

Bill No. CS for CS for SB 1594

Amendment No. ____

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| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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11 Senators Campbell, Horne and Lee moved the following amendment
12 :

13
14 **Senate Amendment (with title amendment)**
15 Delete everything after the enacting clause

16
17 and insert:

18 Section 1. Section 435.04, Florida Statutes, 1998
19 Supplement, is amended to read:

20 435.04 Level 2 screening standards.--

21 (1) All employees in positions designated by law as
22 positions of trust or responsibility shall be required to
23 undergo security background investigations as a condition of
24 employment and continued employment. For the purposes of this
25 subsection, security background investigations shall include,
26 but not be limited to, employment history checks,
27 fingerprinting for all purposes and checks in this subsection,
28 statewide criminal and juvenile records checks through the
29 Florida Department of Law Enforcement, and federal criminal
30 records checks through the Federal Bureau of Investigation,
31 and may include local criminal records checks through local

Bill No. CS for CS for SB 1594

Amendment No. ____

1 law enforcement agencies.

2 (2) The security background investigations under this
3 section must ensure that no persons subject to the provisions
4 of this section have been found guilty of, regardless of
5 adjudication, or entered a plea of nolo contendere or guilty
6 to, any offense prohibited under any of the following
7 provisions of the Florida Statutes or under any similar
8 statute of another jurisdiction:

9 (a) Section 415.111, relating to adult abuse, neglect,
10 or exploitation of aged persons or disabled adults.

11 (b) Section 782.04, relating to murder.

12 (c) Section 782.07, relating to manslaughter,
13 aggravated manslaughter of an elderly person or disabled
14 adult, or aggravated manslaughter of a child.

15 (d) Section 782.071, relating to vehicular homicide.

16 (e) Section 782.09, relating to killing of an unborn
17 child by injury to the mother.

18 (f) Section 784.011, relating to assault, if the
19 victim of the offense was a minor.

20 (g) Section 784.021, relating to aggravated assault.

21 (h) Section 784.03, relating to battery, if the victim
22 of the offense was a minor.

23 (i) Section 784.045, relating to aggravated battery.

24 (j) Section 784.075, relating to battery on a
25 detention or commitment facility staff.

26 (k)(j) Section 787.01, relating to kidnapping.

27 (l)(k) Section 787.02, relating to false imprisonment.

28 (m) Section 787.04(2), relating to taking, enticing,
29 or removing a child beyond the state limits with criminal
30 intent pending custody proceedings.

31 (n) Section 787.04(3), relating to carrying a child

Bill No. CS for CS for SB 1594

Amendment No. ____

1 beyond the state lines with criminal intent to avoid producing
 2 a child at a custody hearing or delivering the child to the
 3 designated person.

4 (o) Section 790.115(1), relating to exhibiting
 5 firearms or weapons within 1,000 feet of a school.

6 (p) Section 790.115(2)(b), relating to possessing an
 7 electric weapon or device, destructive device, or other weapon
 8 on school property.

9 (q)(l) Section 794.011, relating to sexual battery.

10 (r)(m) Former s. 794.041, relating to prohibited acts
 11 of persons in familial or custodial authority.

12 (s)(n) Chapter 796, relating to prostitution.

13 (t)(o) Section 798.02, relating to lewd and lascivious
 14 behavior.

15 (u)(p) Chapter 800, relating to lewdness and indecent
 16 exposure.

17 (v)(q) Section 806.01, relating to arson.

18 (w)(r) Chapter 812, relating to theft, robbery, and
 19 related crimes, if the offense is a felony.

20 (x)(s) Section 817.563, relating to fraudulent sale of
 21 controlled substances, only if the offense was a felony.

22 (y)(t) Section 825.102, relating to abuse, aggravated
 23 abuse, or neglect of an elderly person or disabled adult.

24 (z)(u) Section 825.1025, relating to lewd or
 25 lascivious offenses committed upon or in the presence of an
 26 elderly person or disabled adult.

27 (aa)(v) Section 825.103, relating to exploitation of
 28 an elderly person or disabled adult, if the offense was a
 29 felony.

30 (bb)(w) Section 826.04, relating to incest.

31 (cc)(x) Section 827.03, relating to child abuse,

Bill No. CS for CS for SB 1594

Amendment No. ____

1 aggravated child abuse, or neglect of a child.

2 (dd)~~(y)~~ Section 827.04, relating to contributing to
3 the delinquency or dependency of a child.

4 (ee)~~(z)~~ Section 827.05, relating to negligent
5 treatment of children.

6 (ff)~~(aa)~~ Section 827.071, relating to sexual
7 performance by a child.

8 (gg) Section 843.01, relating to resisting arrest with
9 violence.

10 (hh) Section 843.025, relating to depriving a law
11 enforcement, correctional, or correctional probation officer
12 means of protection or communication.

13 (ii) Section 843.12, relating to aiding in an escape.

14 (jj) Section 843.13, relating to aiding in the escape
15 of juvenile inmates in correctional institutions.

16 (kk)~~(bb)~~ Chapter 847, relating to obscene literature.

17 (ll) Section 874.05(1), relating to encouraging or
18 recruiting another to join a criminal gang.

19 (mm)~~(cc)~~ Chapter 893, relating to drug abuse
20 prevention and control, only if the offense was a felony or if
21 any other person involved in the offense was a minor.

22 (nn) Section 944.35(3), relating to inflicting cruel
23 or inhuman treatment on an inmate resulting in great bodily
24 harm.

25 (oo) Section 944.46, relating to harboring,
26 concealing, or aiding an escaped prisoner.

27 (pp) Section 944.47, relating to introduction of
28 contraband into a correctional facility.

29 (qq) Section 985.4045, relating to sexual misconduct
30 in juvenile justice programs.

31 (rr) Section 985.4046, relating to contraband

Bill No. CS for CS for SB 1594

Amendment No. ____

1 introduced into detention facilities.

2 (3) Standards must also ensure that the person:

3 (a) For employees or employers licensed or registered
4 pursuant to chapter 400, does not have a confirmed report of
5 abuse, neglect, or exploitation as defined in s. 415.102(5),
6 which has been uncontested or upheld under s. 415.103.

7 (b) Has not committed an act that constitutes domestic
8 violence as defined in s. 741.30.

9 (4) Under penalty of perjury, all employees in such
10 positions of trust or responsibility shall attest to meeting
11 the requirements for qualifying for employment and agreeing to
12 inform the employer immediately if convicted of any of the
13 disqualifying offenses while employed by the employer. Each
14 employer of employees in such positions of trust or
15 responsibilities which is licensed or registered by a state
16 agency shall submit to the licensing agency annually, under
17 penalty of perjury, an affidavit of compliance with the
18 provisions of this section.

19 Section 2. Subsection (1) of section 943.0515, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 943.0515 Retention of criminal history records of
22 minors.--

23 (1)(a) The Criminal Justice Information Program shall
24 retain the criminal history record of a minor who is
25 classified as a serious or habitual juvenile offender or
26 committed to a juvenile correctional facility or juvenile
27 prison under chapter 985 for 5 years after the date the
28 offender reaches 21 years of age, at which time the record
29 shall be expunged unless it meets the criteria of paragraph
30 (2)(a) or paragraph (2)(b).

31 (b) If the minor is not classified as a serious or

Bill No. CS for CS for SB 1594

Amendment No. ____

1 habitual juvenile offender or committed to a juvenile
2 correctional facility or juvenile prison under chapter 985,
3 the program shall retain the minor's criminal history record
4 for 5 years after the date the minor reaches 19 years of age,
5 at which time the record shall be expunged unless it meets the
6 criteria of paragraph (2)(a) or paragraph (2)(b).

