropriations Committee prior to implementing any change.	Keep
58.	From the funds in Specific Appropriation 1128 through 1152, in order to maximize the number of filled beds and reduce the number of vacant beds in their programs statewide, the Department of Juvenile Justice shall use economies of scale in each judicial circuit when procuring residential bed contracts. In addition, the department shall ensure that educational services are consolidated commensurate with the effort to maximize filled beds. In order to maximize cost savings, the consolidation	Delete

Senate Subcommittee on Criminal and Civil Justice Appropriations

Chapter 2013-40 GAA Proviso Review

	must include educational services in neighboring counties or where department facilities are within 30 miles of each other. In making these determinations, the department shall consider the type of program and level of commitment. Finally, the department must report their program consolidation results to the Governor's Office of Policy and Budget and the chairs of the Senate Appropriations Committee and the House Appropriations Committee by January 1, 2014.	Delete
59.	A review by a Department of Education/Department of Juvenile Justice interagency workgroup shall occur prior to the 2014 Legislative session to provide further guidance on how educational services in residential programs will be provided. Finally, the workgroup must report their recommendations and results to the Governor's Office of Policy and Budget and the chairs of the Senate Appropriations Committee and the House Appropriations Committee by January 1, 2014.	Delete
60.	From the funds in Specific Appropriation 1158, \$618,750 shall be used to operate a 50-slot PACE Center for Girls program in Miami-Dade County to serve at-risk middle and high school girls.	Revise
61.	From the funds in Specific Appropriation 1159, \$650,415 from recurring general revenue funds is provided to the PAR Adolescent Intervention Center (PAIC) Pasco.	Keep
62.	From the funds in Specific Appropriation 1161, \$1,000,000 in recurring general revenue funds and \$4,000,000 in nonrecurring general revenue funds is provided for the Florida Alliance of Boys and Girls Clubs.	Revise
63.	From the funds in Specific Appropriation 1161, \$400,000 in recurring general revenue funds and \$1,100,000 in nonrecurring general revenue funds is provided for Big Brothers Big Sisters of Florida.	Revise
64.	From the funds in Specific Appropriation 1161, \$36,000 in nonrecurring general revenue funds is provided for Pasco Association of Challenged Kids Summer Camp.	Revise
65.	<p>From the funds in Specific Appropriation 1163, the Department of Juvenile Justice shall not expend more than \$150,000 in recurring general revenue funds for physically secure placements for youths being served by the Children-In-Need of Services/Families-In-Need of Services (CINS/FINS) program.</p> <p>Additionally, the CINS/FINS provider shall demonstrate that it has considered local, non-traditional, non-residential delinquency prevention service providers including, but not limited to, grassroots organizations, community, and faith-based organizations, to subcontract and deliver non-residential CINS/FINS services to eligible youth as defined in chapter 984 and section 1003.27, Florida Statutes, to include areas with high ratios of juvenile arrests per youth 10 to 17 years of age. Such services may be offered throughout the judicial circuit served by the CINS/FINS provider.</p>	Keep
66.	From the funds in Specific Appropriation 1163, \$1,501,605 shall be used to expand the Children in Need of Services/Families in Need of Services (CINS/FINS) program to provide non-residential services to the following rural counties where services are currently unavailable: Hamilton, Highlands, Jefferson, Madison, Taylor, Franklin, Sumter, Levy, Citrus and Bradford.	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

