

By Senator Bankhead

RB98-2

1                   A reviser's bill to be entitled  
 2           An act relating to the Florida Statutes;  
 3           amending ss. 20.19, 20.316, 26.012, 27.02,  
 4           27.151, 27.52, 39.01, 39.40, 39.403, 39.408,  
 5           39.41, 39.452, 39.454, 49.011, 95.11, 228.041,  
 6           230.2316, 230.23161, 230.335, 232.17, 232.19,  
 7           239.117, 240.235, 240.35, 253.025, 316.003,  
 8           316.635, 318.143, 318.21, 397.6758, 397.706,  
 9           409.145, 409.1685, 409.2564, 409.803, 415.107,  
 10          415.5015, 415.503, 415.5086, 415.51, 419.001,  
 11          743.0645, 744.309, 784.075, 790.22, 790.23,  
 12          877.22, 921.0012, 921.0022, 938.17, 943.0515,  
 13          943.0585, 943.059, 944.401, 948.51, 958.04,  
 14          958.046, 960.001, 984.03, 984.04, 984.05,  
 15          984.071, 984.10, 984.15, 984.16, 984.20,  
 16          984.21, 984.22, 984.225, 984.226, 984.23,  
 17          984.24, 985.03, 985.213, 985.214, 985.218,  
 18          985.231, and 985.306, F.S., to conform to the  
 19          directive of the Legislature in section 122 of  
 20          chapter 97-238, Laws of Florida, to incorporate  
 21          the reorganization of the content of chapter  
 22          39, F.S., into chapters 39, 984, and 985, F.S.,  
 23          as provided in chapter 97-238; correcting  
 24          cross-references.

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

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 28           Section 1. Paragraph (o) of subsection (7) of section  
 29   20.19, Florida Statutes, is amended to read:

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1           20.19 Department of Children and Family  
2 Services.--There is created a Department of Children and  
3 Family Services.  
4           (7) HEALTH AND HUMAN SERVICES BOARDS.--  
5           (o) Health and human services boards have the  
6 following responsibilities, with respect to those programs and  
7 services assigned to the districts, as developed jointly with  
8 the district administrator:  
9           1. Establish district outcome measures consistent with  
10 statewide outcomes.  
11           2. Conduct district needs assessments using  
12 methodologies consistent with those established by the  
13 secretary.  
14           3. Negotiate with the secretary a district performance  
15 agreement that:  
16           a. Identifies current resources and services  
17 available;  
18           b. Identifies unmet needs and gaps in services;  
19           c. Establishes service and funding priorities;  
20           d. Establishes outcome measures for the district; and  
21           e. Identifies expenditures and the number of clients  
22 to be served, by service.  
23           4. Provide budget oversight, including development and  
24 approval of the district's legislative budget request.  
25           5. Provide policy oversight, including development and  
26 approval of district policies and procedures.  
27           6. Act as a focal point for community participation in  
28 department activities such as:  
29           a. Assisting in the integration of all health and  
30 social services within the community;  
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- 1           b. Assisting in the development of community  
2 resources;
- 3           c. Advocating for community programs and services;
- 4           d. Receiving and addressing concerns of consumers and  
5 others; and
- 6           e. Advising the district administrator on the  
7 administration of service programs throughout the district.
- 8           7. Advise the district administrator on ways to  
9 integrate the delivery of family and health care services at  
10 the local level.
- 11           8. Make recommendations which would enhance district  
12 productivity and efficiency, ensure achievement of performance  
13 standards, and assist the district in improving the  
14 effectiveness of the services provided.
- 15           9. Review contract provider performance reports.
- 16           10. Immediately upon appointment of the membership,  
17 develop bylaws that clearly identify and describe operating  
18 procedures for the board. At a minimum, the bylaws must  
19 specify notice requirements for all regular and special  
20 meetings of the board, the number of members required to  
21 constitute a quorum, and the number of affirmative votes of  
22 members present and voting that are required to take official  
23 and final action on a matter before the board.
- 24           11.a. Determine the board's internal organizational  
25 structure, including the designation of standing committees.  
26 In order to foster the coordinated and integrated delivery of  
27 family services in its community, a local board shall use a  
28 committee structure that is based on issues, such as children,  
29 housing, transportation, or health care. Each such committee  
30 must include consumers, advocates, providers, and department  
31 staff from every appropriate program area. In addition, each

1 board and district administrator shall jointly identify  
2 community entities, including, but not limited to, the Area  
3 Agency on Aging, and resources outside the department to be  
4 represented on the committees of the board.

5 b. The district juvenile justice boards established in  
6 s. 985.413 ~~39.025~~ constitute the standing committee on issues  
7 relating to planning, funding, or evaluation of programs and  
8 services relating to the juvenile justice continuum.

9 12. Participate with the secretary in the selection of  
10 a district administrator according to the provisions of  
11 paragraph (9)(b).

12 13. Complete an annual evaluation of the district and  
13 review the evaluation at a meeting of the board at which the  
14 public has an opportunity to comment.

15 14. Provide input to the secretary on the annual  
16 evaluation of the district administrator. The board may  
17 request that the secretary submit a written report on the  
18 actions to be taken to address negative aspects of the  
19 evaluation. At any time, the board may recommend to the  
20 secretary that the district administrator be discharged. Upon  
21 receipt of such a recommendation, the secretary shall make a  
22 formal reply to the board stating the action to be taken with  
23 respect to the board's recommendation.

24 15. Elect a chair and other officers, as specified in  
25 the bylaws, from among the members of the board.

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27 Reviser's note.--Amended to conform to the  
28 transfer of s. 39.025 to s. 985.413 by s. 73,  
29 ch. 97-238, Laws of Florida.

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1           Section 2. Paragraph (d) of subsection (6) of section  
2 20.316, Florida Statutes, is amended to read:

3           20.316 Department of Juvenile Justice.--There is  
4 created a Department of Juvenile Justice.

5           (6) INFORMATION SYSTEMS.--

6           (d) The management information system shall, at a  
7 minimum:

8           1. Facilitate case management of juveniles referred to  
9 or placed in the department's custody.

10           2. Provide timely access to current data and computing  
11 capacity to support the outcome evaluation activities of the  
12 Juvenile Justice Advisory Board as provided in s. 985.401  
13 ~~39.003~~, legislative oversight, the Juvenile Justice Estimating  
14 Conference, and other research.

15           3. Provide automated support to the quality assurance  
16 and program review functions.

17           4. Provide automated support to the contract  
18 management process.

19           5. Provide automated support to the facility  
20 operations management process.

21           6. Provide automated administrative support to  
22 increase efficiency, provide the capability of tracking  
23 expenditures of funds by the department or contracted service  
24 providers that are eligible for federal reimbursement, and  
25 reduce forms and paperwork.

26           7. Facilitate connectivity, access, and utilization of  
27 information among various state agencies, and other state,  
28 federal, local, and private agencies, organizations, and  
29 institutions.

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1           8. Provide electronic public access to juvenile  
2 justice information, which is not otherwise made confidential  
3 by law or exempt from the provisions of s. 119.07(1).

4           9. Provide a system for the training of information  
5 system users and user groups.

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7           Reviser's note.--Amended to conform to the  
8 transfer of s. 39.003 to s. 985.401 by s. 61,  
9 ch. 97-238, Laws of Florida.

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12           Section 3. Paragraph (c) of subsection (2) of section  
13 26.012, Florida Statutes, is amended to read:

14           26.012 Jurisdiction of circuit court.--

15           (2) They shall have exclusive original jurisdiction:

16           (c) In all cases in equity including all cases  
17 relating to juveniles except traffic offenses as provided in  
18 chapters ~~39~~ and 316 and 985;

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20           Reviser's note.--Amended to conform to the  
21 legislative directive in s. 122, ch. 97-238,  
22 Laws of Florida.

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25           Section 4. Section 27.02, Florida Statutes, is amended  
26 to read:

27           27.02 Duties before court.--The state attorney shall  
28 appear in the circuit and county courts within his or her  
29 judicial circuit and prosecute or defend on behalf of the  
30 state all suits, applications, or motions, civil or criminal,  
31 in which the state is a party, except as provided in chapters

1 39, 984, and 985 ~~chapter 39~~. The intake procedures of  
2 chapters 39, 984, and 985 ~~chapter 39~~ shall apply as provided  
3 therein.

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5 Reviser's note.--Amended to conform to the  
6 legislative directive in s. 122, ch. 97-238,  
7 Laws of Florida.

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10 Section 5. Subsection (3) of section 27.151, Florida  
11 Statutes, is amended to read:

12 27.151 Confidentiality of specified executive orders;  
13 criteria.--

14 (3) To maintain the confidentiality of the executive  
15 order, the state attorney, upon entering the circuit of  
16 assignment, shall immediately have the executive order sealed  
17 by the court prior to filing it with the clerk of the circuit  
18 court. The Governor may make public any executive order issued  
19 pursuant to s. 27.14 or s. 27.15 by a subsequent executive  
20 order, and at the expiration of a confidential executive order  
21 or any extensions thereof, the executive order and all  
22 associated orders and reports shall be open to the public  
23 pursuant to chapter 119 unless the information contained in  
24 the executive order is confidential pursuant to the provisions  
25 of chapter 39, chapter 415, chapter 984, or chapter 985 ~~or~~  
26 ~~chapter 415~~.

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28 Reviser's note.--Amended to conform to the  
29 legislative directive in s. 122, ch. 97-238,  
30 Laws of Florida.

1           Section 6. Paragraph (d) of subsection (2) of section  
2 27.52, Florida Statutes, is amended to read:

3           27.52 Determination of indigency.--

4           (2)

5           (d) A nonindigent parent or legal guardian of an  
6 accused minor or an accused adult tax-dependent person shall  
7 furnish the minor or dependent person with the necessary legal  
8 services and costs incident to a delinquency proceeding or,  
9 upon transfer of such person for criminal prosecution as an  
10 adult pursuant to chapter 985 ~~s. 39.052~~, a criminal  
11 prosecution, in which the person has a right to legal counsel  
12 under the Constitution of the United States or the  
13 Constitution of the State of Florida. The failure of a parent  
14 or legal guardian to furnish legal services and costs under  
15 this section does not bar the appointment of legal counsel  
16 pursuant to s. 27.53. When the public defender, a special  
17 assistant public defender appointed pursuant to s. 27.53(2),  
18 or appointed private legal counsel is appointed to represent  
19 an accused minor or an accused adult tax-dependent person in  
20 any proceeding in circuit court or in a criminal proceeding in  
21 any other court, the parents or the legal guardian shall be  
22 liable for the fees and costs of such representation even if  
23 the person is a minor being tried as an adult. Liability for  
24 the costs of such representation may be imposed in the form of  
25 a lien against the property of the nonindigent parents or  
26 legal guardian of the accused minor or accused adult  
27 tax-dependent person, which lien is enforceable as provided in  
28 s. 27.561 or s. 938.29. The court shall determine the amount  
29 of the obligation; and, in determining the amount of the  
30 obligation, the court shall follow the procedure outlined by  
31 this section.



1 Reviser's note.--Amended to conform to the  
2 legislative directive in s. 122, ch. 97-238,  
3 Laws of Florida.

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6 Section 7. Subsection (37) of section 39.01, Florida  
7 Statutes, is amended to read:

8 39.01 Definitions.--When used in this chapter:

9 (37) "Parent" means a woman who gives birth to a child  
10 and a man whose consent to the adoption of the child would be  
11 required under s. 63.062(1)(b). If a child has been legally  
12 adopted, the term "parent" means the adoptive mother or father  
13 of the child. The term does not include an individual whose  
14 parental relationship to the child has been legally  
15 terminated, or an alleged or prospective parent, unless the  
16 parental status falls within the terms of either s. 39.4051(1)  
17 ~~39.4051(7)~~ or s. 63.062(1)(b).

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19 Reviser's note.--Amended to conform to the  
20 reference to parental status in s. 39.4051(1);  
21 s. 39.4051(7) relates to release of  
22 information.

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25 Section 8. Subsection (2) of section 39.40, Florida  
26 Statutes, is amended to read:

27 39.40 Procedures and jurisdiction.--

28 (2) The circuit court shall have exclusive original  
29 jurisdiction of all proceedings under this part and parts III  
30 ~~and, IV, V, and VI~~ of this chapter, of a child voluntarily  
31 placed with a licensed child-caring agency, a licensed

1 child-placing agency, or the department. Jurisdiction attaches  
2 when the initial shelter petition, dependency petition, or  
3 termination petition is filed or when a child is taken into  
4 the custody of the department. The circuit court may assume  
5 jurisdiction over any such proceeding regardless of whether  
6 the child was in the physical custody of both parents, was in  
7 the sole legal or physical custody of only one parent or of  
8 some other person, or was in the physical or legal custody of  
9 no person when the event or condition occurred that brought  
10 the child to the attention of the court. When the jurisdiction  
11 of any child who has been found to be dependent is obtained,  
12 the court shall retain jurisdiction, unless relinquished by  
13 its order, until the child reaches 18 years of age.

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15 Reviser's note.--Amended to conform to the  
16 redesignation of parts III, V, and VI of  
17 chapter 39 as parts II, III, and IV,  
18 respectively, necessitated by the repeal and  
19 transfer of the provisions of former parts II  
20 and IV by ch. 97-238, Laws of Florida.

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23 Section 9. Subsection (1) of section 39.403, Florida  
24 Statutes, is amended to read:

25 39.403 Protective investigation.--

26 (1) Protective investigation shall be performed by the  
27 department. A report or complaint alleging that a child is  
28 dependent as a result of child abuse or neglect as defined in  
29 s. 415.503 shall be made to the central abuse hotline registry  
30 ~~and tracking system~~. Complaints alleging that a child is  
31 dependent on any basis other than as a result of child abuse

1 or neglect as defined in s. 415.503 shall be made to the local  
2 children, youth, and families office of the department  
3 operating in the county in which the child is found or in  
4 which the case arose. Any person or agency having knowledge  
5 of the facts may make a report or complaint. The complainant  
6 shall furnish the protective investigation office or the  
7 appropriate service unit of the local children, youth, and  
8 families office of the department, whichever is appropriate,  
9 facts sufficient to establish the jurisdiction of the court  
10 and to support a finding by the court that the child is  
11 dependent.

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13 Reviser's note.--Amended to conform to s. 43,  
14 ch. 95-228, Laws of Florida, which redesignated  
15 the "central abuse registry and tracking  
16 system" as the "central abuse hotline" in s.  
17 415.503.

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20 Section 10. Paragraph (a) of subsection (1) of section  
21 39.408, Florida Statutes, is amended to read:

22 39.408 Hearings for dependency cases.--

23 (1) ARRAIGNMENT HEARING.--

24 (a) When a child has been detained by order of the  
25 court, an arraignment hearing must be held, within 14 days  
26 from the date the child is taken into custody, for the parent,  
27 guardian, or custodian to admit, deny, or consent to findings  
28 of dependency alleged in the petition. If the parent,  
29 guardian, or custodian admits or consents to the findings in  
30 the petition, the court shall proceed as set forth in the  
31 Florida Rules of Juvenile Procedure. However, if the parent,

1 guardian, or custodian denies any of the allegations of the  
2 petition, the court shall hold an adjudicatory hearing within  
3 7 days from the date of the arraignment hearing unless a  
4 continuance is granted pursuant to s. 39.402(10)~~39.402(11)~~.

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6 Reviser's note.--Amended to conform to the  
7 redesignation of s. 39.402(11) as s. 39.402(10)  
8 by s. 7, ch. 95-228, Laws of Florida.

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11 Section 11. Paragraph (a) of subsection (2) and  
12 subsection (8) of section 39.41, Florida Statutes, are amended  
13 to read:

14 39.41 Powers of disposition.--

15 (2)(a) When any child is adjudicated by a court to be  
16 dependent, the court having jurisdiction of the child has the  
17 power, by order, to:

18 1. Require the parent, guardian, or custodian, and the  
19 child when appropriate to participate in treatment and  
20 services identified as necessary.

21 2. Require the parent, guardian, or custodian, and the  
22 child when appropriate to participate in mediation if the  
23 parent, guardian, or custodian refused to participate in  
24 mediation under s. 39.4033.

25 3. Place the child under the protective supervision of  
26 an authorized agent of the department, either in the child's  
27 own home or, the prospective custodian being willing, in the  
28 home of a relative of the child or of an adult nonrelative  
29 approved by the court, or in some other suitable place under  
30 such reasonable conditions as the court may direct. Whenever  
31 the child is placed under protective supervision pursuant to

1 | this section, the department shall prepare a case plan and  
2 | shall file it with the court. Protective supervision continues  
3 | until the court terminates it or until the child reaches the  
4 | age of 18, whichever date is first. Protective supervision  
5 | may be terminated by the court whenever the court determines  
6 | that the child's placement, whether with a parent, another  
7 | relative, or a nonrelative, is stable and that protective  
8 | supervision is no longer needed. The termination of  
9 | supervision may be with or without retaining jurisdiction, at  
10 | the court's discretion, and shall in either case be considered  
11 | a permanency option for the child. The order terminating  
12 | supervision by the Department of Children and Family Services  
13 | shall set forth the powers of the custodian of the child and  
14 | shall include the powers ordinarily granted to a guardian of  
15 | the person of a minor unless otherwise specified.

16 |         4. Place the child in the temporary legal custody of  
17 | an adult relative or an adult nonrelative approved by the  
18 | court who is willing to care for the child.

19 |         5.a. When the parents have failed to comply with a  
20 | case plan and the court determines at a judicial review  
21 | hearing held pursuant to s. 39.453, or at a hearing held  
22 | pursuant to subparagraph(2)(a)9.(1)(a)7 of this section,  
23 | that neither reunification, termination of parental rights,  
24 | nor adoption is in the best interest of the child, the court  
25 | may place the child in the long-term custody of an adult  
26 | relative or adult nonrelative approved by the court willing to  
27 | care for the child, if the following conditions are met:

28 |             (I) A case plan describing the responsibilities of the  
29 | relative or nonrelative, the department, and any other party  
30 | must have been submitted to the court.

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1 (II) The case plan for the child does not include  
2 reunification with the parents or adoption by the relative.

3 (III) The child and the relative or nonrelative  
4 custodian are determined not to need protective supervision or  
5 preventive services to ensure the stability of the long-term  
6 custodial relationship, or the department assures the court  
7 that protective supervision or preventive services will be  
8 provided in order to ensure the stability of the long-term  
9 custodial relationship.

10 (IV) Each party to the proceeding agrees that a  
11 long-term custodial relationship does not preclude the  
12 possibility of the child returning to the custody of the  
13 parent at a later date.