7 Section 3. Paragraph (r) is added to subsection (1) of
8 section 960.001, Florida Statutes, 1998 Supplement, to read:

9 960.001 Guidelines for fair treatment of victims and
10 witnesses in the criminal justice and juvenile justice
11 systems.--

12 (1) The Department of Legal Affairs, the state
13 attorneys, the Department of Corrections, the Department of
14 Juvenile Justice, the Parole Commission, the State Courts
15 Administrator and circuit court administrators, the Department
16 of Law Enforcement, and every sheriff's department, police
17 department, or other law enforcement agency as defined in s.
18 943.10(4) shall develop and implement guidelines for the use
19 of their respective agencies, which guidelines are consistent
20 with the purposes of this act and s. 16(b), Art. I of the
21 State Constitution and are designed to implement the
22 provisions of s. 16(b), Art. I of the State Constitution and
23 to achieve the following objectives:

24 (r) Implementing crime prevention in order to protect
25 the safety of persons and property, as prescribed in the State
26 Comprehensive Plan.--By preventing crimes that create victims
27 or further harm former victims, crime-prevention efforts are
28 an essential part of providing effective service for victims
29 and witnesses. Therefore, the agencies identified in this
30 subsection may participate in and expend funds for crime
31 prevention, public awareness, public participation, and

Bill No. CS for CS for SB 1594

Amendment No. ____

1 educational activities directly relating to, and in
2 furtherance of, existing public safety statutes. Furthermore,
3 funds may not be expended for the purpose of influencing
4 public opinion on public policy issues that have not been
5 resolved by the Legislature or the electorate.

6 Section 4. Subsection (16) of section 984.03, Florida
7 Statutes, 1998 Supplement, is amended to read:

8 984.03 Definitions.--When used in this chapter, the
9 term:

10 (16) "Delinquency program" means any intake, community
11 control ~~and furlough~~, or similar program; regional detention
12 center or facility; or community-based program, whether owned
13 and operated by or contracted by the Department of Juvenile
14 Justice, or institution owned and operated by or contracted by
15 the Department of Juvenile Justice, which provides intake,
16 supervision, or custody and care of children who are alleged
17 to be or who have been found to be delinquent pursuant to
18 chapter 985.

19 Section 5. Paragraph (a) of present subsection (15)
20 and paragraphs (a) and (e) of present subsection (46) of
21 section 985.03, Florida Statutes, 1998 Supplement, are
22 amended, and present subsections (4) through (59) are
23 redesignated as subsections (5) through (60), respectively,
24 and a new subsection (4) is added to that section, to read:

25 985.03 Definitions.--When used in this chapter, the
26 term:

27 (4) "Aftercare" means the care, treatment, help, and
28 supervision provided to a juvenile released from a residential
29 commitment program which is intended to promote rehabilitation
30 and prevent recidivism. The purpose of aftercare is to protect
31 the public, reduce recidivism, increase responsible productive

Bill No. CS for CS for SB 1594

Amendment No. ____

1 behavior, and provide for a successful transition of the youth
2 from the department to the family. Aftercare includes, but is
3 not limited to, minimum-risk nonresidential programs, reentry
4 services, and postcommitment community control.

5 (16)~~(15)~~(a) "Delinquency program" means any intake,
6 community control ~~and furlough~~, or similar program; regional
7 detention center or facility; or community-based program,
8 whether owned and operated by or contracted by the Department
9 of Juvenile Justice, or institution owned and operated by or
10 contracted by the Department of Juvenile Justice, which
11 provides intake, supervision, or custody and care of children
12 who are alleged to be or who have been found to be delinquent
13 pursuant to part II.

14 (47)~~(46)~~ "Restrictiveness level" means the level of
15 custody provided by programs that service the custody and care
16 needs of committed children. There shall be five
17 restrictiveness levels:

18 (a) Minimum-risk nonresidential.--Youth assessed and
19 classified for placement in programs at this restrictiveness
20 level represent a minimum risk to themselves and public safety
21 and do not require placement and services in residential
22 settings. Programs or program models in this restrictiveness
23 level include: community counselor supervision programs,
24 special intensive group programs, nonresidential marine
25 programs, nonresidential training and rehabilitation centers,
26 and other local community nonresidential programs, including
27 any nonresidential program or supervision program that is used
28 for aftercare placement.

29 (e) Juvenile correctional facilities or juvenile
30 prison ~~Maximum-risk residential~~.--Youth assessed and
31 classified for this level of placement require close

Bill No. CS for CS for SB 1594

Amendment No. ____

1 supervision in a maximum security residential setting that
2 provides 24-hour-per-day secure custody, care, and
3 supervision. Placement in a program in this level is prompted
4 by a demonstrated need to protect the public. Programs or
5 program models in this level are maximum-secure-custody,
6 long-term residential commitment facilities that are intended
7 to provide a moderate overlay of educational, vocational, and
8 behavioral-modification services and other maximum-security
9 program models authorized by the Legislature and established
10 by rule. Section 985.3141 applies to children placed in
11 programs in this restrictiveness level.

12 Section 6. Paragraph (b) of subsection (4) of section
13 39.0132, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 39.0132 Oaths, records, and confidential
16 information.--

17 (4)

18 (b) The department shall disclose to the school
19 superintendent the presence of any child in the care and
20 custody or under the jurisdiction or supervision of the
21 department who has a known history of criminal sexual behavior
22 with other juveniles; is an alleged juvenile sex offender, as
23 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
24 contendere to, or has been found to have committed, a
25 violation of chapter 794, chapter 796, chapter 800, s.
26 827.071, or s. 847.0133, regardless of adjudication. Any
27 employee of a district school board who knowingly and
28 willfully discloses such information to an unauthorized person
29 commits a misdemeanor of the second degree, punishable as
30 provided in s. 775.082 or s. 775.083.

31 Section 7. Paragraph (b) of subsection (3) of section

Bill No. CS for CS for SB 1594

Amendment No. ____

1 985.04, Florida Statutes, 1998 Supplement, is amended to read:

2 985.04 Oaths; records; confidential information.--

3 (3)

4 (b) The department shall disclose to the school
5 superintendent the presence of any child in the care and
6 custody or under the jurisdiction or supervision of the
7 department who has a known history of criminal sexual behavior
8 with other juveniles; is an alleged juvenile sex offender, as
9 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
10 contendere to, or has been found to have committed, a
11 violation of chapter 794, chapter 796, chapter 800, s.
12 827.071, or s. 847.0133, regardless of adjudication. Any
13 employee of a district school board who knowingly and
14 willfully discloses such information to an unauthorized person
15 commits a misdemeanor of the second degree, punishable as
16 provided in s. 775.082 or s. 775.083.

17 Section 8. Paragraph (d) of subsection (1) of section
18 985.207, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 985.207 Taking a child into custody.--

21 (1) A child may be taken into custody under the
22 following circumstances:

23 (d) By a law enforcement officer who has probable
24 cause to believe that the child is in violation of the
25 conditions of the child's community control, home detention
26 furlough, or aftercare supervision or has absconded from
27 commitment.

28

29 Nothing in this subsection shall be construed to allow the
30 detention of a child who does not meet the detention criteria
31 in s. 985.215.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Section 9. Section 985.208, Florida Statutes, 1998
2 Supplement, is amended to read:

3 985.208 Detention of ~~furloughed child or~~ escapee on
4 authority of the department.--

5 (1) If an authorized agent of the department has
6 reasonable grounds to believe that any delinquent child
7 committed to the department has escaped from a facility of the
8 department or from being lawfully transported thereto or
9 therefrom, the agent may take the child into active custody
10 and may deliver the child to the facility or, if it is closer,
11 to a detention center for return to the facility. However, a
12 child may not be held in detention longer than 24 hours,
13 excluding Saturdays, Sundays, and legal holidays, unless a
14 special order so directing is made by the judge after a
15 detention hearing resulting in a finding that detention is
16 required based on the criteria in s. 985.215(2). The order
17 shall state the reasons for such finding. The reasons shall be
18 reviewable by appeal or in habeas corpus proceedings in the
19 district court of appeal.