67.	From the funds in Specific Appropriation 1165, the Prodigy Program shall include at least two of the four at-risk domains of the Department of Juvenile Justice's risk factors when placing a youth into a prevention, intervention or diversion program. In addition, each youth who enters the program shall be tracked by the department's Juvenile Justice Information System (JJIS) or Prevention Web system. In addition, the Prodigy Program shall contract with a consultant to track arrests or re-arrests for prevention, intervention, and diversion youth for 12 months after completing the program and submit the results to the department semi-annually.	Keep
68.	<u>FLORIDA DEPARTMENT OF LAW ENFORCEMENT</u> From the funds in Specific Appropriation 1200, the Department of Law Enforcement is authorized to distribute 10,000 rape kits to local law enforcement agencies and rape crisis centers statewide at no cost. In addition, the department is authorized to use additional federal funds and any other available funds contained in Specific Appropriation 1200 for the purpose of processing rape kits, including the backlog of non-suspect rape cases.	Keep
69.	From the funds provided in Specific Appropriation 1211 from the Forfeiture and Investigative Support Trust Fund, up to \$25,000 per case, but not exceeding \$150,000 in total for all cases, may be expended for rewards leading to the capture of fugitives, if such funds are available.	Keep
70.	From the funds in Specific Appropriation 1216, \$232,461 in recurring general revenue funds is provided for A Child Is Missing Program.	Keep
71.	From the funds in Specific Appropriation 1243, \$18,600 in nonrecurring general revenue funds is provided to create a public search function through the internet of campus registration information of sexual predators and offenders in Florida.	Delete
72.	<u>DEPARTMENT OF LEGAL AFFAIRS/ATTORNEY GENERAL</u> From the funds in Specific Appropriation 1272, \$500,000 in recurring general revenue funds are provided to the Florida Council Against Sexual Violence. At least 95 percent of the funds provided shall be distributed to certified rape crisis centers to provide services statewide for victims of sexual assault.	Keep
73.	From the funds in Specific Appropriation 1273, \$200,000 in nonrecurring general revenue funds is provided to the Florida Coalition Against Domestic Violence aimed at reducing and preventing domestic violence homicide.	Revise
74.	From the funds in Specific Appropriation 1273, \$100,000 in nonrecurring general revenue funds is provided to the Council on the Social Status on Black Men and Boys.	Delete
75.	From the funds in Specific Appropriation 1273, \$100,000 in nonrecurring general revenue funds is provided for the Justice Coalition to provide crisis counseling, referral, education and advocacy to victims of violent crimes.	Revise
76.	From the funds in Specific Appropriation 1285, \$50,000 in nonrecurring general revenue funds is provided to the Cuban American Bar Association Pro Bono Project to provide free legal assistance to individuals and families whose household income is within 125% of the Federal Poverty Guidelines.	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

77.	From the funds in Specific Appropriation 1285, \$100,000 in nonrecurring general revenue funds is provided to the Virgil Hawkins Florida Chapter Bar Association.	Keep
78.	The positions in Specific Appropriation 1294 shall be released as necessary to allow the Office of the Attorney General to contract with state agencies to provide legal representation.	Keep
79.	The funds provided in Specific Appropriation 1306 shall not be utilized for any costs related to the potential expansion of floor space operated and managed by the Northwest Regional Data Center.	Delete
80.	<u>STATE COURT SYSTEM</u> The funds provided in Specific Appropriations 3156 through 3225 shall not be used to fund any facility study or architectural/engineering study to assist in planning for the current or future needs of the Second District Court of Appeal.	Delete
81.	Funds in Specific Appropriation 3161 may be spent at the discretion of the Chief Justice to carry out the official duties of the court. These funds shall be disbursed by the Chief Financial Officer upon receipt of vouchers authorized by the Chief Justice.	Keep
82.	The positions authorized in Specific Appropriation 3179 shall be held in reserve as a contingency in the event the state courts determine that some portion of Article V due process services needs to be shifted from a contractual basis to an employee model in one or more judicial circuits. The Chief Justice of the Supreme Court may request transfer of these positions to the salaries and benefits appropriation category within any of the state courts budget entities, consistent with requests for transfers of funds into those same budget entities. Such transfers are subject to the notice, review, and objection provisions of section 216.177, Florida Statutes.	Keep
83.	From the funds in Specific Appropriation 3185, \$32,000 in recurring general revenue funds is provided to the Second District Court of Appeal to address minimum security requirements and day-to-day operating needs for the facility.	Delete
84.	The funds in Specific Appropriation 3191 are provided to the Second District Court of Appeal for the replacement of air handlers.	Delete
85.	From the funds in Specific Appropriation 3191A, \$50,000 in nonrecurring general revenue funds is provided to the state courts to contract for an architectural and engineering study of the Fourth District Court of Appeal facility to address ADA compliance and court security issues.	Delete
86.	The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate the effectiveness of Florida's post-adjudicatory drug courts. The review shall assess performance based on program output metrics (e.g., program completion), cost metrics (e.g., cost per successful completion), and outcome metrics (e.g., re-arrest and re-incarceration rates of program participants). The report shall also compare program performance across the 8 post-adjudicatory drug court programs and identify reasons that performance may vary across programs. The report shall include recommendations for improving the effectiveness of these programs. OPPAGA shall report its	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	findings and recommendations to the Speaker of the House of Representatives and the President of the Senate by January 13, 2014.	Revise
87.	<p>From the funds in Specific Appropriation 3201, \$3,500,000 in nonrecurring general revenue funds shall be distributed to the 25 Children's Advocacy Centers throughout Florida based on the proportion of children served by each center during calendar year 2012. This funding may not be used to supplant local government reductions in Children's Advocacy Center funding. Any reductions in local government funding for the centers shall result in the withholding of funds appropriated in this line item.</p> <p>The Florida Network of Children's Advocacy Centers may spend up to \$25,000 in this line item for contract monitoring and oversight.</p>	Revise
88.	From the funds in Specific Appropriation 3203, \$600,000 in nonrecurring general revenue funds shall be distributed to Okaloosa, Pasco, Pinellas, and Clay counties and \$150,000 in recurring general revenue funds shall be distributed to Alachua County to create, pursuant to ss. 948.08(7)(a) and 948.16 (2)(a), F.S., felony and/or misdemeanor pretrial veterans' treatment intervention programs to address the substance abuse and mental health treatment needs of veterans and service members charged with criminal offenses.	Revise
89.	From the funds in Specific Appropriation 3204, \$316,000 in nonrecurring general revenue is distributed to the Eighteenth Judicial Circuit to continue its program to protect victims of domestic violence with Active Global Positioning Satellite (GPS) technology.	Revise
90.	Funds in Specific Appropriation 3224 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney's fees, court reporting fees, investigators' fees, and similar charges associated with the adjudicatory process.	Keep