14 (V) The court has considered the reasonable preference  
15 of the child if the court has found the child to be of  
16 sufficient intelligence, understanding, and experience to  
17 express a preference.

18 b. The court shall retain jurisdiction over the case,  
19 and the child shall remain in the long-term custody of the  
20 relative or nonrelative approved by the court until the order  
21 creating the long-term custodial relationship is modified by  
22 the court. The court may relieve the department of the  
23 responsibility for supervising the placement of the child  
24 whenever the court determines that the placement is stable and  
25 that such supervision is no longer needed. Notwithstanding  
26 the retention of jurisdiction, the placement shall be  
27 considered a permanency option for the child when the court  
28 relieves the department of the responsibility for supervising  
29 the placement. The order terminating supervision by the  
30 Department of Children and Family Services shall set forth the  
31 powers of the custodian of the child and shall include the

1 powers ordinarily granted to a guardian of the person of a  
2 minor unless otherwise specified. The court may modify the  
3 order terminating supervision of the long-term relative or  
4 nonrelative placement if it finds that a party to the  
5 proceeding has shown a material change in circumstances which  
6 causes the long-term relative or nonrelative placement to be  
7 no longer in the best interest of the child.

8 6.a. Approve placement of the child in long-term  
9 foster care, when the following conditions are met:

10 (I) The foster child is 16 years of age or older,  
11 unless the court determines that the history or condition of a  
12 younger child makes long-term foster care the most appropriate  
13 placement.

14 (II) The child demonstrates no desire to be placed in  
15 an independent living arrangement pursuant to this subsection.

16 (III) The department's social services study pursuant  
17 to s. 39.453(6)(a) recommends long-term foster care.

18 b. Long-term foster care under the above conditions  
19 shall not be considered a permanency option.

20 c. The court may approve placement of the child in  
21 long-term foster care, as a permanency option, when all of the  
22 following conditions are met:

23 (I) The child is 14 years of age or older,

24 (II) The child is living in a licensed home and the  
25 foster parents desire to provide care for the child on a  
26 permanent basis and the foster parents and the child do not  
27 desire adoption,

28 (III) The foster family has made a commitment to  
29 provide for the child until he or she reaches the age of  
30 majority and to prepare the child for adulthood and  
31 independence, and

1 (IV) The child has remained in the home for a  
2 continuous period of no less than 12 months.

3 (V) The foster parents and the child view one another  
4 as family and consider living together as the best place for  
5 the child to be on a permanent basis.

6 (VI) The department's social services study recommends  
7 such placement and finds the child's well-being has been  
8 promoted through living with the foster parents.

9 d. Notwithstanding the retention of jurisdiction and  
10 supervision by the department, long-term foster care  
11 placements made pursuant to sub-subparagraph (2)(a)6.c. of  
12 this section shall be considered a permanency option for the  
13 child. For purposes of this subsection, supervision by the  
14 department shall be defined as a minimum of semiannual visits.  
15 The order placing the child in long-term foster care as a  
16 permanency option shall set forth the powers of the custodian  
17 of the child and shall include the powers ordinarily granted  
18 to a guardian of the person of a minor unless otherwise  
19 specified. The court may modify the permanency option of  
20 long-term foster care if it finds that a party to the  
21 proceeding has shown a material change in circumstances which  
22 causes the placement to be no longer in the best interests of  
23 the child.

24 7. Commit the child to a licensed child-caring agency  
25 willing to receive the child. Continued commitment to the  
26 licensed child-caring agency, as well as all other proceedings  
27 under this section pertaining to the child, are also governed  
28 by part III ~~V~~ of this chapter.

29 8. Commit the child to the temporary legal custody of  
30 the department. Such commitment invests in the department all  
31 rights and responsibilities of a legal custodian. The



1 department shall not return any child to the physical care and  
2 custody of the person from whom the child was removed, except  
3 for short visitation periods, without the approval of the  
4 court. The term of such commitment continues until terminated  
5 by the court or until the child reaches the age of 18. After  
6 the child is committed to the temporary custody of the  
7 department, all further proceedings under this section are  
8 also governed by part III ~~V~~ of this chapter.

9           9.a. Change the temporary legal custody or the  
10 conditions of protective supervision at a postdisposition  
11 hearing subsequent to the initial detention hearing, without  
12 the necessity of another adjudicatory hearing. A child who has  
13 been placed in the child's own home under the protective  
14 supervision of an authorized agent of the department, in the  
15 home of a relative, in the home of a nonrelative, or in some  
16 other place may be brought before the court by the agent of  
17 the department who is supervising the placement or by any  
18 other interested person, upon the filing of a petition  
19 alleging a need for a change in the conditions of protective  
20 supervision or the placement. If the parents or other  
21 custodians deny the need for a change, the court shall hear  
22 all parties in person or by counsel, or both. Upon the  
23 admission of a need for a change or after such hearing, the  
24 court shall enter an order changing the placement, modifying  
25 the conditions of protective supervision, or continuing the  
26 conditions of protective supervision as ordered.

27           b. In cases where the issue before the court is  
28 whether a child should be reunited with a parent, the court  
29 shall determine whether the parent has substantially complied  
30 with the terms of the case plan to the extent that the  
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1 well-being and safety of the child is not endangered by the  
2 return of the child to the home.

3 10. Approve placement of the child in an independent  
4 living arrangement for any foster child 16 years of age or  
5 older, if it can be clearly established that this type of  
6 alternate care arrangement is the most appropriate plan and  
7 that the safety and welfare of the child will not be  
8 jeopardized by such an arrangement. While in independent  
9 living situations, children whose legal custody has been  
10 awarded to the department or a licensed child-caring or  
11 child-placing agency, or who have been voluntarily placed with  
12 such an agency by a parent, guardian, relative, or adult  
13 nonrelative approved by the court, continue to be subject to  
14 the court review provisions of s. 39.453.

15 (8) With respect to a child who is the subject in  
16 proceedings under part III ~~V~~ of this chapter, the court shall  
17 return the child to the custody of the natural parents upon  
18 expiration of the case plan or sooner if the parents have  
19 substantially complied with the case plan.

20  
21 Reviser's note.--Subparagraph (2)(a)5. is  
22 amended to conform to the redesignation of  
23 subparagraph (1)(a)7. as subparagraph (2)(a)9.  
24 by s. 13, ch. 94-164, Laws of Florida.  
25 Subparagraphs (2)(a)7. and (2)(a)8. and  
26 subsection (8) are amended to conform to the  
27 redesignation of part V of chapter 39 as part  
28 III necessitated by the repeal and transfer of  
29 the provisions of former parts II and IV by ch.  
30 97-238, Laws of Florida.

31

1           Section 12. Paragraph (b) of subsection (4) of section  
2 39.452, Florida Statutes, is amended to read:

3           39.452 Case planning when parents do not participate  
4 and the child is in foster care.--

5           (4)

6           (b) Before the filing of the plan, the department  
7 shall advise each parent, both orally and in writing, that the  
8 failure of the parents to substantially comply with a plan  
9 which has reunification as its primary goal may result in the  
10 termination of parental rights, but only after notice and  
11 hearing as provided in part IV ~~VI~~. If, after the plan has been  
12 submitted to the court, an absent parent is located, the  
13 department shall advise the parent, both orally and in  
14 writing, that the failure of the parents to substantially  
15 comply with a plan which has reunification as its goal may  
16 result in termination of parental rights, but only after  
17 notice and hearing as provided in part IV ~~VI~~. Proof of written  
18 notification must be filed with the court.

19  
20           Reviser's note.--Amended to conform to the  
21 redesignation of part VI of chapter 39 as part  
22 IV necessitated by the repeal and transfer of  
23 the provisions of former parts II and IV by ch.  
24 97-238, Laws of Florida.

25  
26  
27           Section 13. Subsection (2) of section 39.454, Florida  
28 Statutes, is amended to read:

29           39.454 Initiation of termination of parental rights  
30 proceedings.--

1           (2) If, at the time of the 18-month judicial review  
2 hearing, a child is not returned to the physical custody of  
3 the natural parents, the social service agency shall initiate  
4 termination of parental rights proceedings under part IV ~~VI~~ of  
5 this chapter within 30 days. Only if the court finds that the  
6 situation of the child is so extraordinary and that the best  
7 interests of the child will be met by such action at the time  
8 of the judicial review may the case plan be extended. If the  
9 court decides to extend the plan, the court shall enter  
10 detailed findings justifying the decision to extend, as well  
11 as the length of the extension. Failure to initiate  
12 termination of parental rights proceedings at the time of the  
13 18-month judicial review or within 30 days after such review  
14 does not prohibit initiating termination of parental rights  
15 proceedings at any other time.

16  
17           Reviser's note.--Amended to conform to the  
18 redesignation of part VI of chapter 39 as part  
19 IV necessitated by the repeal and transfer of  
20 the provisions of former parts II and IV by ch.  
21 97-238, Laws of Florida.

22  
23  
24           Section 14. Subsection (13) of section 49.011, Florida  
25 Statutes, is amended to read:

26           49.011 Service of process by publication; cases in  
27 which allowed.--Service of process by publication may be made  
28 in any court on any person mentioned in s. 49.021 in any  
29 action or proceeding:

30           (13) For termination of parental rights pursuant to  
31 part IV ~~VI~~ of chapter 39.

1           Reviser's note.--Amended to conform to the  
2           redesignation of former part VI of chapter 39  
3           necessitated by the repeal or transfer of the  
4           provisions of former parts II and IV by ch.  
5           97-238, Laws of Florida.  
6  
7

8           Section 15. Subsection (7) of section 95.11, Florida  
9 Statutes, is amended to read:

10           95.11 Limitations other than for the recovery of real  
11 property.--Actions other than for recovery of real property  
12 shall be commenced as follows:

13           (7) FOR INTENTIONAL TORTS BASED ON ABUSE.--An action  
14 founded on alleged abuse, as defined in s. 39.01, ~~or~~ s.  
15 415.102, or s. 984.03, or incest, as defined in s. 826.04, may  
16 be commenced at any time within 7 years after the age of  
17 majority, or within 4 years after the injured person leaves  
18 the dependency of the abuser, or within 4 years from the time  
19 of discovery by the injured party of both the injury and the  
20 causal relationship between the injury and the abuse,  
21 whichever occurs later.  
22

23           Reviser's note.--Amended to conform to the  
24           legislative directive in s. 122, ch. 97-238,  
25           Laws of Florida.  
26  
27

28           Section 16. Subsection (28) of section 228.041,  
29 Florida Statutes, is amended to read:  
30  
31

1           228.041 Definitions.--Specific definitions shall be as  
2 follows, and wherever such defined words or terms are used in  
3 the Florida School Code, they shall be used as follows:

4           (28) HABITUAL TRUANT.--A habitual truant is a student  
5 who has 15 unexcused absences within 90 calendar days with or  
6 without the knowledge or consent of the student's parent or  
7 legal guardian, is subject to compulsory school attendance  
8 under s. 232.01, and is not exempt under s. 232.06 or s.  
9 232.09, or by meeting the criteria for any other exemption  
10 specified by law or rules of the State Board of Education.  
11 Such a student must have been the subject of the activities  
12 specified in ss. 232.17 and 232.19, without resultant  
13 successful remediation of the truancy problem before being  
14 dealt with as a child in need of services according to the  
15 provisions of chapter 984 ~~39~~.

16  
17           Reviser's note.--Amended to conform to the  
18 transfer of provisions of former part IV of  
19 chapter 39, relating to children in need of  
20 services, to chapter 984 by ch. 97-238, Laws of  
21 Florida.

22  
23  
24           Section 17. Paragraphs (c) and (d) of subsection (3)  
25 of section 230.2316, Florida Statutes, are amended to read:

26           230.2316 Dropout prevention.--

27           (3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.--

28           (c) A student shall be identified as being a potential  
29 dropout based upon one of the following criteria:

30           1. The student has shown a lack of motivation in  
31 school through grades which are not commensurate with

1 | documented ability levels or high absenteeism or habitual  
2 | truancy as defined in s. 228.041(28).

3 |         2. The student has not been successful in school as  
4 | determined by retentions, failing grades, or low achievement  
5 | test scores and has needs and interests that cannot be met  
6 | through traditional programs.

7 |         3. The student has been identified as a potential  
8 | school dropout by student services personnel using district  
9 | criteria. District criteria that are used as a basis for  
10 | student referral to an educational alternatives program shall  
11 | identify specific student performance indicators that the  
12 | educational alternative program seeks to address.

13 |         4. The student has documented drug-related or  
14 | alcohol-related problems, or has immediate family members with  
15 | documented drug-related or alcohol-related problems that  
16 | adversely affect the student's performance in school.

17 |         5. The student has a history of disruptive behavior in  
18 | school or has committed an offense that warrants out-of-school  
19 | suspension or expulsion from school according to the district  
20 | code of student conduct. For the purposes of this program,  
21 | "disruptive behavior" is behavior that:

22 |             a. Interferes with the student's own learning or the  
23 | educational process of others and requires attention and  
24 | assistance beyond that which the traditional program can  
25 | provide or results in frequent conflicts of a disruptive  
26 | nature while the student is under the jurisdiction of the  
27 | school either in or out of the classroom; or

28 |             b. Severely threatens the general welfare of students  
29 | or others with whom the student comes into contact.

30 |         6. The student is assigned to a program provided  
31 | pursuant to chapter 39, chapter 984, or chapter 985 which is

1 sponsored by a state-based or community-based agency or is  
2 operated or contracted for by the Department of Children and  
3 Family Services or the Department of Juvenile Justice.

4 (d)1. "Second chance schools" means school district  
5 programs provided through cooperative agreements between the  
6 Department of Juvenile Justice, private providers, state or  
7 local law enforcement agencies, or other state agencies for  
8 students who have been disruptive or violent or who have  
9 committed serious offenses. As partnership programs, second  
10 chance schools are eligible for waivers by the Commissioner of  
11 Education from chapters 230-235 and 239 and State Board of  
12 Education rules that prevent the provision of appropriate  
13 educational services to violent, severely disruptive, or  
14 delinquent students in small nontraditional settings or in  
15 court-adjudicated settings.

16 2. A student enrolled in a sixth, seventh, eighth,  
17 ninth, or tenth grade class may be assigned to a second chance  
18 school if the student meets the following criteria:

19 a. The student is a habitual truant as defined in s.  
20 228.041(28).

21 b. The student's excessive absences have detrimentally  
22 affected the student's academic progress and the student may  
23 have unique needs that a traditional school setting may not  
24 meet.

25 c. The student's high incidences of truancy have been  
26 directly linked to a lack of motivation.

27 d. The student has been identified as at risk of  
28 dropping out of school.

29 3. A student who is habitually truant may be assigned  
30 to a second chance school only if the case staffing committee,  
31 established pursuant to s. 984.12 ~~39.426~~, determines that such



1 placement could be beneficial to the student and the criteria  
2 included in subparagraph 2. are met.

3 4. A student may be assigned to a second chance school  
4 if the school district in which the student resides has a  
5 second chance school and if the student meets one of the  
6 following criteria:

7 a. The student habitually exhibits disruptive behavior  
8 in violation of the code of student conduct adopted by the  
9 school board.

10 b. The student interferes with the student's own  
11 learning or the educational process of others and requires  
12 attention and assistance beyond that which the traditional  
13 program can provide, or, while the student is under the  
14 jurisdiction of the school either in or out of the classroom,  
15 frequent conflicts of a disruptive nature occur.

16 c. The student has committed a serious offense which  
17 warrants suspension or expulsion from school according to the  
18 district code of student conduct. For the purposes of this  
19 program, "serious offense" is behavior which:

20 (I) Threatens the general welfare of students or  
21 others with whom the student comes into contact;

22 (II) Includes violence;

23 (III) Includes possession of weapons or drugs; or

24 (IV) Is harassment or verbal abuse of school personnel  
25 or other students.

26 5. Prior to assignment of students to second chance  
27 schools, school boards are encouraged to use alternative  
28 programs, such as in-school suspension, which provide  
29 instruction and counseling leading to improved student  
30 behavior, a reduction in the incidence of truancy, and the  
31 development of more effective interpersonal skills.

1           6. Students assigned to second chance schools must be  
2 evaluated by the school's local child study team before  
3 placement in a second chance school. The study team shall  
4 ensure that students are not eligible for placement in a  
5 program for emotionally disturbed children.

6           7. Students who exhibit academic and social progress  
7 and who wish to return to a traditional school shall be  
8 evaluated by school district personnel prior to reentering a  
9 traditional school.

10          8. Second chance schools shall be funded at the  
11 dropout prevention program weight pursuant to s. 236.081 and  
12 may receive school safety funds or other funds as appropriate.

13  
14           Reviser's note.--Paragraph (3)(c) is amended to  
15 conform to the legislative directive in s. 122,  
16 ch. 97-238, Laws of Florida. Paragraph (3)(d)  
17 is amended to conform to the transfer of s.  
18 39.426 to s. 984.12 by s. 98, ch. 97-238.

19  
20  
21          Section 18. Subsections (1) and (15) of section  
22 230.23161, Florida Statutes, are amended to read:

23           230.23161 Educational services in Department of  
24 Juvenile Justice programs.--

25           (1) Students participating in a detention, commitment,  
26 or rehabilitation program pursuant to chapter 985 ~~39~~ which is  
27 sponsored by a community-based agency or is operated or  
28 contracted for by the Department of Juvenile Justice shall  
29 receive educational programs according to rules of the State  
30 Board of Education. These students shall be eligible for  
31 services afforded to students enrolled in programs pursuant to

1 s. 230.2316 and all corresponding State Board of Education  
2 rules.

3 (15) Department of Juvenile Justice detention and  
4 commitment programs may be designated as second chance schools  
5 pursuant to s. 230.2316(3)(d). Admission to such programs  
6 shall be governed by chapter 985 ~~part II of chapter 39~~.

7  
8 Reviser's note.--Amended to conform to the  
9 legislative directive in s. 122, ch. 97-238,  
10 Laws of Florida.

11  
12  
13 Section 19. Subsection (1) of section 230.335, Florida  
14 Statutes, is amended to read:

15 230.335 Notification of superintendent of certain  
16 charges against or convictions of students or employees.--

17 (1)(a) Notwithstanding the provisions of s. 985.04(4)  
18 ~~39.045(8)~~ or any other provision of law to the contrary, a law  
19 enforcement agency shall, within 48 hours, notify the  
20 appropriate superintendent of schools of the name and address  
21 of any employee of the school district who is charged with a  
22 felony or with a misdemeanor involving the abuse of a minor  
23 child or the sale or possession of a controlled substance. The  
24 notification shall include the specific charge for which the  
25 employee of the school district was arrested. Such  
26 notification shall include other education providers such as  
27 the Florida School for the Deaf and the Blind, university  
28 developmental research schools, and private elementary and  
29 secondary schools.