20 (2) Any sheriff or other law enforcement officer, upon
21 the request of the secretary of the department or duly
22 authorized agent, shall take a child who has escaped or
23 absconded from a department facility for committed delinquent
24 children, or from being lawfully transported thereto or
25 therefrom, into custody and deliver the child to the
26 appropriate juvenile probation officer of the department.

27 Section 10. Paragraph (b) of subsection (1) of section
28 985.212, Florida Statutes, is amended to read:

29 985.212 Fingerprinting and photographing.--

30 (1)

31 (b) A child who is charged with or found to have

Bill No. CS for CS for SB 1594

Amendment No. ____

1 committed one of the following misdemeanors shall be
2 fingerprinted and the fingerprints shall be submitted to the
3 Department of Law Enforcement as provided in s. 943.051(3)(b):

4 1. Assault, as defined in s. 784.011.

5 2. Battery, as defined in s. 784.03.

6 3. Carrying a concealed weapon, as defined in s.
7 790.01(1).

8 4. Unlawful use of destructive devices or bombs, as
9 defined in s. 790.1615(1).

10 5. Negligent treatment of children, as defined in
11 former s. 827.05.

12 6. Assault on a law enforcement officer, a
13 firefighter, or other specified officers, as defined in s.
14 784.07(2)(a).

15 7. Open carrying of a weapon, as defined in s.
16 790.053.

17 8. Exposure of sexual organs, as defined in s. 800.03.

18 9. Unlawful possession of a firearm, as defined in s.
19 790.22(5).

20 10. Petit theft, as defined in s. 812.014.

21 11. Cruelty to animals, as defined in s. 828.12(1).

22 12. Arson, resulting in bodily harm to a firefighter,
23 as defined in s. 806.031(1).

24

25 A law enforcement agency may fingerprint and photograph a
26 child taken into custody upon probable cause that such child
27 has committed any other violation of law, as the agency deems
28 appropriate. Such fingerprint records and photographs shall be
29 retained by the law enforcement agency in a separate file, and
30 these records and all copies thereof must be marked "Juvenile
31 Confidential." These records are ~~shall~~ not ~~be~~ available for

Bill No. CS for CS for SB 1594

Amendment No. ____

1 public disclosure and inspection under s. 119.07(1) except as
2 provided in ss. 943.053 and 985.04(5), but shall be available
3 to other law enforcement agencies, criminal justice agencies,
4 state attorneys, the courts, the child, the parents or legal
5 custodians of the child, their attorneys, and any other person
6 authorized by the court to have access to such records. In
7 addition, such records may be submitted to the Department of
8 Law Enforcement for inclusion in the state criminal history
9 records and used by criminal justice agencies for criminal
10 justice purposes. These records may, in the discretion of the
11 court, be open to inspection by anyone upon a showing of
12 cause. The fingerprint and photograph records shall be
13 produced in the court whenever directed by the court. Any
14 photograph taken pursuant to this section may be shown by a
15 law enforcement officer to any victim or witness of a crime
16 for the purpose of identifying the person who committed such
17 crime.

18 Section 11. Paragraphs (a) and (c) of subsection (1)
19 and subsection (2) of section 985.231, Florida Statutes, 1998
20 Supplement, are amended to read:

21 985.231 Powers of disposition in delinquency cases.--

22 (1)

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

27 1. Place the child in a community control program or a
28 postcommitment community control ~~an aftercare~~ program under
29 the supervision of an authorized agent of the Department of
30 Juvenile Justice or of any other person or agency specifically
31 authorized and appointed by the court, whether in the child's

Bill No. CS for CS for SB 1594

Amendment No. ____

1 own home, in the home of a relative of the child, or in some
2 other suitable place under such reasonable conditions as the
3 court may direct. A community control program for an
4 adjudicated delinquent child must include a penalty component
5 such as restitution in money or in kind, community service, a
6 curfew, revocation or suspension of the driver's license of
7 the child, or other nonresidential punishment appropriate to
8 the offense and must also include a rehabilitative program
9 component such as a requirement of participation in substance
10 abuse treatment or in school or other educational program.
11 Upon the recommendation of the department at the time of
12 disposition, or subsequent to disposition pursuant to the
13 filing of a petition alleging a violation of the child's
14 conditions of community control or aftercare supervision, the
15 court may order the child to submit to random testing for the
16 purpose of detecting and monitoring the use of alcohol or
17 controlled substances.

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

Bill No. CS for CS for SB 1594

Amendment No. ____

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

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

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

Bill No. CS for CS for SB 1594

Amendment No. ____

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

30 (I) Place the child in a consequence unit in that
31 judicial circuit, if available, for up to 5 days for a first

Bill No. CS for CS for SB 1594

Amendment No. ____

1 violation, and up to 15 days for a second or subsequent
2 violation.

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

6 (III) Modify or continue the child's community control
7 program or postcommitment community control ~~aftercare~~ program.

8 (IV) Revoke community control or postcommitment
9 community control ~~aftercare~~ and commit the child to the
10 department.

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

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

21 3. Commit the child to the Department of Juvenile
22 Justice at a restrictiveness level defined in s. 985.03 ~~s.~~
23 ~~985.03(45)~~. Such commitment must be for the purpose of
24 exercising active control over the child, including, but not
25 limited to, custody, care, training, urine monitoring, and
26 treatment of the child and release ~~furlough~~ of the child into
27 the community in a postcommitment nonresidential aftercare
28 program. If the child is not successful in the aftercare
29 program, the department may use the transfer procedure under
30 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
31 except as provided in s. 985.31, the term of the commitment

Bill No. CS for CS for SB 1594

Amendment No. ____

1 must be until the child is discharged by the department or
2 until he or she reaches the age of 21.

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

5 5. Require the child and, if the court finds it
6 appropriate, the child's parent or guardian together with the
7 child, to render community service in a public service
8 program.

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

31 7. Order the child and, if the court finds it

Bill No. CS for CS for SB 1594

Amendment No. ____

1 appropriate, the child's parent or guardian together with the
2 child, to participate in a community work project, either as
3 an alternative to monetary restitution or as part of the
4 rehabilitative or community control program.

5 8. Commit the child to the Department of Juvenile
6 Justice for placement in a program or facility for serious or
7 habitual juvenile offenders in accordance with s. 985.31. Any
8 commitment of a child to a program or facility for serious or
9 habitual juvenile offenders must be for an indeterminate
10 period of time, but the time may not exceed the maximum term
11 of imprisonment that an adult may serve for the same offense.
12 The court may retain jurisdiction over such child until the
13 child reaches the age of 21, specifically for the purpose of
14 the child completing the program.

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

25 10. Subject to specific appropriation, commit the
26 juvenile sexual offender to the Department of Juvenile Justice
27 for placement in a program or facility for juvenile sexual
28 offenders in accordance with s. 985.308. Any commitment of a
29 juvenile sexual offender to a program or facility for juvenile
30 sexual offenders must be for an indeterminate period of time,
31 but the time may not exceed the maximum term of imprisonment

Bill No. CS for CS for SB 1594

Amendment No. ____

1 that an adult may serve for the same offense. The court may
2 retain jurisdiction over a juvenile sexual offender until the
3 juvenile sexual offender reaches the age of 21, specifically
4 for the purpose of completing the program.

5 (c) Any order made pursuant to paragraph (a) shall be
6 in writing as prepared by the clerk of court and may
7 thereafter be modified or set aside by the court.

8 (2) Following a delinquency adjudicatory hearing
9 pursuant to s. 985.228 and a delinquency disposition hearing
10 pursuant to s. 985.23 which results in a commitment
11 determination, the court shall, on its own or upon request by
12 the state or the department, determine whether the protection
13 of the public requires that the child be placed in a program
14 for serious or habitual juvenile offenders and whether the
15 particular needs of the child would be best served by a
16 program for serious or habitual juvenile offenders as provided
17 in s. 985.31. The determination shall be made pursuant to ss.
18 985.03(49)~~985.03(47)~~and 985.23(3).