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	BACK OF BILL PROVISIONS	KEEP/DELETE/REVISE
1.	SECTION 33. The sum of \$8,328,934 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2012-2013 due to the revised Criminal Justice Estimating Conference prison population forecast that increased the average daily population from 99,257 to 100,137. This section is effective upon becoming law.	Revise
2.	SECTION 34. The sum of \$10,878,804 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2012-2013 to restore funding associated with privatization efforts in Region IV that did not occur. This section is effective upon becoming law.	Delete
3.	SECTION 35. The sum of \$14,077,646 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2012-2013 to restore savings associated with healthcare privatization efforts not being realized. This section is effective upon becoming a law.	Delete
4.	SECTION 36. There is hereby appropriated the sum of \$693,912 in nonrecurring trust fund authority to the State Courts Revenue Trust Fund in the State Courts Due Process Cost category within the State Court System. Funds shall be used for Fiscal Year 2012-2013 court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law as specified in line item 828 of the Fiscal Year 2012-2013 General Appropriations Act. This section is effective upon becoming law.	Revise
5.	SECTION 37. The sum of \$16,600,000 in nonrecurring general revenue funds is hereby appropriated to the Clerks of the Court Trust Fund within the Justice Administrative Commission to cover Fiscal Year 2012-2013 trust fund deficits. This section is effective upon becoming law.	Delete
6.	SECTION 38. The sum of \$10,007,308 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2012-2013 to address the department's projected current year operational deficits. This section is effective upon becoming a law.	Revise
7.	SECTION 39. From the funds appropriated in Specific Appropriation 758 of chapter 2012-118, Laws of Florida, the sum of \$30,500,000 in reserve shall revert to the General Revenue Fund. This section is effective upon becoming law.	Delete
8.	SECTION 40. The unexpended balance of funds provided in Section 6, chapter 2012-155, Laws of Florida, for the relocation of victims of sexual battery as provided in s. 960.199, Florida Statutes, is hereby reverted and reappropriated for Fiscal Year 2013-2014 to the Department of Legal Affairs for the same purpose.	Delete
9.	SECTION 41. The unexpended balance of funds provided in Specific Appropriation 1333, chapter 2012-118, Laws of Florida, for the Council on the Social Status of Black Men and Boys, is hereby reverted and reappropriated for Fiscal Year 2013-2014	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
Chapter 2013-40 GAA Proviso Review

	to the Department of Legal Affairs for the same purpose.	Revise
10.	SECTION 42. Specific Appropriation 834 of chapter 2012-118, Laws of Florida, is hereby reduced by \$801,658 in nonrecurring general revenue. There is hereby appropriated the sum of \$641,658 in nonrecurring general revenue to the Criminal Conflict and Civil Regional Counsel – First District in Fiscal Year 2012-2013. There is hereby appropriated the sum of \$160,000 in nonrecurring general revenue to the Criminal Conflict and Civil Regional Counsel - Second District in Fiscal Year 2012-2013. This section is effective upon becoming law.	Revise
11.	SECTION 43. The Legislature hereby adopts by reference the changes to the approved operating budget as set forth in Budget Amendment EOG #B2013-0544 as submitted on April 8, 2013, by the Governor on behalf of the Department of Corrections for approval by the Legislative Budget Commission. The Governor shall modify the approved operating budget for Fiscal Year 2012-2013 consistent with the amendment. This section is effective upon becoming law.	Delete
12.	SECTION 44. The unexpended balance of funds appropriated in sections 48 and 49 of chapter 2012-118, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to EOG #B2013-0005, is hereby reverted and reappropriated for Fiscal Year 2013-14 for the purpose of the original appropriation within the Department of Law Enforcement.	Delete
13.	SECTION 45. The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 2026A of Chapter 2012-118, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG #B2013-0014, is hereby reverted and reappropriated for Fiscal Year 2013-14 for the purpose of the original appropriation within the Department of Law Enforcement.	Revise