30 (b) Notwithstanding the provisions of s. 985.04(4)  
31 ~~39.045(8)~~ or any other provision of law to the contrary, the

1 court shall, within 48 hours of the finding, notify the  
2 appropriate superintendent of schools of the name and address  
3 of any student found to have committed a delinquent act, or  
4 who has had adjudication of a delinquent act withheld which,  
5 if committed by an adult, would be a felony, or the name and  
6 address of any student found guilty of a felony. Notification  
7 shall include the specific delinquent act found to have been  
8 committed or for which adjudication was withheld, or the  
9 specific felony for which the student was found guilty.

10  
11 Reviser's note.--Amended to conform to the  
12 transfer of s. 39.045(8) to s. 985.04(4) by s.  
13 4, ch. 97-238, Laws of Florida.

14  
15  
16 Section 20. Subsection (2) of section 232.17, Florida  
17 Statutes, is amended to read:

18 232.17 Enforcement of school attendance.--Pursuant to  
19 procedures established by the district school board, a  
20 designated school representative must complete activities  
21 designed to determine the cause and attempt the remediation of  
22 truant behavior, as provided in this section.

23 (2) GIVE WRITTEN NOTICE.--Under the direction of the  
24 superintendent, a designated school representative shall give  
25 written notice, in person or by return-receipt mail, to the  
26 parent, guardian, or other person having control when no valid  
27 reason is found for a child's nonenrollment in school or when  
28 the child has a minimum of 3 but fewer than 6 unexcused  
29 absences within 90 calendar days, requiring enrollment or  
30 attendance within 3 days after the date of notice. If the  
31 notice and requirement are ignored, the designated school

1 representative shall report the case to the superintendent,  
2 and may refer the case to the case staffing committee,  
3 established pursuant to s. 984.12 ~~39.426~~, if the conditions of  
4 s. 232.19(3) have been met. The superintendent may take such  
5 steps as are necessary to bring criminal prosecution against  
6 the parent, guardian, or other person having control.

7  
8 Reviser's note.--Amended to conform to the  
9 transfer of s. 39.426 to s. 984.12 by s. 98,  
10 ch. 97-238, Laws of Florida.

11  
12  
13 Section 21. Subsection (3) of section 232.19, Florida  
14 Statutes, is amended to read:

15 232.19 Court procedure and penalties.--The court  
16 procedure and penalties for the enforcement of the provisions  
17 of this chapter, relating to compulsory school attendance,  
18 shall be as follows:

19 (3) HABITUAL TRUANCY CASES.--In accordance with  
20 procedures established by the district school board, the  
21 designated school representative shall refer a student who is  
22 habitually truant and the student's family to the  
23 children-in-need-of-services and families-in-need-of-services  
24 provider or the case staffing committee, established pursuant  
25 to s. 984.12 ~~39.426~~, as determined by the cooperative  
26 agreement required in this section. The case staffing  
27 committee may request the Department of Juvenile Justice or  
28 its designee to file a child-in-need-of-services petition  
29 based upon the report and efforts of the school district or  
30 other community agency or may seek to resolve the truant  
31 behavior through the school or community-based organizations

1 or agencies. Prior to and subsequent to the filing of a  
2 child-in-need-of-services petition due to habitual truancy,  
3 the appropriate governmental agencies must allow a reasonable  
4 time to complete actions required by this subsection to remedy  
5 the conditions leading to the truant behavior. The following  
6 criteria must be met and documented in writing prior to the  
7 filing of a petition:

8 (a) The child must have 15 unexcused absences within  
9 90 calendar days with or without the knowledge or consent of  
10 the child's parent or legal guardian, must be subject to  
11 compulsory school attendance, and must not be exempt under s.  
12 232.06, s. 232.09, or any other exemption specified by law or  
13 the rules of the State Board of Education.

14 (b) In addition to the actions described in s. 232.17,  
15 the school administration must have completed the following  
16 activities to determine the cause, and to attempt the  
17 remediation, of the child's truant behavior:

18 1. After a minimum of 3 and prior to 6 unexcused  
19 absences within 90 calendar days, one or more meetings must  
20 have been held, either in person or by phone, between a  
21 designated school representative, the child's parent or  
22 guardian, and the child, if necessary, to report and to  
23 attempt to solve the truancy problem. However, if the  
24 designated school representative has documented the refusal of  
25 the parent or guardian to participate in the meetings, this  
26 requirement has been met.

27 2. Educational counseling must have been provided to  
28 determine whether curriculum changes would help solve the  
29 truancy problem, and, if any changes were indicated, such  
30 changes must have been instituted but proved unsuccessful in  
31 remedying the truant behavior. Such curriculum changes may

1 include enrollment of the child in a dropout prevention  
2 program that meets the specific educational and behavioral  
3 needs of the child, including a second chance school, as  
4 provided for in s. 230.2316, designed to resolve truant  
5 behavior.

6           3. Educational evaluation, which may include  
7 psychological evaluation, must have been provided to assist in  
8 determining the specific condition, if any, that is  
9 contributing to the child's nonattendance. The evaluation  
10 must have been supplemented by specific efforts by the school  
11 to remedy any diagnosed condition.

12

13 If a child who is subject to compulsory school attendance is  
14 responsive to the interventions described in this paragraph  
15 and has completed the necessary requirements to pass the  
16 current grade as indicated in the district pupil progression  
17 plan, the child shall be passed.

18

19           Reviser's note.--Amended to conform to the  
20 transfer of s. 39.426 to s. 984.12 by s. 98,  
21 ch. 97-238, Laws of Florida.

22

23

24           Section 22. Paragraph (c) of subsection (4) of section  
25 239.117, Florida Statutes, as amended by section 1 of chapter  
26 97-383, Laws of Florida, is amended to read:

27           239.117 Postsecondary student fees.--

28           (4) The following students are exempt from the payment  
29 of registration, matriculation, and laboratory fees:

30           (c) A student for whom the state is paying a foster  
31 care board payment pursuant to s. 409.145(3) or pursuant to

1 parts II and III ~~III and V~~ of chapter 39, for whom the  
2 permanency planning goal pursuant to part III ~~V~~ of chapter 39  
3 is long-term foster care or independent living, or who is  
4 adopted from the Department of Children and Family Services  
5 after December 31, 1997. Such exemption includes fees  
6 associated with enrollment in college-preparatory instruction  
7 and completion of the college-level communication and  
8 computation skills testing program. Such exemption shall be  
9 available to any student adopted from the Department of  
10 Children and Family Services after December 31, 1997; however,  
11 the exemption shall be valid for no more than 4 years after  
12 the date of graduation from high school.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of parts III and V of chapter 39  
16 as parts II and III necessitated by the repeal  
17 and transfer of the provisions of former parts  
18 II and IV by ch. 97-238, Laws of Florida.

19

20

21 Section 23. Paragraph (a) of subsection (5) of section  
22 240.235, Florida Statutes, is amended to read:

23

240.235 Fees.--

24

25 (5)(a) Any student for whom the state is paying a  
26 foster care board payment pursuant to s. 409.145(3) or parts  
27 II and III ~~III and V~~ of chapter 39, for whom the permanency  
28 planning goal pursuant to part III ~~V~~ of chapter 39 is  
29 long-term foster care or independent living, or who is adopted  
30 from the Department of Children and Family Services after  
31 December 31, 1997, shall be exempt from the payment of all  
undergraduate fees, including fees associated with enrollment



1 in college-preparatory instruction or completion of  
2 college-level communication and computation skills testing  
3 programs. Before a fee exemption can be given, the student  
4 shall have applied for and been denied financial aid, pursuant  
5 to s. 240.404, which would have provided, at a minimum,  
6 payment of all undergraduate fees. Such exemption shall be  
7 available to any student adopted from the Department of  
8 Children and Family Services after December 31, 1997; however,  
9 the exemption shall be valid for no more than 4 years after  
10 the date of graduation from high school.

11

12 Reviser's note.--Amended to conform to the  
13 redesignation of parts III and V of chapter 39  
14 as parts II and III necessitated by the repeal  
15 and transfer of the provisions of former parts  
16 II and IV by ch. 97-238, Laws of Florida.

17

18

19 Section 24. Paragraph (a) of subsection (2) of section  
20 240.35, Florida Statutes, as amended by section 3 of chapter  
21 97-383, Laws of Florida, is amended to read:

22 240.35 Student fees.--Unless otherwise provided, the  
23 provisions of this section apply only to fees charged for  
24 college credit instruction leading to an associate degree,  
25 including college-preparatory courses defined in s. 239.105.

26 (2)(a) Any student for whom the state is paying a  
27 foster care board payment pursuant to s. 409.145(3) or parts  
28 II and III ~~III and V~~ of chapter 39, for whom the permanency  
29 planning goal pursuant to part III ~~V~~ of chapter 39 is  
30 long-term foster care or independent living, or who is adopted  
31 from the Department of Children and Family Services after

1 December 31, 1997, shall be exempt from the payment of all  
2 undergraduate fees, including fees associated with enrollment  
3 in college-preparatory instruction or completion of the  
4 college-level communication and computation skills testing  
5 program. Before a fee exemption can be given, the student  
6 shall have applied for and been denied financial aid, pursuant  
7 to s. 240.404, which would have provided, at a minimum,  
8 payment of all student fees. Such exemption shall be available  
9 to any student adopted from the Department of Children and  
10 Family Services after December 31, 1997; however, the  
11 exemption shall be valid for no more than 4 years after the  
12 date of graduation from high school.

13

14 Reviser's note.--Amended to conform to the  
15 redesignation of parts III and V of chapter 39  
16 as parts II and III necessitated by the repeal  
17 and transfer of the provisions of former parts  
18 II and IV by ch. 97-238, Laws of Florida.

19

20

21 Section 25. Subsection (17) of section 253.025,  
22 Florida Statutes, is amended to read:

23 253.025 Acquisition of state lands for purposes other  
24 than preservation, conservation, and recreation.--

25 (17) Pursuant to s. 985.41 ~~39-074~~, the Department of  
26 Juvenile Justice is responsible for obtaining appraisals and  
27 entering into option agreements and agreements for the  
28 purchase of state juvenile justice facility sites. An option  
29 agreement or agreement for purchase is not binding upon the  
30 state until it is approved by the Board of Trustees of the  
31 Internal Improvement Trust Fund. The provisions of paragraphs

1 (6)(b), (c), and (d) and (7)(b), (c), and (d) apply to all  
2 appraisals, offers, and counteroffers of the Department of  
3 Juvenile Justice for state juvenile justice facility sites.

4  
5 Reviser's note.--Amended to conform to the  
6 transfer of s. 39.074 to s. 985.41 by s. 70,  
7 ch. 97-238, Laws of Florida.

8  
9  
10 Section 26. Subsection (65) of section 316.003,  
11 Florida Statutes, is amended to read:

12 316.003 Definitions.--The following words and phrases,  
13 when used in this chapter, shall have the meanings  
14 respectively ascribed to them in this section, except where  
15 the context otherwise requires:

16 (65) CHILD.--A child as defined in s. 39.01, s.  
17 984.03, or s. 985.03.

18  
19 Reviser's note.--Amended to conform to the  
20 legislative directive in s. 122, ch. 97-238,  
21 Laws of Florida.

22  
23  
24 Section 27. Subsection (3) and paragraph (a) of  
25 subsection (4) of section 316.635, Florida Statutes, are  
26 amended to read:

27 316.635 Courts having jurisdiction over traffic  
28 violations; powers relating to custody and detention of  
29 minors.--

30 (3) If a minor is taken into custody for a criminal  
31 traffic offense or a violation of chapter 322 and the minor

1 does not demand to be taken before a magistrate, the arresting  
2 officer or booking officer shall immediately notify, or cause  
3 to be notified, the minor's parents, guardian, or responsible  
4 adult relative of the action taken. After making every  
5 reasonable effort to give notice, the arresting officer or  
6 booking officer may:

7 (a) Issue a notice to appear pursuant to chapter 901  
8 and release the minor to a parent, guardian, responsible adult  
9 relative, or other responsible adult;

10 (b) Issue a notice to appear pursuant to chapter 901  
11 and release the minor pursuant to s. 903.06;

12 (c) Issue a notice to appear pursuant to chapter 901  
13 and deliver the minor to an appropriate substance abuse  
14 treatment or rehabilitation facility or refer the minor to an  
15 appropriate medical facility as provided in s. 901.29. If the  
16 minor cannot be delivered to an appropriate substance abuse  
17 treatment or rehabilitation facility or medical facility, the  
18 arresting officer may deliver the minor to an appropriate  
19 intake office of the Department of Juvenile Justice ~~Health and~~  
20 ~~Rehabilitative Services~~, which shall take custody of the minor  
21 and make any appropriate referrals; or

22 (d) If the violation constitutes a felony and the  
23 minor cannot be released pursuant to s. 903.03, transport and  
24 deliver the minor to an appropriate Department of Juvenile  
25 Justice ~~Health and Rehabilitative Services~~ intake office. Upon  
26 delivery of the minor to the intake office, the department  
27 shall assume custody and proceed pursuant to chapter 984 or  
28 chapter 985 ~~39~~.

29  
30 If action is not taken pursuant to paragraphs (a)-(d), the  
31 minor shall be delivered to the Department of Juvenile Justice

1 ~~Health and Rehabilitative Services~~, and the department shall  
2 make every reasonable effort to contact the parents, guardian,  
3 or responsible adult relative to take custody of the minor. If  
4 there is no parent, guardian, or responsible adult relative  
5 available, the department may retain custody of the minor for  
6 up to 24 hours.

7 (4) A minor who willfully fails to appear before any  
8 court or judicial officer as required by written notice to  
9 appear is guilty of contempt of court. Upon a finding by a  
10 court, after notice and a hearing, that a minor is in contempt  
11 of court for willful failure to appear pursuant to a valid  
12 notice to appear, the court may:

13 (a) For a first offense, order the minor to serve up  
14 to 5 days in a staff-secure shelter as defined in chapter 984  
15 or chapter 985 ~~39~~ or, if space in a staff-secure shelter is  
16 unavailable, in a secure juvenile detention center.

17  
18 Reviser's note.--Amended to conform to s. 1,  
19 ch. 94-209, Laws of Florida, which created the  
20 Department of Juvenile Justice, and to conform  
21 to the legislative directive in s. 122, ch.  
22 97-238, Laws of Florida.

23  
24  
25 Section 28. Paragraph (a) of subsection (2) of section  
26 318.143, Florida Statutes, is amended to read:

27 318.143 Sanctions for infractions by minors.--

28 (2) Failure to comply with one or more of the  
29 sanctions imposed by the court constitutes contempt of court.  
30 Upon a finding by the court, after notice and a hearing, that  
31

1 a minor is in contempt of court for failure to comply with  
2 court-ordered sanctions, the court may:

3 (a) For a first offense, order the minor to serve up  
4 to 5 days in a staff-secure shelter as defined in chapter 984  
5 or chapter 985 ~~39~~ or, if space in a staff-secure shelter is  
6 unavailable, in a secure juvenile detention center.

7  
8 Reviser's note.--Amended to conform to the  
9 legislative directive in s. 122, ch. 97-238,  
10 Laws of Florida.

11  
12  
13 Section 29. Subsection (1) and paragraph (a) of  
14 subsection (2) of section 318.21, Florida Statutes, are  
15 amended to read:

16 318.21 Disposition of civil penalties by county  
17 courts.--All civil penalties received by a county court  
18 pursuant to the provisions of this chapter shall be  
19 distributed and paid monthly as follows:

20 (1) One dollar from every civil penalty shall be paid  
21 to the Department of Children and Family ~~Health and~~  
22 ~~Rehabilitative~~ Services for deposit into the Child Welfare  
23 Training Trust Fund for child welfare training purposes  
24 pursuant to s. 402.40 ~~404.40~~. One dollar from every civil  
25 penalty shall be paid to the Department of Juvenile Justice  
26 for deposit into the Juvenile Justice Training Trust Fund for  
27 juvenile justice purposes pursuant to s. 985.406 ~~39-024~~.

28 (2) Of the remainder:

29 (a) Twenty and six-tenths percent shall be paid to the  
30 General Revenue Fund of the state, except that the first  
31 \$300,000 shall be deposited into the Grants and Donations

1 Trust Fund in the Department of Children and Family Health and  
2 ~~Rehabilitative~~ Services for administrative costs, training  
3 costs, and costs associated with the implementation and  
4 maintenance of Florida foster care citizen review panels as  
5 provided for in s. 39.4531.

6  
7 Reviser's note.--Subsection (1) and paragraph  
8 (2)(a) are amended to conform to the creation  
9 of the Department of Children and Family  
10 Services by s. 5, ch. 96-403, Laws of Florida.  
11 Subsection (1) is also amended to correct a  
12 cross-reference to a nonexistent section and to  
13 conform to the transfer of s. 39.024 to s.  
14 985.406 by s. 66, ch. 97-238, Laws of Florida.

15  
16  
17 Section 30. Effective July 1, 1998, subsection (1) of  
18 section 318.21, Florida Statutes, is amended to read:

19 318.21 Disposition of civil penalties by county  
20 courts.--All civil penalties received by a county court  
21 pursuant to the provisions of this chapter shall be  
22 distributed and paid monthly as follows:

23 (1) One dollar from every civil penalty shall be paid  
24 to the Department of Children and Family Services for deposit  
25 into the Child Welfare Training Trust Fund for child welfare  
26 training purposes pursuant to s. 402.40. One dollar from every  
27 civil penalty shall be paid to the Department of Juvenile  
28 Justice for deposit into the Juvenile Justice Training Trust  
29 Fund for juvenile justice purposes pursuant to s. 985.406  
30 ~~39.024~~.

31

1 Reviser's note.--Amended to conform to the  
2 transfer of s. 39.024 to s. 985.406 by s. 66,  
3 ch. 97-238, Laws of Florida.

4  
5  
6 Section 31. Effective July 1, 1999, subsection (1) of  
7 section 318.21, Florida Statutes, is amended to read:

8 318.21 Disposition of civil penalties by county  
9 courts.--All civil penalties received by a county court  
10 pursuant to the provisions of this chapter shall be  
11 distributed and paid monthly as follows:

12 (1) One dollar from every civil penalty shall be paid  
13 to the Department of Children and Family Services for deposit  
14 into the Child Welfare Training Trust Fund for child welfare  
15 training purposes pursuant to s. 402.40. One dollar from every  
16 civil penalty shall be paid to the Department of Juvenile  
17 Justice for deposit into the Juvenile Justice Training Trust  
18 Fund for juvenile justice purposes pursuant to s. 985.406  
19 ~~39.024~~.