19 Section 12. Subsections (14) and (15) of section
20 985.308, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 985.308 Juvenile sexual offender commitment programs;
23 sexual abuse intervention networks.--

24 (14) Subject to specific appropriation, availability
25 of funds, or receipt of appropriate grant funds, the Office of
26 the Attorney General, the Department of Children and Family
27 Services, the Department of Juvenile Justice, or local
28 juvenile justice councils shall award grants to sexual abuse
29 intervention networks that apply for such grants. The grants
30 may be used for training, treatment, aftercare, evaluation,
31 public awareness, and other specified community needs that are

Bill No. CS for CS for SB 1594

Amendment No. ____

1 identified by the network. A grant shall be awarded based on
2 the applicant's level of local funding, level of
3 collaboration, number of juvenile sexual offenders to be
4 served, number of victims to be served, and level of unmet
5 needs. ~~The Department of Legal Affairs' Office of the Attorney
6 General, in collaboration with the Department of Juvenile
7 Justice and the Department of Children and Family Services,
8 shall establish by rule minimum standards for each respective
9 department for residential and day treatment juvenile sexual
10 offender programs funded under this subsection.~~

11 ~~(15) The Department of Legal Affairs may adopt rules
12 necessary to award grants under this section.~~

13 Section 13. Section 985.316, Florida Statutes, is
14 amended to read:

15 985.316 ~~Furlough and intensive~~ Aftercare.--

16 (1) The Legislature finds that:

17 (a) Aftercare is the care, treatment, help, and
18 supervision provided juveniles released from residential
19 commitment programs to promote rehabilitation and prevent
20 recidivism.

21 (b) Aftercare services can contribute significantly to
22 a successful transition of a juvenile from a residential
23 commitment to the juvenile's home, school, and community.
24 Therefore, the best efforts should be made to provide for a
25 successful transition.

26 (c) The purpose of aftercare is to protect safety;
27 reduce recidivism; increase responsible productive behaviors;
28 and provide for a successful transition of care and custody of
29 the youth from the state to the family.

30 (d) Accordingly, aftercare should be included in the
31 continuum of care.

Bill No. CS for CS for SB 1594

Amendment No. ____

- 1 (2) It is the intent of the Legislature that:
2 (a) Commitment programs include rehabilitative efforts
3 on preparing committed juveniles for a successful release to
4 the community.
5 (b) Aftercare transition planning begins as early in
6 the commitment process as possible.
7 (c) Each juvenile committed to a residential
8 commitment program be assessed to determine the need for
9 aftercare services upon release from the commitment program.
10 (3) For juveniles referred or committed to the
11 department, the function of the department may include, but
12 shall not be limited to, assessing each committed juvenile to
13 determine the need for aftercare services upon release from a
14 commitment program, supervising the juvenile when released
15 into the community from a residential commitment facility of
16 the department, providing such counseling and other services
17 as may be necessary for the families and assisting their
18 preparations for the return of the child. Subject to specific
19 appropriation, the department shall provide for outpatient
20 sexual offender counseling for any juvenile sexual offender
21 released from a commitment program as a component of
22 aftercare.
23 (4) After a youth is released from a residential
24 commitment program, aftercare services may be delivered
25 through either minimum-risk nonresidential commitment
26 restrictiveness programs or postcommitment community control.
27 A juvenile under minimum-risk nonresidential commitment
28 placement will continue to be on commitment status and subject
29 to the transfer provision under s. 985.404. A juvenile on
30 post-commitment community control will be subject to the
31 provisions under s. 985.231(1)(a).

Bill No. CS for CS for SB 1594

Amendment No. ____

1 ~~(1) With regard to children referred or committed to~~
2 ~~the department, the function of the department may include,~~
3 ~~but shall not be limited to, supervising the child when~~
4 ~~furloughed into the community from a facility of the~~
5 ~~department, including providing such counseling and other~~
6 ~~services as may be necessary for the families and assisting~~
7 ~~their preparations for the return of the child.~~

8 ~~(2) Whenever a delinquent child is committed to a~~
9 ~~residential program operated by a private vendor under~~
10 ~~contract, the department may negotiate with such vendor to~~
11 ~~provide intensive aftercare for the child in the home~~
12 ~~community following successful completion of the residential~~
13 ~~program. Intensive aftercare shall involve regular contact~~
14 ~~between the child and the staff of the vendor with whom the~~
15 ~~child has developed a relationship during the course of the~~
16 ~~commitment program. Contingent upon specific appropriation, a~~
17 ~~contract for intensive aftercare provided by the residential~~
18 ~~commitment program vendor shall provide for caseloads of 10 or~~
19 ~~fewer children, intensive aftercare for 1 year, and a transfer~~
20 ~~of the ongoing case management and reentry responsibilities~~
21 ~~from the department to the vendor at the time the vendor~~
22 ~~admits the child into the commitment program. The department~~
23 ~~shall annually seek the necessary resources to provide~~
24 ~~intensive aftercare.~~

25 ~~(3) Subject to specific appropriation, the department~~
26 ~~shall provide or contract for outpatient sexual offender~~
27 ~~counseling for any juvenile sexual offender furloughed from a~~
28 ~~commitment program, as a component of aftercare services.~~

29 ~~(4) Upon a recommendation that a child committed to~~
30 ~~the department have his or her furlough revoked, the~~
31 ~~department shall, within 30 days after the date the~~

Bill No. CS for CS for SB 1594

Amendment No. ____

1 ~~recommendation is made, hold an administrative hearing~~
2 ~~pursuant to chapter 120.~~

3 ~~(5) It is the legislative intent that, to prevent~~
4 ~~recidivism of juvenile offenders, reentry and aftercare~~
5 ~~services be provided statewide to each juvenile who returns to~~
6 ~~his or her community from a residential commitment program.~~
7 ~~Accordingly, the Legislature further intends that reentry and~~
8 ~~aftercare services be included in the continuum of care.~~

9 Section 14. Subsections (4) and (10) of section
10 985.404, Florida Statutes, 1998 Supplement, are amended, and
11 subsection (13) is added to that section, to read:

12 985.404 Administering the juvenile justice
13 continuum.--

14 (4) The department may transfer a child, when
15 necessary to appropriately administer the child's commitment,
16 from one facility or program to another facility or program
17 operated, contracted, subcontracted, or designated by the
18 department, including a postcommitment minimum-risk
19 nonresidential aftercare program. The department shall notify
20 the court that committed the child to the department, in
21 writing, of its transfer of the child from a commitment
22 facility or program to another facility or program of a higher
23 or lower restrictiveness level. The court that committed the
24 child may agree to the transfer or may set a hearing to review
25 the transfer. If the court does not respond within 10 days
26 after receipt of the notice, the transfer of the child shall
27 be deemed granted.

28 (10) The department shall annually collect and report
29 cost data for every program operated or contracted by the
30 department. The cost data shall conform to a format approved
31 by the department and the Legislature. Uniform cost data shall

Bill No. CS for CS for SB 1594

Amendment No. ____

1 be reported and collected for state-operated and contracted
2 programs so that comparisons can be made among programs. The
3 department shall ensure that there is accurate cost accounting
4 for state-operated services including market-equivalent rent
5 and other shared cost. The cost of the educational program
6 provided to a residential facility shall be reported and
7 included in the cost of a program. The department shall submit
8 an annual cost report to the President of the Senate, the
9 Speaker of the House of Representatives, the Minority Leader
10 of each house of the Legislature, the appropriate substantive
11 and appropriations committees of each house of the
12 Legislature, and the Governor, no later than December 1 of
13 each year. Cost-benefit analysis for educational programs will
14 be developed and implemented in collaboration with and
15 cooperation by the Department of Education, local providers,
16 and local school districts. Cost data for the report shall
17 include data collected by the Department of Education for the
18 purposes of preparing the annual report required by s.
19 230.23161(21)~~(17)~~.