Senate Subcommittee on Criminal and Civil Justice Appropriations
NEW Proviso and Back of Bill Language

	NEW PROVISO	APPROVED Yes / No
1.	<p><u>DEPARTMENT OF CORRECTIONS</u></p> <p>From the funds in Specific Appropriations 598 through 786, the Department of Corrections may work within its existing budget, including applicable grants, to implement any corrective action plan that is developed as the result of a Prison Rape Elimination Act audit conducted in accordance with Title 23, Part 115 of the Code of Federal Regulations. The department may request additional resources required through the Legislative Budget Request process as defined in chapter 216, Florida Statutes.</p>	
2.	<p>From the funds in Specific Appropriations 687 through 698, the Department of Corrections shall contract with a private provider for the operation of Daytona Beach Work Release Center. The contract shall be awarded based upon a competitive solicitation process pursuant to s. 287.057, Florida Statutes.</p>	
3.	<p>From the funds in Specific Appropriations 786, the Department of Corrections shall contract with a private provider for the operation of an 80 bed short-term residential (nonsecure) substance abuse treatment center in Alachua County for offenders under community supervision. The provider must have experience in residential treatment of substance abuse and co-occurring disorders. The contract shall be awarded based upon a competitive solicitation process pursuant to s. 287.057, Florida Statutes.</p>	
4.	<p>From the funds in Specific Appropriation *****, \$500,000 in recurring general revenue funds is provided for the continued use of Vivitrol to treat alcohol and opioid dependence within the Department of Corrections.</p>	
5.	<p><u>JUVENILE JUSTICE</u></p> <p>From the funds in Specific Appropriations 1128 through 1213, the Department of Juvenile Justice may work within its existing budget, including applicable grants, to implement any corrective action plan that is developed as the result of a Prison Rape Elimination Act audit conducted in accordance with Title 23, Part 115 of the Code of Federal Regulations. The department may request additional resources required through the Legislative Budget Request process as defined in chapter 216, Florida Statutes.</p>	

See Reverse Side for Back of Bill Provisions

Senate Subcommittee on Criminal and Civil Justice Appropriations
NEW Proviso and Back of Bill Language

	BACK OF BILL PROVISIONS	APPROVED Yes / No
1.	SECTION ????. The sum of \$12,350,689 from nonrecurring general revenue funds is hereby appropriated to the Department of Corrections for Fiscal Year 2013-2014 due to the revised Criminal Justice Estimating Conference prison population forecast that increased the average daily population from 100,028 to 101,140. This section is effective upon becoming law.	
2.	SECTION ????. There is hereby appropriated the sum of \$1,800,000 in nonrecurring general revenue to address a projected deficit in the State Courts Revenue Trust Fund within the State Court System. Funds shall be used for Fiscal Year 2013-2014 court ordered payments for attorney fees in criminal conflict cases in excess of the flat fee established in law as specified in line item 749 of the Fiscal Year 2013-2014 General Appropriations Act. This section is effective upon becoming law.	
3.	SECTION ????. Specific Appropriation 755 of chapter 2013-408, Laws of Florida, is hereby reduced by \$650,000 in nonrecurring general revenue. There is hereby appropriated the sum of \$450,000 in nonrecurring general revenue to the Criminal Conflict and Civil Regional Counsel - Second District in Fiscal Year 2013-2014. There is hereby appropriated the sum of \$200,000 in nonrecurring general revenue to the Criminal Conflict and Civil Regional Counsel - Fourth District in Fiscal Year 2013-2014. This section is effective upon becoming law.	
4.	SECTION ????. The unexpended balance of funds provided to the Department of Law Enforcement for domestic security issues in Specific Appropriation 1949A of Chapter 2013-040, Laws of Florida, and subsequently distributed to the Department of Law Enforcement pursuant to budget amendment EOG #B2014-0014, is hereby reverted and reappropriated for Fiscal Year 2014-15 for the purpose of the original appropriation within the Department of Law Enforcement.	
5.	SECTION ????. The sum of \$18,400,000 from nonrecurring General Revenue is hereby appropriated to the Department of Juvenile Justice for Fiscal Year 2013-14 to fund the deficit in the Juvenile Detention Program. This section is effective upon becoming law.	