20  
21 Reviser's note.--Amended to conform to the  
22 transfer of s. 39.024 to s. 985.406 by s. 66,  
23 ch. 97-238, Laws of Florida.

24  
25  
26 Section 32. Effective July 1, 2000, subsection (1) of  
27 section 318.21, Florida Statutes, is amended to read:

28 318.21 Disposition of civil penalties by county  
29 courts.--All civil penalties received by a county court  
30 pursuant to the provisions of this chapter shall be  
31 distributed and paid monthly as follows:



1           (1) One dollar from every civil penalty shall be paid  
2 to the Department of Children and Family Services for deposit  
3 into the Child Welfare Training Trust Fund for child welfare  
4 training purposes pursuant to s. 402.40. One dollar from every  
5 civil penalty shall be paid to the Department of Juvenile  
6 Justice for deposit into the Juvenile Justice Training Trust  
7 Fund for juvenile justice purposes pursuant to s. 985.406  
8 ~~39.024~~.

9  
10           Reviser's note.--Amended to conform to the  
11 transfer of s. 39.024 to s. 985.406 by s. 66,  
12 ch. 97-238, Laws of Florida.

13  
14  
15           Section 33. Effective July 1, 2001, subsection (1) of  
16 section 318.21, Florida Statutes, is amended to read:

17           318.21 Disposition of civil penalties by county  
18 courts.--All civil penalties received by a county court  
19 pursuant to the provisions of this chapter shall be  
20 distributed and paid monthly as follows:

21           (1) One dollar from every civil penalty shall be paid  
22 to the Department of Children and Family Services for deposit  
23 into the Child Welfare Training Trust Fund for child welfare  
24 training purposes pursuant to s. 402.40. One dollar from every  
25 civil penalty shall be paid to the Department of Juvenile  
26 Justice for deposit into the Juvenile Justice Training Trust  
27 Fund for juvenile justice purposes pursuant to s. 985.406  
28 ~~39.024~~.

29  
30  
31

1 Reviser's note.--Amended to conform to the  
2 transfer of s. 39.024 to s. 985.406 by s. 66,  
3 ch. 97-238, Laws of Florida.

4  
5  
6 Section 34. Effective July 1, 2002, subsection (1) of  
7 section 318.21, Florida Statutes, is amended to read:

8 318.21 Disposition of civil penalties by county  
9 courts.--All civil penalties received by a county court  
10 pursuant to the provisions of this chapter shall be  
11 distributed and paid monthly as follows:

12 (1) One dollar from every civil penalty shall be paid  
13 to the Department of Children and Family Services for deposit  
14 into the Child Welfare Training Trust Fund for child welfare  
15 training purposes pursuant to s. 402.40. One dollar from every  
16 civil penalty shall be paid to the Department of Juvenile  
17 Justice for deposit into the Juvenile Justice Training Trust  
18 Fund for juvenile justice purposes pursuant to s. 985.406  
19 ~~39.024~~.

20  
21 Reviser's note.--Amended to conform to the  
22 transfer of s. 39.024 to s. 985.406 by s. 66,  
23 ch. 97-238, Laws of Florida.

24  
25  
26 Section 35. Subsections (2), (3), and (4) of section  
27 397.6758, Florida Statutes, are amended to read:

28 397.6758 Release of client from protective custody,  
29 emergency admission, involuntary assessment, involuntary  
30 treatment, and alternative involuntary assessment of a  
31 minor.--A client involuntarily admitted to a licensed service

1 provider may be released without further order of the court  
2 only by a qualified professional in a hospital, a  
3 detoxification facility, an addictions receiving facility, or  
4 any less restrictive treatment component. Notice of the  
5 release must be provided to the applicant in the case of an  
6 emergency admission or an alternative involuntary assessment  
7 for a minor, or to the petitioner and the court if the  
8 involuntary assessment or treatment was court ordered. In the  
9 case of a minor client, the release must be:

10 ~~(2) To the department pursuant to s. 39.03;~~

11 (2)(3) To the Department of Children and Family  
12 Services pursuant to s. 39.401; or

13 (3)(4) To the Department of Juvenile Justice pursuant  
14 to s. 984.13 ~~39.421~~.

15

16 Reviser's note.--Subsection (2) is repealed to  
17 conform to the repeal of s. 39.03 by s. 17, ch.  
18 90-208, Laws of Florida. Subsection (4) is  
19 amended to conform to the transfer of s. 39.421  
20 to s. 984.13 by s. 99, ch. 97-238, Laws of  
21 Florida.

22

23

24 Section 36. Subsections (1) and (4) of section  
25 397.706, Florida Statutes, are amended to read:

26 397.706 Screening, assessment, and disposition of  
27 juvenile offenders.--

28 (1) The substance abuse treatment needs of juvenile  
29 offenders and their families must be identified and addressed  
30 through diversionary programs and adjudicatory proceedings  
31 pursuant to chapter 984 or chapter 985 ~~39~~.

1           (4) The court may require juvenile offenders and their  
2 families to participate in substance abuse assessment and  
3 treatment services in accordance with the provisions of  
4 chapter 984 or chapter 985 ~~39~~ and may use its contempt powers  
5 to enforce its orders.

6  
7           Reviser's note.--Amended to conform to the  
8 legislative directive in s. 122, ch. 97-238,  
9 Laws of Florida.

10  
11  
12           Section 37. Paragraph (c) of subsection (3) of section  
13 409.145, Florida Statutes, is amended to read:

14           409.145 Care of children.--

15           (3)

16           (c)1. The department is authorized to provide the  
17 services of the children's foster care program to an  
18 individual who is enrolled full-time in a postsecondary  
19 vocational-technical education program, full-time in a  
20 community college program leading toward a vocational degree  
21 or an associate degree, or full-time in a university or  
22 college, if the following requirements are met:

23           a. The individual was committed to the legal custody  
24 of the department for placement in foster care as a dependent  
25 child;

26           b. The permanency planning goal pursuant to part III ~~V~~  
27 of chapter 39 for the individual is long-term foster care or  
28 independent living;

29           c. The individual has been accepted for admittance to  
30 a postsecondary vocational-technical education program, to a  
31 community college, or to a university or college;

1           d. All other resources have been thoroughly explored,  
2 and it can be clearly established that there are no  
3 alternative resources for placement; and

4           e. A written service agreement which specifies  
5 responsibilities and expectations for all parties involved has  
6 been signed by a representative of the department, the  
7 individual, and the foster parent or licensed child-caring  
8 agency providing the placement resources, if the individual is  
9 to continue living with the foster parent or placement  
10 resource while attending a postsecondary vocational-technical  
11 education program, community college, or university or  
12 college. An individual who is to be continued in or placed in  
13 independent living shall continue to receive services  
14 according to the independent living program and agreement of  
15 responsibilities signed by the department and the individual.

16           2. Any provision of this chapter or any other law to  
17 the contrary notwithstanding, when an individual who meets the  
18 requirements of subparagraph 1. is in attendance at a  
19 community college, college, or university, the department may  
20 make foster care payments to such community college, college,  
21 or university in lieu of payment to the foster parents or  
22 individual, for the purpose of room and board, if not  
23 otherwise provided, but such payments shall not exceed the  
24 amount that would have been paid to the foster parents had the  
25 individual remained in the foster home.

26           3. The services of the foster care program shall  
27 continue only for an individual under this paragraph who is a  
28 full-time student but shall continue for not more than:

29           a. Two consecutive years for an individual in a  
30 postsecondary vocational-technical education program;

31

1           b. Two consecutive years or four semesters for an  
2 individual enrolled in a community college unless the  
3 individual is participating in college preparatory instruction  
4 or is requiring additional time to complete the college-level  
5 communication and computation skills testing program, in which  
6 case such services shall continue for not more than 3  
7 consecutive years or six semesters; or

8           c. Four consecutive years, 8 semesters, or 12 quarters  
9 for an individual enrolled in a college or university unless  
10 the individual is participating in college-preparatory  
11 instruction or is requiring additional time to complete the  
12 college-level communication and computation skills testing  
13 programs, in which case such services shall continue for not  
14 more than 5 consecutive years, 10 semesters, or 15 quarters.

15           4.a. As a condition for continued foster care  
16 services, an individual shall have earned a grade point  
17 average of at least 2.0 on a 4.0 scale for the previous term,  
18 maintain at least an overall grade point average of 2.0 for  
19 only the previous term, and be eligible for continued  
20 enrollment in the institution. If the postsecondary  
21 vocational-technical school program does not operate on a  
22 grade point average as described above, then the individual  
23 shall maintain a standing equivalent to the 2.0 grade point  
24 average.

25           b. Services shall be terminated upon completion of,  
26 graduation from, or withdrawal or permanent expulsion from a  
27 postsecondary vocational-technical education program,  
28 community college, or university or college. Services shall  
29 also be terminated for failure to maintain the required level  
30 of academic achievement.

31

1 Reviser's note.--Amended to conform to the  
2 redesignation of part V of chapter 39 as part  
3 III necessitated by the repeal and transfer of  
4 the provisions of former parts II and IV by ch.  
5 97-238, Laws of Florida.  
6  
7

8 Section 38. Section 409.1685, Florida Statutes, is  
9 amended to read:

10 409.1685 Children in foster care; annual report to  
11 Legislature.--The Department of Children and Family Services  
12 shall submit a written report to the substantive committees of  
13 the Legislature concerning the status of children in foster  
14 care and concerning the judicial review mandated by part III ~~V~~  
15 of chapter 39. This report shall be submitted by March 1 of  
16 each year and shall include the following information for the  
17 prior calendar year:

18 (1) The number of 6-month and annual judicial reviews  
19 completed during that period.

20 (2) The number of children in foster care returned to  
21 a parent, guardian, or relative as a result of a 6-month or  
22 annual judicial review hearing during that period.

23 (3) The number of termination of parental rights  
24 proceedings instituted during that period which shall include:

25 (a) The number of termination of parental rights  
26 proceedings initiated pursuant to part III ~~V~~ of chapter 39;  
27 and

28 (b) The total number of terminations of parental  
29 rights ordered.

30 (4) The number of foster care children placed for  
31 adoption during that period.

1 Reviser's note.--Amended to conform to the  
2 redesignation of part V of chapter 39 as part  
3 III necessitated by the repeal and transfer of  
4 the provisions of former parts II and IV by ch.  
5 97-238, Laws of Florida.

6  
7  
8 Section 39. Subsection (1) of section 409.2564,  
9 Florida Statutes, is amended to read:

10 409.2564 Actions for support.--

11 (1) In each case in which regular support payments are  
12 not being made as provided herein, the department shall  
13 institute, within 30 days after determination of the obligor's  
14 reasonable ability to pay, action as is necessary to secure  
15 the obligor's payment of current support and any arrearage  
16 which may have accrued under an existing order of support.  
17 The department shall notify the program attorney in the  
18 judicial circuit in which the recipient resides setting forth  
19 the facts in the case, including the obligor's address, if  
20 known, and the public assistance case number. Whenever  
21 applicable, the procedures established under the provisions of  
22 chapter 88, Uniform Interstate Family Support Act, ~~and~~ chapter  
23 61, Dissolution of Marriage; Support; Custody, ~~and~~ chapter 39,  
24 Proceedings Relating to Children Juveniles, chapter 984,  
25 Children and Families in Need of Services; and chapter 985,  
26 Delinquency; Interstate Compact on Juveniles, may govern  
27 actions instituted under the provisions of this act, except  
28 that actions for support under chapter 39, chapter 984, or  
29 chapter 985 brought pursuant to this act shall not require any  
30 additional investigation or supervision by the department.

31



1 Reviser's note.--Amended to conform to the  
2 legislative directive in s. 122, ch. 97-238,  
3 Laws of Florida.

4  
5  
6 Section 40. Paragraph (a) of subsection (1) of section  
7 409.803, Florida Statutes, is amended to read:

8 409.803 Shelter and foster care services to dependent  
9 children.--

10 (1) It is the intent of the Legislature to:

11 (a) Facilitate the reunification of families or the  
12 permanent placement of a child pursuant to part II ~~parts III~~  
13 ~~and IV~~ of chapter 39 and chapter 984.

14  
15 Reviser's note.--Amended to conform to the  
16 redesignation of part III of chapter 39 as part  
17 II necessitated by the repeal or transfer of  
18 the provisions of former part II by chapter  
19 97-238, Laws of Florida, and the repeal or  
20 transfer to chapter 984 of the provisions of  
21 part IV by ch. 97-238.

22  
23  
24 Section 41. Subsection (8) of section 415.107, Florida  
25 Statutes, is amended to read:

26 415.107 Confidentiality of reports and records.--

27 (8) The department, upon receipt of the applicable  
28 fee, shall search its central abuse registry and tracking  
29 system records pursuant to the requirements of ss. ~~39-076,~~  
30 110.1127, 393.0655, 394.457, 397.451, 400.506, 400.509,  
31 400.512, 402.305(1), 402.3055, 402.313, 409.175, and 409.176,

1 and 985.407 for the existence of a confirmed report made on  
2 the personnel as defined in the foregoing provisions. The  
3 department shall report the existence of any confirmed report  
4 and advise the authorized licensing agency, applicant for  
5 licensure, or other authorized agency or person of the results  
6 of the search and the date of the report. Prior to a search  
7 being conducted, the department or its designee shall notify  
8 such person that an inquiry will be made. The department shall  
9 notify each person for whom a search is conducted of the  
10 results of the search upon request.

11

12 Reviser's note.--Amended to conform to the  
13 transfer of s. 39.076 to s. 985.407 by s. 67,  
14 ch. 97-238, Laws of Florida.

15

16

17 Section 42. Paragraph (b) of subsection (3) of section  
18 415.5015, Florida Statutes, is amended to read:

19 415.5015 Child abuse prevention training in the  
20 district school system.--

21 (3) DEFINITIONS.--As used in this section:

22 (b) "Child abuse" means those acts as defined in ss.  
23 39.01, 415.503, ~~and~~ 827.04, and 984.03.

24

25 Reviser's note.--Amended to conform to the  
26 legislative directive in s. 122, ch. 97-238,  
27 Laws of Florida.

28

29

30 Section 43. Subsection (8) of section 415.503, Florida  
31 Statutes, is amended to read:

1           415.503 Definitions of terms used in ss.  
2 415.502-415.514.--As used in ss. 415.502-415.514:  
3           (8) "Guardian ad litem" as referred to in any civil or  
4 criminal proceeding includes the following: a certified  
5 guardian ad litem program, a duly certified volunteer, a staff  
6 attorney, contract attorney, or certified pro bono attorney  
7 working on behalf of a guardian ad litem or the program; staff  
8 members of a program office; a court-appointed attorney; or a  
9 responsible adult who is appointed by the court to represent  
10 the best interests of a child in a proceeding as provided for  
11 by law, including, but not limited to, chapters 39, 984, and  
12 985 ~~chapter 39~~ and this chapter, who is a party to any  
13 judicial proceeding as a representative of the child, and who  
14 serves until discharged by the court.

15  
16           Reviser's note.--Amended to conform to the  
17 legislative directive in s. 122, ch. 97-238,  
18 Laws of Florida.

19  
20  
21           Section 44. Subsection (1) of section 415.5086,  
22 Florida Statutes, is amended to read:

23           415.5086 Hearing for appointment of a guardian  
24 advocate.--

25           (1) When a petition for appointment of a guardian  
26 advocate has been filed with the circuit court, the hearing  
27 shall be held within 14 days unless all parties agree to a  
28 continuance. If a child is in need of necessary medical  
29 treatment as defined in s. 39.01, s. 984.03, or s. 985.03, the  
30 court shall hold a hearing within 24 hours.

31

1 Reviser's note.--Amended to conform to the  
2 legislative directive in s. 122, ch. 97-238,  
3 Laws of Florida.

4  
5  
6 Section 45. Subsection (2) of section 415.51, Florida  
7 Statutes, is amended to read:

8 415.51 Confidentiality of reports and records in cases  
9 of child abuse or neglect.--

10 (2) Access to such records, excluding the name of the  
11 reporter which shall be released only as provided in  
12 subsection (4)~~(9)~~, shall be granted only to the following  
13 persons, officials, and agencies:

14 (a) Employees or agents of the department responsible  
15 for carrying out child or adult protective investigations,  
16 ongoing child or adult protective services, or licensure or  
17 approval of adoptive homes, foster homes, or other homes used  
18 to provide for the care and welfare of children. Also,  
19 employees or agents of the Department of Juvenile Justice  
20 responsible for the provision of services to children,  
21 pursuant to chapters 984 and 985 ~~parts II and IV of chapter~~  
22 ~~39~~.

23 (b) Criminal justice agencies of appropriate  
24 jurisdiction.

25 (c) The state attorney of the judicial circuit in  
26 which the child resides or in which the alleged abuse or  
27 neglect occurred.

28 (d) The parent or custodian of any child who is  
29 alleged to have been abused, neglected, or abandoned. This  
30 access shall be made available no later than 30 days after the  
31 department receives the initial report of abuse, neglect, or

1 abandonment. However, any information otherwise made  
2 confidential or exempt by law shall not be released pursuant  
3 to this paragraph.

4 (e) Any person alleged in the report as having caused  
5 the abuse, neglect, or abandonment of a child. This access  
6 shall be made available no later than 30 days after the  
7 department receives the initial report of abuse, neglect, or  
8 abandonment. However, any information otherwise made  
9 confidential or exempt by law shall not be released pursuant  
10 to this paragraph.

11 (f) A court upon its finding that access to such  
12 records may be necessary for the determination of an issue  
13 before the court; however, such access shall be limited to  
14 inspection in camera, unless the court determines that public  
15 disclosure of the information contained therein is necessary  
16 for the resolution of an issue then pending before it.

17 (g) A grand jury, by subpoena, upon its determination  
18 that access to such records is necessary in the conduct of its  
19 official business.

20 (h) Any appropriate official of the department  
21 responsible for:

22 1. Administration or supervision of the department's  
23 program for the prevention, investigation, or treatment of  
24 child abuse, abandonment, or neglect when carrying out his or  
25 her official function; or

26 2. Taking appropriate administrative action concerning  
27 an employee of the department alleged to have perpetrated  
28 institutional child abuse or neglect.

29 (i) Any person engaged in bona fide research or audit  
30 purposes. However, no information identifying the subjects of  
31 the report shall be made available to the researcher.

1           (j) The Division of Administrative Hearings for  
2 purposes of any administrative challenge.