20 (13) The department shall implement procedures to
21 ensure that educational support activities are provided
22 throughout the juvenile justice continuum. Such activities may
23 include, but are not limited to, mentoring, tutoring, group
24 discussions, homework assistance, library support, designated
25 reading times, independent living, personal finance, and other
26 appropriate educational activities.

27 Section 15. Subsection (3) of section 985.406, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 985.406 Juvenile justice training academies
30 established; Juvenile Justice Standards and Training
31 Commission created; Juvenile Justice Training Trust Fund

Bill No. CS for CS for SB 1594

Amendment No. ____

1 created.--

2 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
3 shall establish a certifiable program for juvenile justice
4 training pursuant to ~~the provisions of~~ this section, and all
5 Department of Juvenile Justice program staff and providers who
6 deliver direct care services pursuant to contract with the
7 department shall be required to participate in and
8 successfully complete the commission-approved program of
9 training pertinent to their areas of responsibility. Judges,
10 state attorneys, and public defenders, law enforcement
11 officers, and school district personnel may participate in
12 such training program. For the juvenile justice program staff,
13 the commission shall, based on a job-task analysis:

14 (a) Design, implement, maintain, evaluate, and revise
15 a basic training program, including a competency-based
16 ~~curriculum-based~~ examination, for the purpose of providing
17 minimum employment training qualifications for all juvenile
18 justice personnel. All program staff of the Department of
19 Juvenile Justice and providers who deliver direct-care
20 services who are hired after October 1, 1999, must meet the
21 following minimum requirements:

22 1. Be at least 19 years of age.

23 2. Be a high school graduate or its equivalent as
24 determined by the commission.

25 3. Not have been convicted of any felony or a
26 misdemeanor involving perjury or a false statement, or have
27 received a dishonorable discharge from any of the Armed Forces
28 of the United States. Any person who, after September 30,
29 1999, pleads guilty or nolo contendere to or is found guilty
30 of any felony or a misdemeanor involving perjury or false
31 statement is not eligible for employment, notwithstanding

Bill No. CS for CS for SB 1594

Amendment No. ____

1 suspension of sentence or withholding of adjudication.
2 Notwithstanding this subparagraph, any person who pleads nolo
3 contendere to a misdemeanor involving a false statement before
4 October 1, 1999, and who has had such record of that plea
5 sealed or expunged is not ineligible for employment for that
6 reason.

7 4. Abide by all the provisions of s. 985.01(2)
8 regarding fingerprinting and background investigations and
9 other screening requirements for personnel.

10 5. Execute and submit to the department an
11 affidavit-of-application form, adopted by the department,
12 attesting to his or her compliance with subparagraphs 1.
13 through 4. The affidavit must be executed under oath and
14 constitutes an official statement under s. 837.06. The
15 affidavit must include conspicuous language that the
16 intentional false execution of the affidavit constitutes a
17 misdemeanor of the second degree. The employing agency shall
18 retain the affidavit.

19 (b) Design, implement, maintain, evaluate, and revise
20 an advanced training program, including a competency-based
21 ~~curriculum-based~~ examination for each training course, which
22 is intended to enhance knowledge, skills, and abilities
23 related to job performance.

24 (c) Design, implement, maintain, evaluate, and revise
25 a career development training program, including a
26 competency-based ~~curriculum-based~~ examination for each
27 training course. Career development courses are intended to
28 prepare personnel for promotion.

29 (d) The commission is encouraged to design, implement,
30 maintain, evaluate, and revise juvenile justice training
31 courses, or to enter into contracts for such training courses,

Bill No. CS for CS for SB 1594

Amendment No. ____

1 that are intended to provide for the safety and well-being of
2 both citizens and juvenile offenders.

3 Section 16. Section 985.4145, Florida Statutes, is
4 created to read:

5 985.4145 Direct-support organization; definition; use
6 of property; board of directors; audit.--

7 (1) DEFINITION.--As used in this section, the term
8 "direct-support organization" means an organization whose sole
9 purpose is to support the juvenile justice system and which
10 is:

11 (a) A corporation not-for-profit incorporated under
12 chapter 617 and which is approved by the Department of State;

13 (b) Organized and operated to conduct programs and
14 activities; to raise funds; to request and receive grants,
15 gifts, and bequests of moneys; to acquire, receive, hold,
16 invest, and administer, in its own name, securities, funds,
17 objects of value, or other property, real or personal; and to
18 make expenditures to or for the direct or indirect benefit of
19 the Department of Juvenile Justice or the juvenile justice
20 system operated by a county commission or a district board;

21 (c) Determined by the Department of Juvenile Justice
22 to be consistent with the goals of the juvenile justice
23 system, in the best interest of the state, and in accordance
24 with the adopted goals and mission of the Department of
25 Juvenile Justice.

26
27 Expenditures of the organization shall be expressly used to
28 prevent and ameliorate juvenile delinquency. The expenditures
29 of the direct-support organization may not be used for the
30 purpose of lobbying as defined in s. 11.045.

31 (2) CONTRACT.--The direct-support organization shall

Bill No. CS for CS for SB 1594

Amendment No. ____

1 operate under written contract with the department. The
2 contract must provide for:

3 (a) Approval of the articles of incorporation and
4 bylaws of the direct-support organization by the department.

5 (b) Submission of an annual budget for the approval of
6 the department.

7 (c) Certification by the department that the
8 direct-support organization is complying with the terms of the
9 contract and in a manner consistent with the goals and
10 purposes of the department and in the best interest of the
11 state. Such certification must be made annually and reported
12 in the official minutes of a meeting of the direct-support
13 organization.

14 (d) The reversion of moneys and property held in trust
15 by the direct-support organization for the benefit of the
16 juvenile justice system to the state if the department ceases
17 to exist or to the department if the direct-support
18 organization is no longer approved to operate for the
19 department, a county commission, or a district board or if the
20 direct-support organization ceases to exist;

21 (e) The fiscal year of the direct-support
22 organization, which must begin July 1 of each year and end
23 June 30 of the following year;

24 (f) The disclosure of material provisions of the
25 contract, and the distinction between the department and the
26 direct-support organization, to donors of gifts,
27 contributions, or bequests, including such disclosure on all
28 promotional and fundraising publications.

29 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile
30 Justice shall appoint a board of directors of the
31 direct-support organization. Members of the organization must

Bill No. CS for CS for SB 1594

Amendment No. ____

1 include representatives from businesses, representatives from
2 each of the juvenile justice service districts, and one
3 representative appointed at-large.

4 (4) USE OF PROPERTY.--The department may permit,
5 without charge, appropriate use of fixed property and
6 facilities of the juvenile justice system by the
7 direct-support organization, subject to the provisions of this
8 section.

9 (a) The department may prescribe any condition with
10 which the direct-support organization must comply in order to
11 use fixed property or facilities of the juvenile justice
12 system.

13 (b) The department may not permit the use of any fixed
14 property or facilities of the juvenile justice system by the
15 direct-support organization if it does not provide equal
16 membership and employment opportunities to all persons
17 regardless of race, color, religion, sex, age, or national
18 origin.

19 (c) The department shall adopt rules prescribing the
20 procedures by which the direct-support organization is
21 governed and any conditions with which a direct-support
22 organization must comply to use property or facilities of the
23 department.

24 (5) Any moneys may be held in a separate depository
25 account in the name of the direct-support organization and
26 subject to the provisions of the contract with the department.