CAPITAL CLEMENCY REPRESENTATION

TALKING POINTS

- The Timely Justice Act added language to the law requiring that, *if the executive clemency process has concluded*, the Governor must issue a warrant for execution within 30 days of receiving the letter of certification from the clerk of the Supreme Court that direct and postconviction appeals are completed. Therefore, the efficiency of the capital case process is contingent, in part, on the timely completion of the executive clemency process.
- As a result, the Legislature included \$250,000 in the FY 2013-14 budget to fund public defenders to represent clients in capital clemency cases. \$200,000 of the money was transferred to the 10th Judicial Circuit Public Defender to handle the cases.
- The Governor's FY 2014-15 budget shifts this function from the public defenders to the Florida Parole Commission. Consistent with this approach, the Senate proposed budget reduces the funding for the public defender to \$125,000 (to address on-going cases) and includes new funding of \$125,000 in the Parole Commission budget to fund private counsel to provide capital clemency representation.
- This conforming bill eliminates language authorizing the court to appoint the public defender or regional conflict counsel to represent inmates in these cases and adds language giving the Board of Executive Clemency the responsibility to appoint counsel for this purpose.
- The conforming bill also raises the maximum amount of compensation that can be paid to an appointed attorney from \$1,000 to \$10,000.

COURT-APPOINTED COUNSEL CONFORMING BILL

TALKING POINTS

This conforming bill makes three changes to law:

- First, it increases the flat fee statutory caps for certain life felonies, capital cases, and appeals cases. This change will permit the legislature to increase the flat fee rates for these cases, which is set yearly in the GAA. In the proposed Senate bill, we've increased the rates for 8 critical case types at a net cost of \$2 million.
- Second, the bill eliminates the language from SB 1960 (2012) that permitted the chief judge in each circuit to establish a limited registry of court-appointed attorneys to represent indigent clients. The limited registry is comprised of attorneys willing to accept, as full payment, the prescribed flat fees set in the GAA (except for RICO and capital cases) and was designed to reduce due process expenditures. The bill eliminates this language because it's not clear that it saved money as intended and the limited registry has been the subject of litigation.
- Third, the bill establishes a cross-circuit conflict representation pilot project in the 6th, 9th, 10th, and 13th Judicial Circuits. Currently when a public defender withdraws from a case due to a conflict of interest, the case goes to the regional conflict counsel. If the regional conflict counsel has a conflict, the case goes to the private attorney registry. Under the bill's provisions, instead of the case going to private counsel, the case would go to a public defender in a neighboring circuit. The goal of the provision is to reduce cases going to the private registry, which is very expensive.

Proposed 2014-2015 Implementing Bill (Ch. 2014-XXX)

Line No.	IB PCB Section #	Description	IB PCB: Specific Appropriation(s) Implemented	Ch. 2013-41 LOF: Specific Appropriation(s) Implemented	F.S. Cited	History
		Criminal and Civil Justice / Justice				
1		DOC / CJEC BUDGET AMENDMENT. Amends s. 216.262, F.S. to allow the Executive Office of the Governor (EOG) to request additional positions and appropriations from unallocated general revenue during the 2014-2015 fiscal year for the Department of Corrections (DOC) if the actual inmate population of the DOC exceeds certain Criminal Justice Estimating Conference forecasts. The additional positions and appropriations may be used for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population, and are subject to LBC review and approval.		625 through 734 and 747 through 786	216.262(4), F.S.	2013-41(10) 2012-119(12) 2011-47(15) 2010-153(5) 2009-82(3), 2008-153(8), 2007-73(7), 2006-26(7), 2005-71(14), 2004-269(24), 2003-399(35), 2002-402(25) 2001-254(28) 2000-171(38)
2		DEPARTMENT OF LEGAL AFFAIRS. Authorizes DLA to expend appropriated funds in those specific appropriations on the same programs that were funded by the department pursuant to specific appropriations made in general appropriations acts in prior years.		1322 and 1323	None	2013-41(11) 2012-119 (14) 2011-47(17) 2010-153(7) 2009-82(4) 2008-153(9), 2007-73(9), 2006-26(9),
3		DJJ / MEDICARE RATES. Provides limitation on DJJ reimbursements for health care services to 110 percent of Medicare allowable rates.		1130, 1135, 1136, 1142, 1143, 1147, 1148, 1184, 1186, 1192, 1193, 1194, 1205 and 1210	None	2013-41(13) 2012-119(16) 2011-47(19) 2010-153(11)