3           (k) Any appropriate official of the human rights  
4 advocacy committee investigating a report of known or  
5 suspected child abuse, abandonment, or neglect, the Auditor  
6 General for the purpose of conducting preliminary or  
7 compliance reviews pursuant to s. 11.45, or the guardian ad  
8 litem for the child as defined in s. 415.503.

9           (l) Employees or agents of an agency of another state  
10 that has comparable jurisdiction to the jurisdiction described  
11 in paragraph (a).

12           (m) The Public Employees Relations Commission for the  
13 sole purpose of obtaining evidence for appeals filed pursuant  
14 to s. 447.207. Records may be released only after deletion of  
15 all information which specifically identifies persons other  
16 than the employee.

17  
18           Reviser's note.--Amended to conform to the  
19 redesignation of subsection (9) as subsection  
20 (4) by s. 46, ch. 95-228, Laws of Florida, and  
21 to conform to the legislative directive in s.  
22 122, ch. 97-238, Laws of Florida.

23  
24  
25           Section 46. Paragraph (d) of subsection (1) of section  
26 419.001, Florida Statutes, is amended to read:

27           419.001 Site selection of community residential  
28 homes.--

29           (1) For the purposes of this section, the following  
30 definitions shall apply:

31

1 (d) "Resident" means any of the following: an aged  
2 person as defined in s. 400.618(3); a physically disabled or  
3 handicapped person as defined in s. 760.22(7)(a); a  
4 developmentally disabled person as defined in s. 393.063(11);  
5 a nondangerous mentally ill person as defined in s.  
6 394.455(16); or a child as defined in s. 39.01(11), s.  
7 984.03(9) or (12), or s. 985.03(8)~~s. 39.01(12) and (14)~~.

8  
9 Reviser's note.--Amended to conform to the  
10 legislative directive in s. 122, ch. 97-238,  
11 Laws of Florida.

12  
13  
14 Section 47. Subsections (2), (3), and (6) of section  
15 743.0645, Florida Statutes, are amended to read:

16 743.0645 Other persons who may consent to medical care  
17 or treatment of a minor.--

18 (2) Any of the following persons, in order of priority  
19 listed, may consent to the medical care or treatment of a  
20 minor who is not committed to the Department of Children and  
21 Family Services or the Department of Juvenile Justice ~~Health~~  
22 ~~and Rehabilitative Services~~ or in their ~~its~~ custody under  
23 chapter 39, chapter 984, or chapter 985 when, after a  
24 reasonable attempt, a person who has the power to consent as  
25 otherwise provided by law cannot be contacted by the treatment  
26 provider and actual notice to the contrary has not been given  
27 to the provider by that person:

28 (a) A person who possesses a power of attorney to  
29 provide medical consent for the minor.

30 (b) The stepparent.

31 (c) The grandparent of the minor.

1 (d) An adult brother or sister of the minor.

2 (e) An adult aunt or uncle of the minor.

3

4 There shall be maintained in the treatment provider's records  
5 of the minor documentation that a reasonable attempt was made  
6 to contact the person who has the power to consent.

7 (3) The Department of Children and Family Services or  
8 the Department of Juvenile Justice ~~Health and Rehabilitative~~  
9 ~~Services~~ caseworker, case manager, or person primarily  
10 responsible for the case management of the child, the  
11 administrator of any facility licensed by the department under  
12 s. 393.067, s. 394.875, or s. 409.175, or the administrator of  
13 any state-operated or state-contracted delinquency residential  
14 treatment facility may consent to the medical care or  
15 treatment of any minor committed to it or in its custody under  
16 chapter 39, chapter 984, or chapter 985, when the person who  
17 has the power to consent as otherwise provided by law cannot  
18 be contacted and such person has not expressly objected to  
19 such consent. There shall be maintained in the records of the  
20 minor documentation that a reasonable attempt was made to  
21 contact the person who has the power to consent as otherwise  
22 provided by law.

23 (6) The Department of Children and Family Services and  
24 the Department of Juvenile Justice ~~Health and Rehabilitative~~  
25 ~~Services~~ may adopt rules to implement this section.

26

27 Reviser's note.--Amended to conform to the  
28 redesignation of the Department of Health and  
29 Rehabilitative Services as the Department of  
30 Children and Family Services by s. 5, ch.  
31 96-403, Laws of Florida, and to conform to the



1 legislative directive in s. 122, ch. 97-238,  
2 Laws of Florida.

3  
4  
5 Section 48. Subsection (3) of section 744.309, Florida  
6 Statutes, is amended to read:

7 744.309 Who may be appointed guardian of a resident  
8 ward.--

9 (3) DISQUALIFIED PERSONS.--No person who has been  
10 convicted of a felony or who, from any incapacity or illness,  
11 is incapable of discharging the duties of a guardian, or who  
12 is otherwise unsuitable to perform the duties of a guardian,  
13 shall be appointed to act as guardian. Further, no person who  
14 has been judicially determined to have committed abuse or  
15 neglect against a child as defined in s. 39.01(2) and (36) or  
16 s. 984.03(2) and (39)~~(47)~~, or who has a confirmed report of  
17 abuse, neglect, or exploitation which has been uncontested or  
18 upheld pursuant to the provisions of ss. 415.104 and 415.1075  
19 shall be appointed to act as a guardian. Except as provided  
20 in subsection (5) or subsection (6), a person who provides  
21 substantial services to the proposed ward in a professional or  
22 business capacity, or a creditor of the proposed ward, may not  
23 be appointed guardian and retain that previous professional or  
24 business relationship. A person may not be appointed a  
25 guardian if he or she is in the employ of any person, agency,  
26 government, or corporation that provides service to the  
27 proposed ward in a professional or business capacity, except  
28 that a person so employed may be appointed if he or she is the  
29 spouse, adult child, parent, or sibling of the proposed ward  
30 or the court determines that the potential conflict of  
31 interest is insubstantial and that the appointment would

1 clearly be in the proposed ward's best interest. The court  
2 may not appoint a guardian in any other circumstance in which  
3 a conflict of interest may occur.

4

5 Reviser's note.--Amended to conform to the  
6 legislative directive in s. 122, ch. 97-238,  
7 Laws of Florida.

8

9

10 Section 49. Section 784.075, Florida Statutes, is  
11 amended to read:

12 784.075 Battery on detention or commitment facility  
13 staff.--A person who commits a battery on an intake counselor  
14 or case manager, as defined in s. 984.03(31) or s. 985.03(30)  
15 ~~39.01(34)~~, on other staff of a detention center or facility as  
16 defined in s. 984.03(19) or s. 985.03(19)~~39.01(23)~~, or on a  
17 staff member of a commitment facility as defined in s.  
18 985.03(45)(c), (d), or (e)~~39.01(59)(c), (d), or (e)~~, commits  
19 a felony of the third degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084. For purposes of this  
21 section, a staff member of the facilities listed includes  
22 persons employed by the Department of Juvenile Justice,  
23 persons employed at facilities licensed by the Department of  
24 Juvenile Justice, and persons employed at facilities operated  
25 under a contract with the Department of Juvenile Justice.

26

27 Reviser's note.--Amended to conform to the  
28 legislative directive in s. 122, ch. 97-238,  
29 Laws of Florida.

30

31

1           Section 50. Subsections (8) and (9) of section 790.22,  
2 Florida Statutes, are amended to read:

3           790.22 Use of BB guns, air or gas-operated guns, or  
4 electric weapons or devices by minor under 16; limitation;  
5 possession of firearms by minor under 18 prohibited;  
6 penalties.--

7           (8) Notwithstanding s. 985.213 ~~39-042~~ or s. 985.215(1)  
8 ~~39-044(1)~~, if a minor under 18 years of age is charged with an  
9 offense that involves the use or possession of a firearm, as  
10 defined in s. 790.001, other than a violation of subsection  
11 (3), or is charged for any offense during the commission of  
12 which the minor possessed a firearm, the minor shall be  
13 detained in secure detention, unless the state attorney  
14 authorizes the release of the minor, and shall be given a  
15 hearing within 24 hours after being taken into custody.  
16 ~~Effective April 15, 1994,~~At the hearing, the court may order  
17 that the minor continue to be held in secure detention in  
18 accordance with the applicable time periods specified in s.  
19 985.215(5)~~39-044(5)~~, if the court finds that the minor meets  
20 the criteria specified in s. 985.215(2)~~39-044(2)~~, or if the  
21 court finds by clear and convincing evidence that the minor is  
22 a clear and present danger to himself or herself or the  
23 community. The Department of Juvenile Justice shall prepare a  
24 form for all minors charged under this subsection that states  
25 the period of detention and the relevant demographic  
26 information, including, but not limited to, the sex, age, and  
27 race of the minor; whether or not the minor was represented by  
28 private counsel or a public defender; the current offense; and  
29 the minor's complete prior record, including any pending  
30 cases. The form shall be provided to the judge to be  
31 considered when determining whether the minor should be

1 continued in secure detention under this subsection. An order  
2 placing a minor in secure detention because the minor is a  
3 clear and present danger to himself or herself or the  
4 community must be in writing, must specify the need for  
5 detention and the benefits derived by the minor or the  
6 community by placing the minor in secure detention, and must  
7 include a copy of the form provided by the department. The  
8 Department of Juvenile Justice must send the form, including a  
9 copy of any order, without client-identifying information, to  
10 the Division of Economic and Demographic Research of the Joint  
11 Legislative Management Committee.

12 (9) Notwithstanding s. 985.214 ~~39-043~~, if the minor is  
13 found to have committed an offense that involves the use or  
14 possession of a firearm, as defined in s. 790.001, other than  
15 a violation of subsection (3), or an offense during the  
16 commission of which the minor possessed a firearm, and the  
17 minor is not committed to a residential commitment program of  
18 the Department of Juvenile Justice ~~Health and Rehabilitative~~  
19 ~~Services~~, in addition to any other punishment provided by law,  
20 the court shall order:

21 (a) For a first offense, that the minor serve a  
22 mandatory period of detention of 5 days in a secure detention  
23 facility and perform 100 hours of community service.

24 (b) For a second or subsequent offense, that the minor  
25 serve a mandatory period of detention of 10 days in a secure  
26 detention facility and perform not less than 100 nor more than  
27 250 hours of community service.

28  
29 The minor shall receive credit for time served before  
30 adjudication.

31

1           Reviser's note.--Amended to conform to the  
2           transfer of s. 39.042 to s. 985.213 by s. 21,  
3           ch. 97-238, Laws of Florida; the transfer of s.  
4           39.044 to s. 985.215 by s. 23, ch. 97-238; and  
5           the transfer of s. 39.043 to s. 985.214 by s.  
6           22, ch. 97-238. Subsection (9) was also amended  
7           to conform to the creation of the Department of  
8           Juvenile Justice by s. 1, ch. 94-209, Laws of  
9           Florida.

10  
11

12           Section 51. Subsection (2) of section 790.23, Florida  
13 Statutes, is amended to read:

14           790.23 Felons and delinquents; possession of firearms  
15 or electric weapons or devices unlawful.--

16           (2) This section shall not apply to a person convicted  
17 of a felony whose civil rights and firearm authority have been  
18 restored, or to a person found to have committed a delinquent  
19 act that would be a felony if committed by an adult with  
20 respect to which the jurisdiction of the court pursuant to  
21 chapter 985 ~~39~~ has expired.

22

23           Reviser's note.--Amended to conform to the  
24 repeal and transfer of the provisions of former  
25 part II of chapter 39, relating to delinquency,  
26 to chapter 985 by ch. 97-238, Laws of Florida.

27

28

29           Section 52. Subsection (4) of section 877.22, Florida  
30 Statutes, is amended to read:

31

1           877.22 Minors prohibited in public places and  
2 establishments during certain hours; penalty; procedure.--

3           (4) If a minor violates a curfew and is taken into  
4 custody, the minor shall be transported immediately to a  
5 police station or to a facility operated by a religious,  
6 charitable, or civic organization that conducts a curfew  
7 program in cooperation with a local law enforcement agency.  
8 After recording pertinent information about the minor, the law  
9 enforcement agency shall attempt to contact the parent of the  
10 minor and, if successful, shall request that the parent take  
11 custody of the minor and shall release the minor to the  
12 parent. If the law enforcement agency is not able to contact  
13 the minor's parent within 2 hours after the minor is taken  
14 into custody, or if the parent refuses to take custody of the  
15 minor, the law enforcement agency may transport the minor to  
16 her or his residence or proceed as authorized under part II  
17 ~~III~~ of chapter 39.

18  
19           Reviser's note.--Amended to conform to the  
20 redesignation of part III of chapter 39 as part  
21 II necessitated by the repeal and transfer of  
22 the provisions of former part II by ch. 97-238,  
23 Laws of Florida.

24  
25  
26           Section 53. Paragraph (c) of subsection (3) of section  
27 921.0012, Florida Statutes, is amended to read:

28           921.0012 Sentencing guidelines offense levels; offense  
29 severity ranking chart.--

30           (3) OFFENSE SEVERITY RANKING CHART  
31

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(c) LEVEL 3
5	<del>39.061</del>	3rd	<del>Escapes from juvenile facility</del>
6			<del>(secure detention or residential</del>
7			<del>commitment facility).</del>
8	319.30(4)	3rd	Possession by junkyard of motor
9			vehicle with identification
10			number plate removed.
11	319.33(1)(a)	3rd	Alter or forge any certificate of
12			title to a motor vehicle or
13			mobile home.
14	319.33(1)(c)	3rd	Procure or pass title on stolen
15			vehicle.
16	319.33(4)	3rd	With intent to defraud, possess,
17			sell, etc., a blank, forged, or
18			unlawfully obtained title or
19			registration.
20	328.05(2)	3rd	Possess, sell, or counterfeit
21			fictitious, stolen, or fraudulent
22			titles or bills of sale of
23			vessels.
24	328.07(4)	3rd	Manufacture, exchange, or possess
25			vessel with counterfeit or wrong
26			ID number.
27	376.302(5)	3rd	Fraud related to reimbursement
28			for cleanup expenses under the
29			Inland Protection Trust Fund.
30			
31			

1	501.001(2)(b)	2nd	Tampers with a consumer product
2			or the container using materially
3			false/misleading information.
4	697.08	3rd	Equity skimming.
5	790.15(3)	3rd	Person directs another to
6			discharge firearm from a vehicle.
7	796.05(1)	3rd	Live on earnings of a prostitute.
8	806.10(1)	3rd	Maliciously injure, destroy, or
9			interfere with vehicles or
10			equipment used in firefighting.
11	806.10(2)	3rd	Interferes with or assaults
12			firefighter in performance of
13			duty.
14	810.09(2)(c)	3rd	Trespass on property other than
15			structure or conveyance armed
16			with firearm or dangerous weapon.
17	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
18			less than \$10,000.
19	815.04(4)(b)	2nd	Computer offense devised to
20			defraud or obtain property.
21	817.034(4)(a)3.	3rd	Engages in scheme to defraud
22			(Florida Communications Fraud
23			Act), property valued at less
24			than \$20,000.
25	817.233	3rd	Burning to defraud insurer.
26	828.12(2)	3rd	Tortures any animal with intent
27			to inflict intense pain, serious
28			physical injury, or death.
29	831.29	2nd	Possession of instruments for
30			counterfeiting driver's licenses
31			or identification cards.



1	838.021(3)(b)	3rd	Threatens unlawful harm to public
2			servant.
3	843.19	3rd	Injure, disable, or kill police
4			dog or horse.
5	870.01(2)	3rd	Riot; inciting or encouraging.
6	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
7			cannabis (or other s.
8			893.03(1)(c), (2)(c), (3), or (4)
9			drugs).
10	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
11			893.03(1)(c), (2)(c), (3), or (4)
12			drugs within 200 feet of
13			university, public housing
14			facility, or public park.
15	893.13(6)(a)	3rd	Possession of any controlled
16			substance other than felony
17			possession of cannabis.
18	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
19			controlled substance by fraud,
20			forgery, misrepresentation, etc.
21	893.13(7)(a)11.	3rd	Furnish false or fraudulent
22			material information on any
23			document or record required by
24			chapter 893.
25	918.13(1)(a)	3rd	Alter, destroy, or conceal
26			investigation evidence.
27	<u>944.401</u>	<u>3rd</u>	<u>Escapes from juvenile facility</u>
28			<u>(secure detention or residential</u>
29			<u>commitment facility).</u>
30			
31			

1 944.47  
2 (1)(a)1.-2. 3rd Introduce contraband to  
3 correctional facility.  
4 944.47(1)(c) 2nd Possess contraband while upon the  
5 grounds of a correctional  
6 institution.  
7  
8 Reviser's note.--Amended to conform to the  
9 transfer of s. 39.061 to s. 944.401 by s. 113,  
10 ch. 97-238, Laws of Florida.  
11  
12  
13 Section 54. Effective October 1, 1998, paragraph (c)  
14 of subsection (3) of section 921.0022, Florida Statutes, is  
15 amended to read:  
16 921.0022 Criminal Punishment Code; offense severity  
17 ranking chart.--  
18 (3) OFFENSE SEVERITY RANKING CHART  
19  
20 Florida Felony  
21 Statute Degree Description  
22  
23 (c) LEVEL 3  
24 ~~39.061~~ 3rd ~~Escapes from juvenile facility~~  
25 ~~(secure detention or residential~~  
26 ~~commitment facility).~~  
27 319.30(4) 3rd Possession by junkyard of motor  
28 vehicle with identification  
29 number plate removed.  
30  
31

1	319.33(1)(a)	3rd	Alter or forge any certificate of
2			title to a motor vehicle or
3			mobile home.
4	319.33(1)(c)	3rd	Procure or pass title on stolen
5			vehicle.
6	319.33(4)	3rd	With intent to defraud, possess,
7			sell, etc., a blank, forged, or
8			unlawfully obtained title or
9			registration.
10	328.05(2)	3rd	Possess, sell, or counterfeit
11			fictitious, stolen, or fraudulent
12			titles or bills of sale of
13			vessels.
14	328.07(4)	3rd	Manufacture, exchange, or possess
15			vessel with counterfeit or wrong
16			ID number.
17	376.302(5)	3rd	Fraud related to reimbursement
18			for cleanup expenses under the
19			Inland Protection Trust Fund.
20	501.001(2)(b)	2nd	Tampers with a consumer product
21			or the container using materially
22			false/misleading information.
23	697.08	3rd	Equity skimming.
24	790.15(3)	3rd	Person directs another to
25			discharge firearm from a vehicle.
26	796.05(1)	3rd	Live on earnings of a prostitute.
27	806.10(1)	3rd	Maliciously injure, destroy, or
28			interfere with vehicles or
29			equipment used in firefighting.
30			
31			