27 (6) The direct-support organization shall provide for
28 an annual financial and compliance postaudit of its financial
29 accounts and records by an independent certified public
30 accountant in accordance with rules of the Auditor General.
31 The annual audit report must include a management letter and

Bill No. CS for CS for SB 1594

Amendment No. ____

1 must be submitted to the Auditor General and the department
 2 for review. The department and the Auditor General may require
 3 and receive from the direct-support organization, or from its
 4 independent auditor, any detail or supplemental data relative
 5 to the operation of the organization.

6 Section 17. Paragraph (b) of subsection (1) and
 7 paragraphs (a) and (b) of subsection (2) of section 985.415,
 8 Florida Statutes, 1998 Supplement, are amended to read:

9 985.415 Community Juvenile Justice Partnership
 10 Grants.--

11 (1) GRANTS; CRITERIA.--

12 (b) In awarding these grants,the department shall
 13 ~~only~~ consider applications that ~~which~~ at a minimum provide for
 14 the following:

15 1. The participation of the agencies and programs
 16 needed to implement the project or program for which the
 17 applicant is applying; ~~and~~

18 2. The reduction of truancy and in-school and
 19 out-of-school suspensions and expulsions, ~~and~~ the enhancement
 20 of school safety, and other delinquency early-intervention and
 21 diversion services;-

22 3. The number of youths from 10 through 17 years of
 23 age within the geographic area to be served by the program,
 24 giving those geographic areas having the highest number of
 25 youths from 10 to 17 years of age priority for selection;

26 4. The extent to which the program targets
 27 high-juvenile-crime neighborhoods and those public schools
 28 serving juveniles from high-crime neighborhoods;

29 5. The validity and cost-effectiveness of the program;
 30 and

31 6. The degree to which the program is located in and

Bill No. CS for CS for SB 1594

Amendment No. ____

1 managed by local leaders of the target neighborhoods and
2 public schools serving the target neighborhoods.

3 (2) GRANT APPLICATION PROCEDURES.--

4 (a) Each entity wishing to apply for an annual
5 community juvenile justice partnership grant, which may be
6 renewed for a maximum of 2 additional years for the same
7 provision of services, shall submit a grant proposal for
8 funding or continued funding to the department ~~by March 1 of~~
9 ~~each year.~~ The department shall establish the grant
10 application procedures. In order to be considered for
11 funding, the grant proposal shall include the following
12 assurances and information:

13 1. A letter from the chair of the county juvenile
14 justice council confirming that the grant application has been
15 reviewed and found to support one or more purposes or goals of
16 the juvenile justice plan as developed by the council.

17 2. A rationale and description of the program and the
18 services to be provided, including goals and objectives.

19 3. A method for identification of the juveniles most
20 likely to be involved ~~at risk of involvement~~ in the juvenile
21 justice system who will be the focus of the program.

22 4. Provisions for the participation of parents and
23 guardians in the program.

24 5. Coordination with other community-based and social
25 service prevention efforts, including, but not limited to,
26 drug and alcohol abuse prevention and dropout prevention
27 programs, that serve the target population or neighborhood.

28 6. An evaluation component to measure the
29 effectiveness of the program in accordance with the provisions
30 of s. 985.412.

31 7. A program budget, including the amount and sources

Bill No. CS for CS for SB 1594

Amendment No. ____

1 of local cash and in-kind resources committed to the budget.
 2 The proposal must establish to the satisfaction of the
 3 department that the entity will make a cash or in-kind
 4 contribution to the program of a value that is at least equal
 5 to 20 percent of the amount of the grant.

6 8. The necessary program staff.

7 (b) The department shall consider the following in
 8 awarding such grants:

9 ~~1. The number of youths from 10 through 17 years of~~
 10 ~~age within the geographical area to be served by the program.~~
 11 ~~Those geographical areas with the highest number of youths~~
 12 ~~from 10 through 17 years of age shall have priority for~~
 13 ~~selection.~~

14 ~~2. The extent to which the program targets high~~
 15 ~~juvenile crime neighborhoods and those public schools serving~~
 16 ~~juveniles from high crime neighborhoods.~~

17 ~~3. The validity and cost-effectiveness of the program.~~

18 ~~4. The degree to which the program is located in and~~
 19 ~~managed by local leaders of the target neighborhoods and~~
 20 ~~public schools serving the target neighborhoods.~~

21 ~~1.5.~~ The recommendations of the juvenile justice
 22 council as to the priority that should be given to proposals
 23 submitted by entities within a county.

24 ~~2.6.~~ The recommendations of the juvenile justice board
 25 as to the priority that should be given to proposals submitted
 26 by entities within a district.

27 Section 18. Subsection (5) of section 985.417, Florida
 28 Statutes, is amended to read:

29 985.417 Transfer of children from the Department of
 30 Corrections to the Department of Juvenile Justice.--

31 (5) Any child who has been convicted of a capital

Bill No. CS for CS for SB 1594

Amendment No. ____

1 felony while under the age of 18 years may not be released
2 ~~furloughed~~ on community control without the consent of the
3 Governor and three members of the Cabinet.

4 Section 19. Paragraph (d) of subsection (1) of section
5 419.001, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 419.001 Site selection of community residential
8 homes.--

9 (1) For the purposes of this section, the following
10 definitions shall apply:

11 (d) "Resident" means any of the following: a frail
12 elder as defined in s. 400.618; a physically disabled or
13 handicapped person as defined in s. 760.22(7)(a); a
14 developmentally disabled person as defined in s. 393.063(11);
15 a nondangerous mentally ill person as defined in s.
16 394.455(18); or a child as defined in s. 39.01(11), s.
17 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

18 Section 20. Section 784.075, Florida Statutes, 1998
19 Supplement, is amended to read:

20 784.075 Battery on detention or commitment facility
21 staff.--A person who commits a battery on a juvenile probation
22 officer ~~an intake counselor or case manager~~, as defined in s.
23 984.03 ~~s. 984.03(31)~~ or s. 985.03 ~~s. 985.03(30)~~, on other
24 staff of a detention center or facility as defined in s.
25 984.03 ~~s. 984.03(19)~~ or s. 985.03 ~~s. 985.03(19)~~, or on a staff
26 member of a commitment facility as defined in s. 985.03(47)~~s.~~
27 ~~985.03(45)~~, commits a felony of the third degree, punishable
28 as provided in s. 775.082, s. 775.083, or s. 775.084. For
29 purposes of this section, a staff member of the facilities
30 listed includes persons employed by the Department of Juvenile
31 Justice, persons employed at facilities licensed by the

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Department of Juvenile Justice, and persons employed at
 2 facilities operated under a contract with the Department of
 3 Juvenile Justice.

4 Section 21. Section 984.05, Florida Statutes, 1998
 5 Supplement, is amended to read:

6 984.05 Rules relating to habitual truants; adoption by
 7 Department of Education and Department of Juvenile
 8 Justice.--The Department of Juvenile Justice and the
 9 Department of Education shall work together on the development
 10 of, and shall adopt, rules as necessary for the implementation
 11 of ss. 232.19, 984.03(29), and 985.03(28)~~985.03(27)~~.

