

By the Committees on Juvenile Justice, Education
Innovation and Representatives Byrd, Feeney and Fasano

1 A bill to be entitled
2 An act relating to education; providing intent;
3 amending s. 39.045, F.S., relating to
4 confidential information about juvenile
5 offenders, to provide for disclosure to
6 teachers; amending s. 948.03, F.S.; requiring a
7 juvenile in a community control program to
8 attend a public adult education program or
9 dropout prevention program if available unless
10 an exception is made by the principal;
11 requiring disclosure of certain information if
12 a juvenile attends a regular educational school
13 program; providing an effective date.

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

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17 Section 1. The intent of this act is to create a
18 positive and safe learning environment for the children of
19 Florida and to keep disruptive children from affecting the
20 ability of public school students to learn.

21 Section 2. Subsection (5) of section 39.045, Florida
22 Statutes, 1996 Supplement, is amended to read:

23 39.045 Oaths; records; confidential information.--

24 (5) Except as provided in subsections (3), (8), (9),
25 and (10), and s. 943.053, all information obtained under this
26 part in the discharge of official duty by any judge, any
27 employee of the court, any authorized agent of the Department
28 of Juvenile Justice, the Parole Commission, the Juvenile
29 Justice Advisory Board, the Department of Corrections, the
30 district juvenile justice boards, any law enforcement agent,
31 or any licensed professional or licensed community agency

1 representative participating in the assessment or treatment of
2 a juvenile is confidential and may be disclosed only to the
3 authorized personnel of the court, the Department of Juvenile
4 Justice and its designees, the Department of Corrections, the
5 Parole Commission, the Juvenile Justice Advisory Board, law
6 enforcement agents, school superintendents and their
7 designees, any licensed professional or licensed community
8 agency representative participating in the assessment or
9 treatment of a juvenile, and others entitled under this part
10 to receive that information, or upon order of the court.
11 Within each county, the sheriff, the chiefs of police, the
12 district school superintendent, and the department shall enter
13 into an interagency agreement for the purpose of sharing
14 information about juvenile offenders among all parties. The
15 agreement must specify the conditions under which summary
16 criminal history information is to be made available to
17 appropriate school personnel, and the conditions under which
18 school records are to be made available to appropriate
19 department personnel. Such agreement shall require
20 notification to any classroom teacher of assignment to the
21 teacher's classroom of a juvenile who has been placed in a
22 community control or commitment program for a felony offense.
23 The agencies entering into such agreement must comply with s.
24 943.0525, and must maintain the confidentiality of information
25 that is otherwise exempt from s. 119.07(1), as provided by
26 law.

27 Section 3. Subsection (9) of section 948.03, Florida
28 Statutes, 1996 Supplement, is amended to read:

29 948.03 Terms and conditions of probation or community
30 control.--

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1 (9)(a) As a condition of community control, probation,
2 or probation following incarceration, require an offender who
3 has not obtained a high school diploma or high school
4 equivalency diploma or who lacks basic or functional literacy
5 skills, upon acceptance by an adult education program, to make
6 a good faith effort toward completion of such basic or
7 functional literacy skills or high school equivalency diploma,
8 as defined in ss. 228.0713 and 229.814, in accordance with the
9 assessed adult general education needs of the individual
10 offender. The court shall not revoke community control,
11 probation, or probation following incarceration because of the
12 offender's inability to achieve such skills or diploma but may
13 revoke community control, probation, or probation following
14 incarceration if the offender fails to make a good faith
15 effort to achieve such skills or diploma. The court may grant
16 early termination of community control, probation, or
17 probation following incarceration upon the offender's
18 successful completion of the approved program. As used in
19 this subsection, "good faith effort" means the offender is
20 enrolled in a program of instruction and is attending and
21 making satisfactory progress toward completion of the
22 requirements.

23 (b) A juvenile on community control who is a public
24 school student must attend a public adult education program or
25 a dropout prevention program, pursuant to s. 230.2316, which
26 includes a second chance school or an alternative to
27 expulsion, if the school district where the juvenile is
28 enrolled offers such programs, unless the principal of the
29 school determines that special circumstances warrant
30 continuation in the regular educational school program.

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1 (c) If a juvenile on community control attends a
2 regular educational school program because a public adult
3 education program or dropout prevention program, which
4 includes a second chance school or an alternative to
5 expulsion, is not available in the school district, the
6 identity of the juvenile on community control, the nature of
7 the felony offense committed by the juvenile, and the
8 conditions of community control must be made known to each of
9 the student's teachers.

10 Section 4. This act shall take effect July 1, 1997.