1	806.10(2)	3rd	Interferes with or assaults
2			firefighter in performance of
3			duty.
4	810.09(2)(c)	3rd	Trespass on property other than
5			structure or conveyance armed
6			with firearm or dangerous weapon.
7	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
8			less than \$10,000.
9	815.04(4)(b)	2nd	Computer offense devised to
10			defraud or obtain property.
11	817.034(4)(a)3.	3rd	Engages in scheme to defraud
12			(Florida Communications Fraud
13			Act), property valued at less
14			than \$20,000.
15	817.233	3rd	Burning to defraud insurer.
16	828.12(2)	3rd	Tortures any animal with intent
17			to inflict intense pain, serious
18			physical injury, or death.
19	831.29	2nd	Possession of instruments for
20			counterfeiting drivers' licenses.
21	838.021(3)(b)	3rd	Threatens unlawful harm to public
22			servant.
23	843.19	3rd	Injure, disable, or kill police
24			dog or horse.
25	870.01(2)	3rd	Riot; inciting or encouraging.
26	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
27			cannabis (or other s.
28			893.03(1)(c), (2)(c), (3), or (4)
29			drugs).
30			
31			

1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c), (3), or (4)
3			drugs within 200 feet of
4			university, public housing
5			facility, or public park.
6	893.13(6)(a)	3rd	Possession of any controlled
7			substance other than felony
8			possession of cannabis.
9	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
10			controlled substance by fraud,
11			forgery, misrepresentation, etc.
12	893.13(7)(a)11.	3rd	Furnish false or fraudulent
13			material information on any
14			document or record required by
15			chapter 893.
16	918.13(1)(a)	3rd	Alter, destroy, or conceal
17			investigation evidence.
18	<u>944.401</u>	<u>3rd</u>	<u>Escapes from juvenile facility</u>
19			<u>(secure detention or residential</u>
20			<u>commitment facility).</u>
21	944.47		
22	(1)(a)1.-2.	3rd	Introduce contraband to
23			correctional facility.
24	944.47(1)(c)	2nd	Possess contraband while upon the
25			grounds of a correctional
26			institution.
27			
28			Reviser's note.--Amended to conform to the
29			transfer of s. 39.061 to s. 944.401 by s. 113,
30			ch. 97-238, Laws of Florida.
31			

1           Section 55. Subsection (2) of section 938.17, Florida  
2 Statutes, is amended to read:

3           938.17 County delinquency prevention.--

4           (2) In counties in which the sheriff's office is a  
5 partner in a juvenile justice assessment center pursuant to s.  
6 985.209 ~~39.0471~~, or a partner in a suspension program  
7 developed in conjunction with the district school board in the  
8 county of the sheriff's jurisdiction, the court shall assess  
9 court costs of \$3 per case, in addition to any other  
10 authorized cost or fine, on every person who, with respect to  
11 a charge, indictment, prosecution commenced, or petition of  
12 delinquency filed in that county or circuit, pleads guilty,  
13 nolo contendere to, or is convicted of, or adjudicated  
14 delinquent for, or has an adjudication withheld for, a felony  
15 or misdemeanor, or a criminal traffic offense or handicapped  
16 parking violation under state law, or a violation of any  
17 municipal or county ordinance, if the violation constitutes a  
18 misdemeanor under state law.

19  
20           Reviser's note.--Amended to conform to the  
21 transfer of s. 39.0471 to s. 985.209 by s. 17,  
22 ch. 97-238, Laws of Florida.

23  
24  
25           Section 56. Subsection (1) of section 943.0515,  
26 Florida Statutes, is amended to read:

27           943.0515 Retention of criminal history records of  
28 minors.--

29           (1)(a) The Division of Criminal Justice Information  
30 Systems shall retain the criminal history record of a minor  
31 who is classified as a serious or habitual juvenile offender

1 under chapter 985 ~~39~~ for 5 years after the date the offender  
2 reaches 21 years of age, at which time the record shall be  
3 expunged unless it meets the criteria of paragraph (2)(a) or  
4 paragraph (2)(b).

5 (b) If the minor is not classified as a serious or  
6 habitual juvenile offender under chapter 985 ~~39~~, the division  
7 shall retain the minor's criminal history record for 5 years  
8 after the date the minor reaches 19 years of age, at which  
9 time the record shall be expunged unless it meets the criteria  
10 of paragraph (2)(a) or paragraph (2)(b).

11

12 Reviser's note.--Amended to conform to the  
13 transfer of s. 39.058, relating to the serious  
14 or habitual juvenile offender program, to s.  
15 985.31 by s. 54, ch. 97-238, Laws of Florida.

16

17

18 Section 57. Paragraph (a) of subsection (4) of section  
19 943.0585, Florida Statutes, is amended to read:

20 943.0585 Court-ordered expunction of criminal history  
21 records.--The courts of this state have jurisdiction over  
22 their own procedures, including the maintenance, expunction,  
23 and correction of judicial records containing criminal history  
24 information to the extent such procedures are not inconsistent  
25 with the conditions, responsibilities, and duties established  
26 by this section. Any court of competent jurisdiction may  
27 order a criminal justice agency to expunge the criminal  
28 history record of a minor or an adult who complies with the  
29 requirements of this section. The court shall not order a  
30 criminal justice agency to expunge a criminal history record  
31 until the person seeking to expunge a criminal history record

1 has applied for and received a certificate of eligibility for  
2 expunction pursuant to subsection (2). A criminal history  
3 record that relates to a violation of chapter 794, s. 800.04,  
4 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a  
5 violation enumerated in s. 907.041 may not be expunged,  
6 without regard to whether adjudication was withheld, if the  
7 defendant was found guilty of or pled guilty or nolo  
8 contendere to the offense, or if the defendant, as a minor,  
9 was found to have committed, or pled guilty or nolo contendere  
10 to committing, the offense as a delinquent act. The court may  
11 only order expunction of a criminal history record pertaining  
12 to one arrest or one incident of alleged criminal activity,  
13 except as provided in this section. The court may, at its sole  
14 discretion, order the expunction of a criminal history record  
15 pertaining to more than one arrest if the additional arrests  
16 directly relate to the original arrest. If the court intends  
17 to order the expunction of records pertaining to such  
18 additional arrests, such intent must be specified in the  
19 order. A criminal justice agency may not expunge any record  
20 pertaining to such additional arrests if the order to expunge  
21 does not articulate the intention of the court to expunge a  
22 record pertaining to more than one arrest. This section does  
23 not prevent the court from ordering the expunction of only a  
24 portion of a criminal history record pertaining to one arrest  
25 or one incident of alleged criminal activity. Notwithstanding  
26 any law to the contrary, a criminal justice agency may comply  
27 with laws, court orders, and official requests of other  
28 jurisdictions relating to expunction, correction, or  
29 confidential handling of criminal history records or  
30 information derived therefrom. This section does not confer  
31 any right to the expunction of any criminal history record,



1 and any request for expunction of a criminal history record  
2 may be denied at the sole discretion of the court.

3 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
4 criminal history record of a minor or an adult which is  
5 ordered expunged by a court of competent jurisdiction pursuant  
6 to this section must be physically destroyed or obliterated by  
7 any criminal justice agency having custody of such record;  
8 except that any criminal history record in the custody of the  
9 department must be retained in all cases. A criminal history  
10 record ordered expunged that is retained by the department is  
11 confidential and exempt from the provisions of s. 119.07(1)  
12 and s. 24(a), Art. I of the State Constitution and not  
13 available to any person or entity except upon order of a court  
14 of competent jurisdiction. A criminal justice agency may  
15 retain a notation indicating compliance with an order to  
16 expunge.

17 (a) The person who is the subject of a criminal  
18 history record that is expunged under this section or under  
19 other provisions of law, including former s. 893.14, former s.  
20 901.33, and former s. 943.058, may lawfully deny or fail to  
21 acknowledge the arrests covered by the expunged record, except  
22 when the subject of the record:

- 23 1. Is a candidate for employment with a criminal  
24 justice agency;
- 25 2. Is a defendant in a criminal prosecution;
- 26 3. Concurrently or subsequently petitions for relief  
27 under this section or s. 943.059;
- 28 4. Is a candidate for admission to The Florida Bar;
- 29 5. Is seeking to be employed or licensed by or to  
30 contract with the Department of Children and Family Health and  
31 Rehabilitative Services or the Department of Juvenile Justice

1 or to be employed or used by such contractor or licensee in a  
2 sensitive position having direct contact with children, the  
3 developmentally disabled, the aged, or the elderly as provided  
4 in ~~s. 39.076~~, s. 110.1127(3), s. 393.063(14), s. 394.4572(1),  
5 s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(i), s.  
6 415.102(4), s. 415.1075(4), s. 985.407, or chapter 400; or

7 6. Is seeking to be employed or licensed by the Office  
8 of Teacher Education, Certification, Staff Development, and  
9 Professional Practices of the Department of Education, any  
10 district school board, or any local governmental entity that  
11 licenses child care facilities.

12  
13 Reviser's note.--Amended to conform to the  
14 creation of the Department of Children and  
15 Family Services by s. 5, ch. 96-403, Laws of  
16 Florida; creation of the Department of Juvenile  
17 Justice by s. 1, ch. 94-209, Laws of Florida;  
18 and the transfer of s. 39.076 to s. 985.407 by  
19 s. 67, ch. 97-238, Laws of Florida.  
20  
21

22 Section 58. Paragraph (a) of subsection (4) of section  
23 943.059, Florida Statutes, is amended to read:

24 943.059 Court-ordered sealing of criminal history  
25 records.--The courts of this state shall continue to have  
26 jurisdiction over their own procedures, including the  
27 maintenance, sealing, and correction of judicial records  
28 containing criminal history information to the extent such  
29 procedures are not inconsistent with the conditions,  
30 responsibilities, and duties established by this section. Any  
31 court of competent jurisdiction may order a criminal justice

1 agency to seal the criminal history record of a minor or an  
2 adult who complies with the requirements of this section. The  
3 court shall not order a criminal justice agency to seal a  
4 criminal history record until the person seeking to seal a  
5 criminal history record has applied for and received a  
6 certificate of eligibility for sealing pursuant to subsection  
7 (2). A criminal history record that relates to a violation of  
8 chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,  
9 s. 893.135, or a violation enumerated in s. 907.041 may not be  
10 sealed, without regard to whether adjudication was withheld,  
11 if the defendant was found guilty of or pled guilty or nolo  
12 contendere to the offense, or if the defendant, as a minor,  
13 was found to have committed or pled guilty or nolo contendere  
14 to committing the offense as a delinquent act. The court may  
15 only order sealing of a criminal history record pertaining to  
16 one arrest or one incident of alleged criminal activity,  
17 except as provided in this section. The court may, at its sole  
18 discretion, order the sealing of a criminal history record  
19 pertaining to more than one arrest if the additional arrests  
20 directly relate to the original arrest. If the court intends  
21 to order the sealing of records pertaining to such additional  
22 arrests, such intent must be specified in the order. A  
23 criminal justice agency may not seal any record pertaining to  
24 such additional arrests if the order to seal does not  
25 articulate the intention of the court to seal records  
26 pertaining to more than one arrest. This section does not  
27 prevent the court from ordering the sealing of only a portion  
28 of a criminal history record pertaining to one arrest or one  
29 incident of alleged criminal activity. Notwithstanding any law  
30 to the contrary, a criminal justice agency may comply with  
31 laws, court orders, and official requests of other

1 | jurisdictions relating to sealing, correction, or confidential  
2 | handling of criminal history records or information derived  
3 | therefrom. This section does not confer any right to the  
4 | sealing of any criminal history record, and any request for  
5 | sealing a criminal history record may be denied at the sole  
6 | discretion of the court.

7 |         (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A  
8 | criminal history record of a minor or an adult which is  
9 | ordered sealed by a court of competent jurisdiction pursuant  
10 | to this section is confidential and exempt from the provisions  
11 | of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
12 | and is available only to the person who is the subject of the  
13 | record, to the subject's attorney, to criminal justice  
14 | agencies for their respective criminal justice purposes, or to  
15 | those entities set forth in subparagraphs (a)1., 4., 5., and  
16 | 6. for their respective licensing and employment purposes.

17 |         (a) The subject of a criminal history record sealed  
18 | under this section or under other provisions of law, including  
19 | former s. 893.14, former s. 901.33, and former s. 943.058, may  
20 | lawfully deny or fail to acknowledge the arrests covered by  
21 | the sealed record, except when the subject of the record:

- 22 |             1. Is a candidate for employment with a criminal  
23 | justice agency;
- 24 |             2. Is a defendant in a criminal prosecution;
- 25 |             3. Concurrently or subsequently petitions for relief  
26 | under this section or s. 943.0585;
- 27 |             4. Is a candidate for admission to The Florida Bar;
- 28 |             5. Is seeking to be employed or licensed by or to  
29 | contract with the Department of Children and Family Health and  
30 | ~~Rehabilitative~~ Services or the Department of Juvenile Justice  
31 | or to be employed or used by such contractor or licensee in a

1 sensitive position having direct contact with children, the  
2 developmentally disabled, the aged, or the elderly as provided  
3 in ~~s. 39.076~~, s. 110.1127(3), s. 393.063(14), s. 394.4572(1),  
4 s. 397.451, s. 402.302(8), s. 402.313(3), s. 409.175(2)(i), s.  
5 415.102(4), s. 415.103, s. 985.407, or chapter 400; or

6 6. Is seeking to be employed or licensed by the Office  
7 of Teacher Education, Certification, Staff Development, and  
8 Professional Practices of the Department of Education, any  
9 district school board, or any local governmental entity which  
10 licenses child care facilities.

11  
12 Reviser's note.--Amended to conform to the  
13 creation of the Department of Children and  
14 Family Services by s. 5, ch. 96-403, Laws of  
15 Florida, and the transfer of s. 39.076 to s.  
16 985.407 by s. 67, ch. 97-238, Laws of Florida.

17  
18  
19 Section 59. Section 944.401, Florida Statutes, is  
20 amended to read:

21 944.401 Escapes from secure detention or residential  
22 commitment facility.--An escape from any secure detention  
23 facility maintained for the temporary detention of children,  
24 pending adjudication, disposition, or placement; an escape  
25 from any residential commitment facility defined in s.  
26 985.03(45)~~39.01(59)~~, maintained for the custody, treatment,  
27 punishment, or rehabilitation of children found to have  
28 committed delinquent acts or violations of law; or an escape  
29 from lawful transportation thereto or therefrom constitutes  
30 escape within the intent and meaning of s. 944.40 and is a  
31

1 felony of the third degree, punishable as provided in s.  
2 775.082, s. 775.083, or s. 775.084.

3  
4 Reviser's note.--Amended to conform to the  
5 legislative directive in s. 122, ch. 97-238,  
6 Laws of Florida.

7  
8  
9 Section 60. The introductory paragraph of subsection  
10 (2) of section 948.51, Florida Statutes, is amended to read:  
11 948.51 Community corrections assistance to counties or  
12 county consortiums.--

13 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.--A  
14 county, or a consortium of two or more counties, may contract  
15 with the Department of Corrections for community corrections  
16 funds as provided in this section. In order to enter into a  
17 community corrections partnership contract, a county or county  
18 consortium must have a public safety coordinating council  
19 established under s. 951.26 and must designate a county  
20 officer or agency to be responsible for administering  
21 community corrections funds received from the state. The  
22 public safety coordinating council shall prepare, develop, and  
23 implement a comprehensive public safety plan for the county,  
24 or the geographic area represented by the county consortium,  
25 and shall submit an annual report to the Department of  
26 Corrections concerning the status of the program. In preparing  
27 the comprehensive public safety plan, the public safety  
28 coordinating council shall cooperate with the district  
29 juvenile justice board, established under s. 985.413, and the  
30 county juvenile justice council, established under s. 985.414  
31 ~~39.025~~, in order to include programs and services for

1 juveniles in the plan. To be eligible for community  
2 corrections funds under the contract, the initial public  
3 safety plan must be approved by the governing board of the  
4 county, or the governing board of each county within the  
5 consortium, and the Secretary of Corrections based on the  
6 requirements of this section. If one or more other counties  
7 develop a unified public safety plan, the public safety  
8 coordinating council shall submit a single application to the  
9 department for funding. Continued contract funding shall be  
10 pursuant to subsection (5)~~(6)~~. The plan for a county or county  
11 consortium must cover at least a 5-year period and must  
12 include:

13

14           Reviser's note.--Amended to conform to the  
15           transfer of the provisions of s. 39.025,  
16           relating to district juvenile justice boards to  
17           s. 985.413 by s. 73, ch. 97-238, Laws of  
18           Florida; the creation of s. 985.414, relating  
19           to county juvenile justice councils, by s. 74,  
20           ch. 97-238; and the redesignation of subsection  
21           (6) as subsection (5) by s. 43, ch. 95-283,  
22           Laws of Florida.

23

24

25           Section 61. Paragraph (a) of subsection (1) of section  
26 958.04, Florida Statutes, is amended to read:

27

958.04 Judicial disposition of youthful offenders.--

28

(1) The court may sentence as a youthful offender any

29

person:

30

31

1 (a) Who is at least 18 years of age or who has been  
2 transferred for prosecution to the criminal division of the  
3 circuit court pursuant to chapter 985 39;

4  
5 Reviser's note.--Amended to conform to the  
6 legislative directive in s. 122, ch. 97-238,  
7 Laws of Florida.

8  
9  
10 Section 62. Section 958.046, Florida Statutes, is  
11 amended to read:

12 958.046 Placement in county-operated boot camp  
13 programs for youthful offenders.--In counties where there are  
14 county-operated youthful offender boot camp programs, other  
15 than boot camps described in ~~s. 39.057~~ or s. 958.04 or s.  
16 985.309, the court may sentence a youthful offender to such a  
17 boot camp. In county-operated youthful offender boot camp  
18 programs, juvenile offenders shall not be commingled with  
19 youthful offenders.

20  
21 Reviser's note.--Amended to conform to the  
22 transfer of s. 39.057 to s. 985.309 by s. 53,  
23 ch. 97-238, Laws of Florida.