12 Section 22. Subsections (1), (2), (3), and (4) of
 13 section 985.227, Florida Statutes, are amended, and subsection
 14 (5) is added to that section, to read:

15 985.227 Prosecution of juveniles as adults by the
 16 direct filing of an information in the criminal division of
 17 the circuit court; discretionary criteria; mandatory
 18 criteria.--

19 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

20 (a) With respect to any child who was 14 or 15 years
 21 of age at the time the alleged offense was committed, the
 22 state attorney may file an information when in the state
 23 attorney's judgment and discretion the public interest
 24 requires that adult sanctions be considered or imposed and
 25 when the offense charged is for the commission of, attempt to
 26 commit, or conspiracy to commit:

- 27 1. Arson;
- 28 2. Sexual battery;
- 29 3. Robbery;
- 30 4. Kidnapping;
- 31 5. Aggravated child abuse;

Bill No. CS for CS for SB 1594

Amendment No. ____

- 1 6. Aggravated assault;
- 2 7. Aggravated stalking;
- 3 8. Murder;
- 4 9. Manslaughter;
- 5 10. Unlawful throwing, placing, or discharging of a
- 6 destructive device or bomb;
- 7 11. Armed burglary in violation of s. 810.02(2)(b) or
- 8 specified burglary of a dwelling or structure in violation of
- 9 s. 810.02(2)(c), or burglary with an assault or battery in
- 10 violation of s. 810.02(2)(a);
- 11 12. Aggravated battery;
- 12 13. Lewd or lascivious assault or act in the presence
- 13 of a child;
- 14 14. Carrying, displaying, using, threatening, or
- 15 attempting to use a weapon or firearm during the commission of
- 16 a felony; or
- 17 15. Grand theft in violation of s. 812.014(2)(a);~~;~~
- 18 16. Home invasion robbery; or
- 19 17. Carjacking.
- 20 (b) With respect to any child who was 16 or 17 years
- 21 of age at the time the alleged offense was committed, the
- 22 state attorney may file an information when in the state
- 23 attorney's judgment and discretion the public interest
- 24 requires that adult sanctions be considered or imposed.
- 25 However, the state attorney may not file an information on a
- 26 child charged with a misdemeanor, unless the child has had at
- 27 least two previous adjudications or adjudications withheld for
- 28 delinquent acts, one of which involved an offense classified
- 29 as a felony under state law.
- 30 (2) MANDATORY DIRECT FILE.--
- 31 (a) With respect to any child who was 16 or 17 years

Bill No. CS for CS for SB 1594

Amendment No. ____

1 of age at the time the alleged offense was committed, the
2 state attorney shall file an information if the child has been
3 previously adjudicated delinquent for an act classified as a
4 felony, which adjudication was for the commission of, attempt
5 to commit, or conspiracy to commit murder, sexual battery,
6 armed or strong-armed robbery, carjacking, home-invasion
7 robbery, aggravated battery, or aggravated assault, and the
8 child is currently charged with a second or subsequent violent
9 crime against a person.

10 (b) Notwithstanding subsection (1), regardless of the
11 child's age at the time the alleged offense was committed, the
12 state attorney must file an information with respect to any
13 child who previously has been adjudicated for offenses which,
14 if committed by an adult, would be felonies and such
15 adjudications occurred at three or more separate delinquency
16 adjudicatory hearings, and three of which resulted in
17 residential commitments as defined in s. 985.03(47)~~s.~~
18 ~~985.03(45)~~.

19 (c) The state attorney must file an information if a
20 child, regardless of the child's age at the time the alleged
21 offense was committed, is alleged to have committed an act
22 that would be a violation of law if the child were an adult,
23 that involves stealing a motor vehicle, including, but not
24 limited to, a violation of s. 812.133, relating to carjacking,
25 or s. 812.014(2)(c)6., relating to grand theft of a motor
26 vehicle, and while the child was in possession of the stolen
27 motor vehicle the child caused serious bodily injury to or the
28 death of a person who was not involved in the underlying
29 offense. For purposes of this section, the driver and all
30 willing passengers in the stolen motor vehicle at the time
31 such serious bodily injury or death is inflicted shall also be

Bill No. CS for CS for SB 1594

Amendment No. ____

1 subject to mandatory transfer to adult court. "Stolen motor
2 vehicle," for the purposes of this section, means a motor
3 vehicle that has been the subject of any criminal wrongful
4 taking. For purposes of this section, "willing passengers"
5 means all willing passengers who have participated in the
6 underlying offense.

7 (3) EFFECT OF DIRECT FILE.--

8 (a) Once a child has been transferred for criminal
9 prosecution pursuant to an information and has been found to
10 have committed the presenting offense or a lesser included
11 offense, the child shall be handled thereafter in every
12 respect as if an adult for any subsequent violation of state
13 law, unless the court imposes juvenile sanctions under s.
14 985.233.

15 (b) When a child is transferred for criminal
16 prosecution as an adult, the court shall immediately transfer
17 and certify to the adult circuit appropriate court all felony
18 ~~preadjudicatory~~ cases pertaining to the child, for prosecution
19 of the child as an adult, which have not yet resulted in a
20 plea of guilty or nolo contendere or in which a finding of
21 guilt has not been made. If a child is acquitted of all
22 charged offenses or lesser included offenses contained in the
23 original case transferred to adult court, all felony cases
24 that were transferred to adult court as a result of this
25 paragraph shall be subject to the same penalties to which such
26 cases would have been subject before being transferred to
27 adult court that pertain to that child which are pending in
28 juvenile court, including, but not limited to, all cases
29 involving offenses that occur or are referred between the date
30 of transfer and sentencing in adult court and all outstanding
31 juvenile disposition orders. The juvenile court shall make

Bill No. CS for CS for SB 1594

Amendment No. ____

1 ~~every effort to dispose of all predispositional cases and~~
2 ~~transfer those cases to the adult court prior to adult~~
3 ~~sentencing. It is the intent of the Legislature to require all~~
4 ~~cases occurring prior to the sentencing hearing in adult court~~
5 ~~to be handled by the adult court for final resolution with the~~
6 ~~original transfer case.~~

7 (c) When a child has been transferred for criminal
8 prosecution as an adult and has been found to have committed a
9 violation of state law, the disposition of the case may be
10 made under s. 985.233 and may include the enforcement of any
11 restitution ordered in any juvenile proceeding.

12 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
13 attorney shall develop ~~and annually update~~ written policies
14 and guidelines to govern determinations for filing an
15 information on a juvenile, to be submitted to the Executive
16 Office of the Governor, the President of the Senate, the
17 Speaker of the House of Representatives, and the Juvenile
18 Justice Advisory Board not later than January 1 of each year.

19 (5) An information filed pursuant to this section may
20 include all charges that are based on the same act, criminal
21 episode, or transaction as the primary offenses.

22 Section 23. Paragraph (e) of subsection (3) and
23 paragraph (a) of subsection (4) of section 985.31, Florida
24 Statutes, 1998 Supplement, are amended to read:

25 985.31 Serious or habitual juvenile offender.--

26 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
27 TREATMENT.--

28 (e) After a child has been adjudicated delinquent
29 pursuant to s. 985.228, the court shall determine whether the
30 child meets the criteria for a serious or habitual juvenile
31 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court

Bill No. CS for CS for SB 1594

Amendment No. ____

1 determines that the child does not meet such criteria, the
2 provisions of s. 985.231(1) shall apply.

3 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

4 (a) Pursuant to the provisions of this section, the
5 department shall implement the comprehensive assessment
6 instrument for the treatment needs of serious or habitual
7 juvenile offenders and for the assessment, which assessment
8 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~
9 and shall also include, but not be limited to, evaluation of
10 the child's:

- 11 1. Amenability to treatment.
- 12 2. Proclivity toward violence.
- 13 3. Tendency toward gang involvement.
- 14 4. Substance abuse or addiction and the level thereof.
- 15 5. History of being a victim of child abuse or sexual
16 abuse, or indication of sexual behavior dysfunction.
- 17 6. Number and type of previous adjudications, findings
18 of guilt, and convictions.
- 19 7. Potential for rehabilitation.

20 Section 24. Paragraph (e) of subsection (3) and
21 paragraph (a) of subsection (4) of section 985.311, Florida
22 Statutes, 1998 Supplement, are amended to read:

23 985.311 Intensive residential treatment program for
24 offenders less than 13 years of age.--

25 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
26 TREATMENT.--

27 (e) After a child has been adjudicated delinquent
28 pursuant to s. 985.228(5), the court shall determine whether
29 the child is eligible for an intensive residential treatment
30 program for offenders less than 13 years of age pursuant to s.
31 985.03(8)~~s. 985.03(7)~~. If the court determines that the

Bill No. CS for CS for SB 1594

Amendment No. ____

1 child does not meet the criteria, the provisions of s.
2 985.231(1) shall apply.