24  
25  
26 Section 63. Paragraphs (b) and (j) of subsection (1)  
27 of section 960.001, Florida Statutes, are amended to read:

28 960.001 Guidelines for fair treatment of victims and  
29 witnesses in the criminal justice and juvenile justice  
30 systems.--

31



1           (1) The Department of Legal Affairs, the state  
2 attorneys, the Department of Corrections, the Department of  
3 Juvenile Justice, the Parole Commission, the State Courts  
4 Administrator and circuit court administrators, the Department  
5 of Law Enforcement, and every sheriff's department, police  
6 department, or other law enforcement agency as defined in s.  
7 943.10(4) shall develop and implement guidelines for the use  
8 of their respective agencies, which guidelines are consistent  
9 with the purposes of this act and s. 16(b), Art. I of the  
10 State Constitution and are designed to implement the  
11 provisions of s. 16(b), Art. I of the State Constitution and  
12 to achieve the following objectives:

13           (b) Information for purposes of notifying victim or  
14 appropriate next of kin of victim or other designated contact  
15 of victim.--In the case of a homicide, pursuant to chapter  
16 782; or a sexual offense, pursuant to chapter 794; or an  
17 attempted murder or sexual offense, pursuant to chapter 777;  
18 or stalking, pursuant to s. 784.048; or domestic violence,  
19 pursuant to s. 25.385:

20           1. The arresting law enforcement officer or personnel  
21 of an organization that provides assistance to a victim or to  
22 the appropriate next of kin of the victim or other designated  
23 contact must request that the victim or appropriate next of  
24 kin of the victim or other designated contact complete a  
25 victim notification card. However, the victim or appropriate  
26 next of kin of the victim or other designated contact may  
27 choose not to complete the victim notification card.

28           2. Unless the victim or the appropriate next of kin of  
29 the victim or other designated contact waives the option to  
30 complete the victim notification card, a copy of the victim  
31 notification card must be filed with the incident report or

1 warrant in the sheriff's office of the jurisdiction in which  
2 the incident report or warrant originated. The notification  
3 card shall, at a minimum, consist of:  
4       a. The name, address, and phone number of the victim;  
5 or  
6       b. The name, address, and phone number of the  
7 appropriate next of kin of the victim; or  
8       c. The name, address, and phone number of a designated  
9 contact other than the victim or appropriate next of kin of  
10 the victim; and  
11       d. Any relevant identification or case numbers  
12 assigned to the case.  
13       3. The chief administrator, or a person designated by  
14 the chief administrator, of a county jail, municipal jail,  
15 juvenile detention facility, or residential commitment  
16 facility shall make a reasonable attempt to notify the alleged  
17 victim or appropriate next of kin of the alleged victim or  
18 other designated contact within 4 hours following the release  
19 of the defendant on bail or, in the case of a juvenile  
20 offender, upon the release from residential detention or  
21 commitment. If the chief administrator, or designee, is  
22 unable to contact the alleged victim or appropriate next of  
23 kin of the alleged victim or other designated contact by  
24 telephone, the chief administrator, or designee, must send to  
25 the alleged victim or appropriate next of kin of the alleged  
26 victim or other designated contact a written notification of  
27 the defendant's release.  
28       4. Unless otherwise requested by the victim or the  
29 appropriate next of kin of the victim or other designated  
30 contact, the information contained on the victim notification  
31 card must be sent by the chief administrator, or designee, of

1 the appropriate facility to the subsequent correctional or  
2 residential commitment facility following the sentencing and  
3 incarceration of the defendant, and unless otherwise requested  
4 by the victim or the appropriate next of kin of the victim or  
5 other designated contact, he or she must be notified of the  
6 release of the defendant from incarceration as provided by  
7 law.

8           5. If the defendant was arrested pursuant to a warrant  
9 issued or taken into custody pursuant to s. 985.207 ~~39.037~~ in  
10 a jurisdiction other than the jurisdiction in which the  
11 defendant is being released, and the alleged victim or  
12 appropriate next of kin of the alleged victim or other  
13 designated contact does not waive the option for notification  
14 of release, the chief correctional officer or chief  
15 administrator of the facility releasing the defendant shall  
16 make a reasonable attempt to immediately notify the chief  
17 correctional officer of the jurisdiction in which the warrant  
18 was issued or the juvenile was taken into custody pursuant to  
19 s. 985.207 ~~39.037~~, and the chief correctional officer of that  
20 jurisdiction shall make a reasonable attempt to notify the  
21 alleged victim or appropriate next of kin of the alleged  
22 victim or other designated contact, as provided in this  
23 paragraph, that the defendant has been or will be released.

24           (j) Notification of right to request restitution.--Law  
25 enforcement agencies and the state attorney shall inform the  
26 victim of the victim's right to request and receive  
27 restitution pursuant to ~~s. 39.054(1)(a)~~ or s. 775.089 or s.  
28 985.231(1)(a)1., and of the victim's rights of enforcement  
29 under ~~ss. 39.022 and~~ 775.089(6) and 985.201 in the event an  
30 offender does not comply with a restitution order. The state  
31 attorney shall seek the assistance of the victim in the

1 documentation of the victim's losses for the purpose of  
2 requesting and receiving restitution. In addition, the state  
3 attorney shall inform the victim if and when restitution is  
4 ordered.

5  
6 Reviser's note.--Paragraph (1)(b) was amended  
7 to conform to the transfer of s. 39.037 to s.  
8 985.207 by s. 15, ch. 97-238, Laws of Florida.  
9 Paragraph (1)(j) was amended to conform to the  
10 legislative directive in s. 122, ch. 97-238,  
11 and to conform to the transfer of s. 39.022 to  
12 s. 985.201 by s. 9, ch. 97-238.

13  
14  
15 Section 64. Subsection (40) of section 984.03, Florida  
16 Statutes, is amended to read:

17 984.03 Definitions.--When used in this chapter, the  
18 term:

19 (40) "Parent" means a woman who gives birth to a child  
20 and a man whose consent to the adoption of the child would be  
21 required under s. 63.062(1)(b). If a child has been legally  
22 adopted, the term "parent" means the adoptive mother or father  
23 of the child. The term does not include an individual whose  
24 parental relationship to the child has been legally  
25 terminated, or an alleged or prospective parent, unless the  
26 parental status falls within the terms of either s. 39.4051(1)  
27 ~~39.4051(7)~~ or s. 63.062(1)(b).

28  
29 Reviser's note.--Amended to conform to the  
30 reference to parental status in s. 39.4051(1);

1 s. 39.4051(7) relates to release of  
2 information.

3  
4  
5 Section 65. Subsection (1) of section 984.04, Florida  
6 Statutes, is amended to read:

7 984.04 Families in need of services and children in  
8 need of services; procedures and jurisdiction.--

9 (1) It is the intent of the Legislature to address the  
10 problems of families in need of services by providing them  
11 with an array of services designed to preserve the unity and  
12 integrity of the family and to emphasize parental  
13 responsibility for the behavior of their children. Services to  
14 families in need of services and children in need of services  
15 shall be provided on a continuum of increasing intensity and  
16 participation by the parent and child. Judicial intervention  
17 to resolve the problems and conflicts that exist within a  
18 family shall be limited to situations in which a resolution to  
19 the problem or conflict has not been achieved through service,  
20 treatment, and family intervention after all available less  
21 restrictive resources have been exhausted. In creating this  
22 chapter part, the Legislature recognizes the need to  
23 distinguish the problems of truants, runaways, and children  
24 beyond the control of their parents, and the services provided  
25 to these children, from the problems and services designed to  
26 meet the needs of abandoned, abused, neglected, and delinquent  
27 children. In achieving this recognition, it shall be the  
28 policy of the state to develop short-term, temporary services  
29 and programs utilizing the least restrictive method for  
30 families in need of services and children in need of services.

31

1           Reviser's note.--Amended to conform to the  
2           arrangement of chapter 984, which is not  
3           divided into parts.

4  
5  
6           Section 66. Section 984.05, Florida Statutes, is  
7 amended to read:

8           984.05 Rules relating to habitual truants; adoption by  
9 Department of Education and Department of Juvenile  
10 Justice.--The Department of Juvenile Justice and the  
11 Department of Education shall work together on the development  
12 of, and shall adopt, rules as necessary for the implementation  
13 of ss. 232.19, and 984.03(29), and 985.03(27).

14  
15           Reviser's note.--Amended to conform to the  
16           legislative directive in s. 122, ch. 97-238,  
17           Laws of Florida.

18  
19  
20           Section 67. Section 984.071, Florida Statutes, is  
21 amended to read:

22           984.071 Information packet.--The Department of  
23 Juvenile Justice, in collaboration with the Department of  
24 Children and Family Services and the Department of Education,  
25 shall develop and publish an information packet that explains  
26 the current process under this chapter ~~part IV of chapter 39~~  
27 for obtaining assistance for a child in need of services or a  
28 family in need of services and the community services and  
29 resources available to parents of troubled or runaway  
30 children. In preparing the information packet, the Department  
31 of Juvenile Justice shall work with school district

1 superintendents, juvenile court judges, county sheriffs, and  
2 other local law enforcement officials in order to ensure that  
3 the information packet lists services and resources that are  
4 currently available within the county in which the packet is  
5 distributed. Each information packet shall be annually updated  
6 and shall be available for distribution by January 1, 1998.  
7 The school district shall distribute this information packet  
8 to parents of truant children and to other parents upon  
9 request or as deemed appropriate by the school district. In  
10 addition, the Department of Juvenile Justice shall distribute  
11 the information packet to state and local law enforcement  
12 agencies. Any law enforcement officer who has contact with the  
13 parent of a child who is locked out of the home or who runs  
14 away from home shall make the information available to the  
15 parent.

16

17 Reviser's note.--Amended to conform to the  
18 legislative directive in s. 122, ch. 97-238,  
19 Laws of Florida.

20

21

22 Section 68. Subsection (3) of section 984.10, Florida  
23 Statutes, is amended to read:

24 984.10 Intake.--

25 (3) If the representative of the department determines  
26 that in his or her judgment the interests of the family, the  
27 child, and the public will be best served by providing the  
28 family and child services and treatment voluntarily accepted  
29 by the child and the parents or legal custodians, the  
30 departmental representative may refer the family or child to  
31 an appropriate service and treatment provider. As part of the

1 intake procedure, the departmental representative shall inform  
2 the parent or legal custodian, in writing, of the services and  
3 treatment available to the child and family by department  
4 providers or community agencies and the rights and  
5 responsibilities of the parent or legal guardian under this  
6 chapter part.

7  
8 Reviser's note.--Amended to conform to the  
9 arrangement of chapter 984, which is not  
10 divided into parts.

11  
12  
13 Section 69. Paragraphs (a) and (c) of subsection (3)  
14 of section 984.15, Florida Statutes, are amended to read:

15 984.15 Petition for a child in need of services.--

16 (3)(a) The parent, guardian, or legal custodian may  
17 file a petition alleging that a child is a child in need of  
18 services if:

19 1. The department waives the requirement for a case  
20 staffing committee.

21 2. The department fails to convene a meeting of the  
22 case staffing committee within 7 days, excluding weekends and  
23 legal holidays, after receiving a written request for such a  
24 meeting from the child's parent, guardian, or legal custodian.

25 3. The parent, guardian, or legal custodian does not  
26 agree with the plan for services offered by the case staffing  
27 committee.

28 4. The department fails to provide a written report  
29 within 7 days after the case staffing committee meets, as  
30 required under s. 984.12(8)~~39.426(8)~~.

31



1 (c) The petition must be in writing and must set forth  
2 specific facts alleging that the child is a child in need of  
3 services as defined in s. 984.03 ~~39.01~~. The petition must also  
4 demonstrate that the parent, guardian, or legal custodian has  
5 in good faith, but unsuccessfully, participated in the  
6 services and processes described in ss. 984.11 ~~39.424~~ and  
7 984.12 ~~39.426~~.

8  
9 Reviser's note.--Paragraph (3)(a) is amended to  
10 conform to the transfer of s. 39.426(8) to s.  
11 984.12(8) by s. 98, ch. 97-238, Laws of  
12 Florida. Paragraph (3)(c) is amended to conform  
13 to the correct location of the definition and  
14 the transfer of ss. 39.424 and 39.426 to ss.  
15 984.11 and 984.12 by ss. 97 and 98, ch. 97-238,  
16 respectively.

17  
18  
19 Section 70. Subsection (5) of section 984.16, Florida  
20 Statutes, is amended to read:

21 984.16 Process and service.--

22 (5) The jurisdiction of the court shall attach to the  
23 child and the parent, custodian, or legal guardian of the  
24 child and the case when the summons is served upon the child  
25 or a parent or legal or actual custodian of the child or when  
26 the child is taken into custody with or without service of  
27 summons and after filing of a petition for a child in need of  
28 services, and thereafter the court may control the child and  
29 case in accordance with this chapter ~~part~~.

30  
31

1 Reviser's note.--Amended to conform to the  
2 arrangement of chapter 984, which is not  
3 divided into parts.

4  
5  
6 Section 71. Paragraph (c) of subsection (1) of section  
7 984.20, Florida Statutes, is amended to read:

8 984.20 Hearings for child-in-need-of-services cases.--

9 (1) ARRAIGNMENT HEARING.--

10 (c) If at the arraignment hearing the child and the  
11 parent, guardian, or custodian consents or admits to the  
12 allegations in the petition and the court determines that the  
13 petition meets the requirements of s. 984.15(3)(e)  
14 ~~39.436(3)(e)~~, the court shall proceed to hold a disposition  
15 hearing at the earliest practicable time that will allow for  
16 the completion of a predisposition study.

17  
18 Reviser's note.--Amended to conform to the  
19 transfer of s. 39.436 to s. 984.15 by s. 101,  
20 ch. 97-238, Laws of Florida.

21  
22  
23 Section 72. Subsections (2) and (3) of section 984.21,  
24 Florida Statutes, are amended to read:

25 984.21 Orders of adjudication.--

26 (2) If the court finds that the child named in the  
27 petition is a child in need of services, but finds that no  
28 action other than supervision in the home is required, it may  
29 enter an order briefly stating the facts upon which its  
30 finding is based, but withholding an order of adjudication and  
31 placing the child and family under the supervision of the

1 department. If the court later finds that the parent,  
2 guardian, or custodian of the child have not complied with the  
3 conditions of supervision imposed, the court may, after a  
4 hearing to establish the noncompliance, but without further  
5 evidence of the state of the child in need of services, enter  
6 an order of adjudication and shall thereafter have full  
7 authority under this chapter ~~part~~ to provide for the child as  
8 adjudicated.

9 (3) If the court finds that the child named in a  
10 petition is a child in need of services, but elects not to  
11 proceed under subsection (2), it shall incorporate that  
12 finding in an order of adjudication entered in the case,  
13 briefly stating the facts upon which the finding is made, and  
14 the court shall thereafter have full authority under this  
15 chapter ~~part~~ to provide for the child as adjudicated.

16  
17 Reviser's note.--Amended to conform to the  
18 arrangement of chapter 984, which is not  
19 divided into parts.

20  
21  
22 Section 73. Subsection (4) of section 984.22, Florida  
23 Statutes, is amended to read:

24 984.22 Powers of disposition.--

25 (4) All payments of fees made to the department  
26 pursuant to this chapter, or child support payments made to  
27 the department pursuant to subsection (3), shall be deposited  
28 in the General Revenue Fund. In cases in which the child is  
29 placed in foster care with the Department of Children and  
30 Family Services, such child support payments shall be  
31 deposited in the Community Resources Development ~~Foster Care,~~

1 ~~Group Home, Developmental Training, and Supported Employment~~  
2 ~~Programs~~ Trust Fund.

3  
4 Reviser's note.--Amended to conform to the  
5 redesignation of the Foster Care, Group Home,  
6 Developmental Training, and Supported  
7 Employment Programs Trust Fund as the Community  
8 Resources Development Trust Fund by s. 52, ch.  
9 96-418, Laws of Florida.

10  
11  
12 Section 74. Paragraph (b) of subsection (1) and  
13 subsections (5) and (6) of section 984.225, Florida Statutes,  
14 are amended to read:

15 984.225 Powers of disposition; placement in a  
16 staff-secure shelter.--

17 (1) Subject to specific legislative appropriation, the  
18 court may order that a child adjudicated as a child in need of  
19 services be placed for up to 90 days in a staff-secure shelter  
20 if:

21 (b) The child refuses to remain under the reasonable  
22 care and custody of his or her parent, guardian, or legal  
23 custodian, as evidenced by repeatedly running away from home.  
24 The court may not order that a child be placed in a  
25 staff-secure facility unless:

26 1. The child has failed to successfully complete an  
27 alternative treatment program or to comply with a  
28 court-ordered sanction; and

29 2. The child has been placed in a residential program  
30 on at least one prior occasion pursuant to a court order under  
31 this chapter ~~part~~.

1  
2 This subsection applies after other alternative,  
3 less-restrictive remedies have been exhausted. The court may  
4 order that a child be placed in a staff-secure shelter. The  
5 department, or an authorized representative of the department,  
6 must verify to the court that a bed is available for the  
7 child. If the department or an authorized representative of  
8 the department verifies that a bed is not available, the court  
9 shall stay the placement until a bed is available. The  
10 department will place the child's name on a waiting list. The  
11 child who has been on the waiting list the longest will get  
12 the next available bed.

13         (5) The department is deemed to have exhausted the  
14 reasonable remedies offered under this chapter ~~part~~ if, at the  
15 end of the commitment period, the parent, guardian, or legal  
16 custodian continues to refuse to allow the child to remain at  
17 home or creates unreasonable conditions for the child's  
18 return. If, at the end of the commitment period, the child is  
19 not reunited with his or her parent, guardian, or custodian  
20 due solely to the continued refusal of the parent, guardian,  
21 or custodian to provide food, clothing, shelter, and parental  
22 support, the child is considered to be threatened with harm as  
23 a result of such acts or omissions, and the court shall direct  
24 that the child be handled in every respect as a dependent  
25 child. Jurisdiction shall be transferred to the Department of  
26 Children and Family Services and the child's care shall be  
27 governed under parts II ~~III~~ and III of chapter 39 ~~44~~.

28         (6) The court shall review the child's commitment once  
29 every 45 days as provided in s. 984.20 ~~39.44~~. The court shall  
30 determine if the parent, guardian, or custodian has reasonably  
31 participated in and financially contributed to the child's

1 counseling and treatment program. The court shall also  
2 determine whether the department's efforts to reunite the  
3 family have been reasonable. If the court finds an inadequate  
4 level of support or participation by the parent, guardian, or  
5 custodian prior to the end of the commitment period, the court  
6 shall direct that the child be handled in every respect as a  
7 dependent child. Jurisdiction shall be transferred to the  
8 Department of Children and Family Services and the child's  
9 care shall be governed under parts II ~~III~~ and III of chapter  
10 39 ~~39~~.

11

12 Reviser's note.--Paragraph (1)(b) and  
13 subsection (5) are amended to conform to the  
14 arrangement of chapter 984, which is not  
15 divided into parts. Subsections (5) and (6)  
16 are amended to conform to the redesignation of  
17 parts III and V of chapter 39 as parts II and  
18 III necessitated by the repeal and transfer of  
19 the provisions of former parts II and IV by ch.  
20 97-238, Laws of Florida, and the assignment of  
21 this section at its present location to conform  
22 to the legislative directive in s. 122, ch.  
23 97-238. Subsection (6) is also amended to  
24 conform to the transfer of s. 39.44 to s.  
25 984.20 by s. 106, ch. 97-238.

26

27

28 Section 75. Subsections (1), (2), and (4) of section  
29 984.226, Florida Statutes, are amended to read:

30 984.226 Pilot program for a physically secure  
31 facility; contempt of court.--

1           (1) Subject to specific legislative appropriation, the  
2 Department of Juvenile Justice shall establish a pilot program  
3 within a single judicial circuit for the purpose of operating  
4 one or more physically secure facilities designated  
5 exclusively for the placement of children in need of services  
6 who are found in direct contempt or indirect contempt of a  
7 valid court order. If any party files a petition that a child  
8 is a child in need of services within such judicial circuit,  
9 the child must be represented by counsel at each court  
10 appearance. If the child is indigent, the court shall appoint  
11 an attorney to represent the child as provided under s.  
12 985.203 ~~39.041~~. Nothing precludes the court from requesting  
13 reimbursement of attorney's fees and costs from the  
14 nonindigent parent or legal guardian.

15           (2) If a child adjudicated as a child in need of  
16 services is held in direct contempt or indirect contempt of a  
17 valid court order, as an alternative to placing the child in a  
18 staff-secure facility as provided under ~~s. 39.0145~~ or s.  
19 984.225 or s. 985.216, the court may order that the child be  
20 placed within the circuit in a physically secure facility  
21 operated under the pilot program. A child may be committed to  
22 the facility only if the department, or an authorized  
23 representative of the department, verifies to the court that a  
24 bed is available for the child at the physically secure  
25 facility and the child has:

26           (a) Run away from a staff-secure shelter following  
27 placement under ~~s. 39.0145~~ or s. 984.225 or s. 985.216; or

28           (b) Committed at least two prior acts of direct or  
29 indirect contempt.

30           (4) Prior to being committed to a physically secure  
31 facility, the child must be afforded all rights of due process

1 required under s. 985.216 ~~39.0145~~. While in the physically  
2 secure facility, the child shall receive appropriate  
3 assessment, treatment, and educational services that are  
4 designed to eliminate or reduce the child's truant,  
5 ungovernable, or runaway behavior. The child and family shall  
6 be provided with family counseling and other support services  
7 necessary for reunification.

8  
9 Reviser's note.--Amended to conform to the  
10 transfer of s. 39.041 to s. 985.203 by s. 11,  
11 ch. 97-238, Laws of Florida, and the transfer  
12 of s. 39.0145 to s. 985.216 by s. 24, ch.  
13 97-238.

14  
15  
16 Section 76. Section 984.23, Florida Statutes, is  
17 amended to read:

18 984.23 Court and witness fees.--In all proceedings  
19 under this chapter ~~part~~, no court fees shall be charged  
20 against, and no witness fees shall be allowed to, any party to  
21 a petition or any parent or legal custodian or child named in  
22 a summons. Other witnesses shall be paid the witness fees  
23 fixed by law.

24  
25 Reviser's note.--Amended to conform to the  
26 arrangement of chapter 984, which is not  
27 divided into parts.

28  
29  
30 Section 77. Section 984.24, Florida Statutes, is  
31 amended to read:



1           984.24 Appeal.--The state, any child, or the family,  
2 guardian ad litem, or legal custodian of any child who is  
3 affected by an order of the court pursuant to this chapter  
4 ~~part~~ may appeal to the appropriate district court of appeal  
5 within the time and in the manner prescribed by the Florida  
6 Rules of Appellate Procedure and pursuant to s. 39.413.

7  
8           Reviser's note.--Amended to conform to the  
9 arrangement of chapter 984, which is not  
10 divided into parts.

11  
12  
13           Section 78. Subsection (41) of section 985.03, Florida  
14 Statutes, is amended to read:

15           985.03 Definitions.--When used in this chapter, the  
16 term:

17           (41) "Parent" means a woman who gives birth to a child  
18 and a man whose consent to the adoption of the child would be  
19 required under s. 63.062(1)(b). If a child has been legally  
20 adopted, the term "parent" means the adoptive mother or father  
21 of the child. The term does not include an individual whose  
22 parental relationship to the child has been legally  
23 terminated, or an alleged or prospective parent, unless the  
24 parental status falls within the terms of either s. 39.4051(1)  
25 ~~39.4051(7)~~ or s. 63.062(1)(b).

26  
27           Reviser's note.--Amended to conform to the  
28 reference to parental status in s. 39.4051(1);  
29 s. 39.4051(7) relates to release of  
30 information.

1           Section 79. Paragraph (b) of subsection (2) of section  
2 985.213, Florida Statutes, is amended to read:

3           985.213 Use of detention.--

4           (2)

5           (b)1. The risk assessment instrument for detention  
6 care placement determinations and orders shall be developed by  
7 the Department of Juvenile Justice in agreement with  
8 representatives appointed by the following associations: the  
9 Conference of Circuit Judges of Florida, the Prosecuting  
10 Attorneys Association, and the Public Defenders Association.  
11 Each association shall appoint two individuals, one  
12 representing an urban area and one representing a rural area.  
13 The parties involved shall evaluate and revise the risk  
14 assessment instrument as is considered necessary using the  
15 method for revision as agreed by the parties. The risk  
16 assessment instrument shall take into consideration, but need  
17 not be limited to, prior history of failure to appear, prior  
18 offenses, offenses committed pending adjudication, any  
19 unlawful possession of a firearm, theft of a motor vehicle or  
20 possession of a stolen motor vehicle, and community control  
21 status at the time the child is taken into custody. The risk  
22 assessment instrument shall also take into consideration  
23 appropriate aggravating and mitigating circumstances, and  
24 shall be designed to target a narrower population of children  
25 than s. 985.215(2). The risk assessment instrument shall also  
26 include any information concerning the child's history of  
27 abuse and neglect. The risk assessment shall indicate whether  
28 detention care is warranted, and, if detention care is  
29 warranted, whether the child should be placed into secure,  
30 nonsecure, or home detention care.

31

1           2. If, at the detention hearing, the court finds a  
2 material error in the scoring of the risk assessment  
3 instrument, the court may amend the score to reflect factual  
4 accuracy.

5           3. A child who is charged with committing an offense  
6 of domestic violence as defined in s. 741.28(1) and who does  
7 not meet detention criteria may be held in secure detention if  
8 the court makes specific written findings that:

9           a. The offense of domestic violence which the child is  
10 charged with committing caused physical injury to the victim;

11           b. Respite care for the child is not available; and

12           c. It is necessary to place the child in secure  
13 detention in order to protect the victim from further injury.

14  
15 The child may not be held in secure detention under this  
16 subparagraph for more than 48 hours unless ordered by the  
17 court. After 48 hours, the court shall hold a hearing if the  
18 state attorney or victim requests that secure detention be  
19 continued. The child may continue to be held in secure  
20 detention if the court makes a specific, written finding that  
21 secure detention is necessary to protect the victim from  
22 further injury. However, the child may not be held in secure  
23 detention beyond the time limits set forth in s. 985.215  
24 ~~39.044~~.

25  
26           Reviser's note.--Amended to conform to the  
27 transfer of s. 39.044 to s. 985.215 by s. 23,  
28 ch. 97-238, Laws of Florida.

1           Section 80. Subsection (2) of section 985.214, Florida  
2 Statutes, is amended to read:

3           985.214 Prohibited uses of detention.--

4           (2) A child alleged to be dependent under part II ~~III~~  
5 of ~~this~~ chapter 39 may not, under any circumstances, be placed  
6 into secure detention care.

7  
8           Reviser's note.--Amended to conform to the  
9 legislative directive in s. 122, ch. 97-238,  
10 Laws of Florida.

11  
12  
13           Section 81. Paragraph (a) of subsection (6) of section  
14 985.218, Florida Statutes, is amended to read:

15           985.218 Petition.--

16           (6)(a) If a petition has been filed alleging that a  
17 child has committed a delinquent act or violation of law, and  
18 no demand for speedy trial has been made ~~pursuant to paragraph~~  
19 ~~(d)~~, the adjudicatory hearing on the petition must be  
20 commenced within 90 days after the earlier of:

- 21           1. The date the child is taken into custody; or  
22           2. The date the petition is filed.

23  
24           Reviser's note.--Amended to conform to the fact  
25 that paragraph (6)(d) never existed.

26  
27  
28           Section 82. Paragraph (a) of subsection (1) of section  
29 985.231, Florida Statutes, is amended to read:

30           985.231 Powers of disposition in delinquency cases.--

1           (1)(a) The court that has jurisdiction of an  
2 adjudicated delinquent child may, by an order stating the  
3 facts upon which a determination of a sanction and  
4 rehabilitative program was made at the disposition hearing:

5           1. Place the child in a community control program or  
6 an aftercare program under the supervision of an authorized  
7 agent of the Department of Juvenile Justice or of any other  
8 person or agency specifically authorized and appointed by the  
9 court, whether in the child's own home, in the home of a  
10 relative of the child, or in some other suitable place under  
11 such reasonable conditions as the court may direct. A  
12 community control program for an adjudicated delinquent child  
13 must include a penalty component such as restitution in money  
14 or in kind, community service, a curfew, revocation or  
15 suspension of the driver's license of the child, or other  
16 nonresidential punishment appropriate to the offense and must  
17 also include a rehabilitative program component such as a  
18 requirement of participation in substance abuse treatment or  
19 in school or other educational program.

20           a. A restrictiveness level classification scale for  
21 levels of supervision shall be provided by the department,  
22 taking into account the child's needs and risks relative to  
23 community control supervision requirements to reasonably  
24 ensure the public safety. Community control programs for  
25 children shall be supervised by the department or by any other  
26 person or agency specifically authorized by the court. These  
27 programs must include, but are not limited to, structured or  
28 restricted activities as described in this subparagraph, and  
29 shall be designed to encourage the child toward acceptable and  
30 functional social behavior. If supervision or a program of  
31 community service is ordered by the court, the duration of

1 such supervision or program must be consistent with any  
2 treatment and rehabilitation needs identified for the child  
3 and may not exceed the term for which sentence could be  
4 imposed if the child were committed for the offense, except  
5 that the duration of such supervision or program for an  
6 offense that is a misdemeanor of the second degree, or is  
7 equivalent to a misdemeanor of the second degree, may be for a  
8 period not to exceed 6 months. When restitution is ordered by  
9 the court, the amount of restitution may not exceed an amount  
10 the child and the parent or guardian could reasonably be  
11 expected to pay or make. A child who participates in any work  
12 program under this part is considered an employee of the state  
13 for purposes of liability, unless otherwise provided by law.

14       b. The court may conduct judicial review hearings for  
15 a child placed on community control for the purpose of  
16 fostering accountability to the judge and compliance with  
17 other requirements, such as restitution and community service.  
18 The court may allow early termination of community control for  
19 a child who has substantially complied with the terms and  
20 conditions of community control.

21       c. If the conditions of the community control program  
22 or the aftercare program are violated, the agent supervising  
23 the program as it relates to the child involved, or the state  
24 attorney, may bring the child before the court on a petition  
25 alleging a violation of the program. Any child who violates  
26 the conditions of community control or aftercare must be  
27 brought before the court if sanctions are sought. A child  
28 taken into custody under s. 985.207 ~~39.037~~ for violating the  
29 conditions of community control or aftercare shall be held in  
30 a consequence unit if such a unit is available. The child  
31 shall be afforded a hearing within 24 hours after being taken

1 into custody to determine the existence of probable cause that  
2 the child violated the conditions of community control or  
3 aftercare. A consequence unit is a secure facility  
4 specifically designated by the department for children who are  
5 taken into custody under s. 985.207 for violating community  
6 control or aftercare, or who have been found by the court to  
7 have violated the conditions of community control or  
8 aftercare. If the violation involves a new charge of  
9 delinquency, the child may be detained under s. 985.215 in a  
10 facility other than a consequence unit. If the child is not  
11 eligible for detention for the new charge of delinquency, the  
12 child may be held in the consequence unit pending a hearing  
13 and is subject to the time limitations specified in s.  
14 985.215. If the child denies violating the conditions of  
15 community control or aftercare, the court shall appoint  
16 counsel to represent the child at the child's request. Upon  
17 the child's admission, or if the court finds after a hearing  
18 that the child has violated the conditions of community  
19 control or aftercare, the court shall enter an order revoking,  
20 modifying, or continuing community control or aftercare. In  
21 each such case, the court shall enter a new disposition order  
22 and, in addition to the sanctions set forth in this paragraph,  
23 may impose any sanction the court could have imposed at the  
24 original disposition hearing. If the child is found to have  
25 violated the conditions of community control or aftercare, the  
26 court may:

27       (I) Place the child in a consequence unit in that  
28 judicial circuit, if available, for up to 5 days for a first  
29 violation, and up to 15 days for a second or subsequent  
30 violation.

31

1 (II) Place the child on home detention with electronic  
2 monitoring. However, this sanction may be used only if a  
3 consequence unit is not available.

4 (III) Modify or continue the child's community control  
5 program or aftercare program.

6 (IV) Revoke community control or aftercare and commit  
7 the child to the department.

8 d. Notwithstanding s. 743.07 and paragraph (d), and  
9 except as provided in s. 985.31, the term of any order placing  
10 a child in a community control program must be until the  
11 child's 19th birthday unless he or she is released by the  
12 court, on the motion of an interested party or on its own  
13 motion.

14 2. Commit the child to a licensed child-caring agency  
15 willing to receive the child, but the court may not commit the  
16 child to a jail or to a facility used primarily as a detention  
17 center or facility or shelter.

18 3. Commit the child to the Department of Juvenile  
19 Justice at a restrictiveness level defined in s. 985.03(45).  
20 Such commitment must be for the purpose of exercising active  
21 control over the child, including, but not limited to,  
22 custody, care, training, urine monitoring, and treatment of  
23 the child and furlough of the child into the community.  
24 Notwithstanding s. 743.07 and paragraph (d), and except as  
25 provided in s. 985.31, the term of the commitment must be  
26 until the child is discharged by the department or until he or  
27 she reaches the age of 21.

28 4. Revoke or suspend the driver's license of the  
29 child.

30 5. Require the child and, if the court finds it  
31 appropriate, the child's parent or guardian together with the



1 child, to render community service in a public service  
2 program.

3           6. As part of the community control program to be  
4 implemented by the Department of Juvenile Justice, or, in the  
5 case of a committed child, as part of the community-based  
6 sanctions ordered by the court at the disposition hearing or  
7 before the child's release from commitment, order the child to  
8 make restitution in money, through a promissory note cosigned  
9 by the child's parent or guardian, or in kind for any damage  
10 or loss caused by the child's offense in a reasonable amount  
11 or manner to be determined by the court. The clerk of the  
12 circuit court shall be the receiving and dispensing agent. In  
13 such case, the court shall order the child or the child's  
14 parent or guardian to pay to the office of the clerk of the  
15 circuit court an amount not to exceed the actual cost incurred  
16 by the clerk as a result of receiving and dispensing  
17 restitution payments. The clerk shall notify the court if  
18 restitution is not made, and the court shall take any further  
19 action that is necessary against the child or the child's  
20 parent or guardian. A finding by the court, after a hearing,  
21 that the parent or guardian has made diligent and good faith  
22 efforts to prevent the child from engaging in delinquent acts  
23 absolves the parent or guardian of liability for restitution  
24 under this subparagraph.

25           7. Order the child and, if the court finds it  
26 appropriate, the child's parent or guardian together with the  
27 child, to participate in a community work project, either as  
28 an alternative to monetary restitution or as part of the  
29 rehabilitative or community control program.

30           8. Commit the child to the Department of Juvenile  
31 Justice for placement in a program or facility for serious or

1 habitual juvenile offenders in accordance with s. 985.31. Any  
2 commitment of a child to a program or facility for serious or  
3 habitual juvenile offenders must be for an indeterminate  
4 period of time, but the time may not exceed the maximum term  
5 of imprisonment that an adult may serve for the same offense.  
6 The court may retain jurisdiction over such child until the  
7 child reaches the age of 21, specifically for the purpose of  
8 the child completing the program.

9           9. In addition to the sanctions imposed on the child,  
10 order the parent or guardian of the child to perform community  
11 service if the court finds that the parent or guardian did not  
12 make a diligent and good faith effort to prevent the child  
13 from engaging in delinquent acts. The court may also order the  
14 parent or guardian to make restitution in money or in kind for  
15 any damage or loss caused by the child's offense. The court  
16 shall determine a reasonable amount or manner of restitution,  
17 and payment shall be made to the clerk of the circuit court as  
18 provided in subparagraph 6.

19           10. Subject to specific appropriation, commit the  
20 juvenile sexual offender to the Department of Juvenile Justice  
21 for placement in a program or facility for juvenile sexual  
22 offenders in accordance with s. 985.308. Any commitment of a  
23 juvenile sexual offender to a program or facility for juvenile  
24 sexual offenders must be for an indeterminate period of time,  
25 but the time may not exceed the maximum term of imprisonment  
26 that an adult may serve for the same offense. The court may  
27 retain jurisdiction over a juvenile sexual offender until the  
28 juvenile sexual offender reaches the age of 21, specifically  
29 for the purpose of completing the program.

30  
31

1 Reviser's note.--Amended to conform to the  
2 transfer of s. 39.037 to s. 985.207 by s. 15,  
3 ch. 97-238, Laws of Florida.

4  
5  
6 Section 83. Paragraph (d) of subsection (1) of section  
7 985.306, Florida Statutes, is amended to read:

8 985.306 Delinquency pretrial intervention program.--

9 (1)

10 (d) Any entity, whether public or private, providing  
11 pretrial substance abuse education, treatment intervention,  
12 and a urine monitoring program under this section must  
13 contract with the county or appropriate governmental entity,  
14 and the terms of the contract must include, but need not be  
15 limited to, the requirements established for private entities  
16 under s. 948.15(3)~~948.15(2)~~. It is the intent of the  
17 Legislature that public or private entities providing  
18 substance abuse education and treatment intervention programs  
19 involve the active participation of parents, schools,  
20 churches, businesses, law enforcement agencies, and the  
21 department or its contract providers.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of s. 948.15(2) as s. 948.15(3)  
25 by s. 42, ch. 95-283, Laws of Florida.

26  
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