3 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

4 (a) Pursuant to the provisions of this section, the
5 department shall implement the comprehensive assessment
6 instrument for the treatment needs of children who are
7 eligible for an intensive residential treatment program for
8 offenders less than 13 years of age and for the assessment,
9 which assessment shall include the criteria under s. 985.03(8)
10 ~~s. 985.03(7)~~ and shall also include, but not be limited to,
11 evaluation of the child's:

- 12 1. Amenability to treatment.
- 13 2. Proclivity toward violence.
- 14 3. Tendency toward gang involvement.
- 15 4. Substance abuse or addiction and the level thereof.
- 16 5. History of being a victim of child abuse or sexual
17 abuse, or indication of sexual behavior dysfunction.
- 18 6. Number and type of previous adjudications, findings
19 of guilt, and convictions.
- 20 7. Potential for rehabilitation.

21 Section 25. Section 985.312, Florida Statutes, is
22 amended to read:

23 985.312 Intensive residential treatment programs for
24 offenders less than 13 years of age; prerequisite for
25 commitment.--No child who is eligible for commitment to an
26 intensive residential treatment program for offenders less
27 than 13 years of age as established in s. 985.03(8)~~s.~~
28 ~~985.03(7)~~, may be committed to any intensive residential
29 treatment program for offenders less than 13 years of age as
30 established in s. 985.311, unless such program has been
31 established by the department through existing resources or

Bill No. CS for CS for SB 1594

Amendment No. ____

1 specific appropriation, for such program.

2 Section 26. Section 985.3141, Florida Statutes, is
3 amended to read:

4 985.3141 Escapes from secure detention or residential
5 commitment facility.--An escape from:

6 (1) Any secure detention facility maintained for the
7 temporary detention of children, pending adjudication,
8 disposition, or placement;

9 (2) Any residential commitment facility described in
10 s. 985.03(47)~~s. 985.03(45)~~, maintained for the custody,
11 treatment, punishment, or rehabilitation of children found to
12 have committed delinquent acts or violations of law; or

13 (3) Lawful transportation to or from any such secure
14 detention facility or residential commitment facility,
15
16 constitutes escape within the intent and meaning of s. 944.40
17 and is a felony of the third degree, punishable as provided in
18 s. 775.082, s. 775.083, or s. 775.084.

19 Section 27. Subsection (1) of section 985.234, Florida
20 Statutes, is amended to read:

21 985.234 Appeal.--

22 (1) An appeal from an order of the court affecting a
23 party to a case involving a child pursuant to this part may be
24 taken to the appropriate district court of appeal within the
25 time and in the manner prescribed by s. 924.051 and the
26 Florida Rules of Appellate Procedure by:

27 (a) Any child, and any parent or legal guardian or
28 custodian of any child.

29 (b) The state, which may appeal from:

30 1. An order dismissing a petition or any section
31 thereof;

Bill No. CS for CS for SB 1594

Amendment No. ____

- 1 2. An order granting a new adjudicatory hearing;
- 2 3. An order arresting judgment;
- 3 4. A ruling on a question of law when the child is
- 4 adjudicated delinquent and appeals from the judgment;
- 5 5. The disposition, on the ground that it is illegal;
- 6 6. A judgment discharging a child on habeas corpus;
- 7 7. An order adjudicating a child insane under the
- 8 Florida Rules of Juvenile Procedure; and
- 9 8. All other preadjudicatory hearings, except that the
- 10 state may not take more than one appeal under this subsection
- 11 in any case.

12

13 In the case of an appeal by the state, the notice of appeal

14 shall be filed by the appropriate state attorney or his or her

15 authorized assistant pursuant to the provisions of s. 27.18.

16 Such an appeal shall embody all assignments of error in each

17 preadjudicatory hearing order that the state seeks to have

18 reviewed. The state shall pay all costs of the appeal except

19 for the child's attorney's fee.

20 Section 28. Section 985.315, Florida Statutes, 1998

21 Supplement, is amended to read:

22 985.315 Educational/technical and vocational

23 work-related ~~work training~~ programs.--

24 (1)(a) It is the finding of the Legislature that the

25 educational/technical and vocational work-related work

26 programs of the Department of Juvenile Justice are uniquely

27 different from other programs operated or conducted by other

28 departments in that it is essential to the state that these

29 ~~the work~~ programs provide juveniles with useful information

30 and activities that can lead to meaningful employment after

31 release in order to assist in reducing the return of juveniles

Bill No. CS for CS for SB 1594

Amendment No. ____

1 to the system.

2 (b) It is further the finding of the Legislature that
3 the mission of a juvenile educational/technical and vocational
4 work-related work program is, in order of priority:

5 1. To provide a joint effort between the department,
6 the juvenile work programs, and educational/technical and
7 ~~other~~ vocational training programs to reinforce relevant
8 education, training, and postrelease job placement, and help
9 reduce recommitment.

10 2. To serve the security goals of the state through
11 the reduction of idleness of juveniles and the provision of an
12 incentive for good behavior in residential commitment
13 facilities.

14 3. To teach youth in juvenile justice programs
15 relevant job skills and the fundamentals of a trade in order
16 to prepare them for placement in the workforce.

17 (c) It is further the finding of the Legislature that
18 a program which duplicates as closely as possible free-work
19 production and service operations in order to aid juveniles in
20 adjustment after release and to prepare juveniles for gainful
21 employment is in the best interest of the state, juveniles,
22 and the general public.

23 (2)(a) The department is strongly encouraged to ~~may~~
24 require juveniles placed in a high-risk residential,
25 maximum-risk residential, or a serious/habitual offender
26 program to participate in an educational/technical or a
27 vocational work-related work program 5 hours per day, 5 days
28 per week. All policies developed by the department relating
29 to this requirement must be consistent with applicable
30 federal, state, and local labor laws and standards, including
31 all laws relating to child labor.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 (b) Nothing in this subsection is intended to restore,
2 in whole or in part, the civil rights of any juvenile. No
3 juvenile compensated under this subsection shall be considered
4 as an employee of the state or the department, nor shall such
5 juvenile come within any other provision of the Workers'
6 Compensation Law.

7 (3) In adopting or modifying master plans for juvenile
8 work programs and educational/technical and vocational
9 training programs, and in the administration of the Department
10 of Juvenile Justice, it shall be the objective of the
11 department to develop:

12 (a) Attitudes favorable to work, the work situation,
13 and a law-abiding life in each juvenile employed in the
14 juvenile work program.

15 (b) Education and training opportunities that are
16 reasonably broad, but which develop specific work skills.

17 (c) Programs that motivate juveniles to use their
18 abilities. ~~Juveniles who do not adjust to these programs shall~~
19 ~~be reassigned.~~

20 (d) Education and training programs that will be of
21 mutual benefit to all governmental jurisdictions of the state
22 by reducing the costs of government to the taxpayers and which
23 integrate all instructional programs into a unified curriculum
24 suitable for all juveniles, but taking account of the
25 different abilities of each juvenile.

26 (e) A logical sequence of educational/technical or
27 vocational training, employment by the juvenile ~~vocational~~
28 work programs, and postrelease job placement for juveniles
29 participating in juvenile work programs.

30 (4)(a) The Department of Juvenile Justice shall
31 establish guidelines for the operation of juvenile

Bill No. CS for CS for SB 1594

Amendment No. ____

1 educational/technical and vocational work-related work
2 programs, which shall include the following procedures:

3 1. Participation in the educational/technical and
4 vocational work-related programs shall be on a 5-day-per-week,
5 5-hour-per-day basis.

6 2.1. The education, training, work experience,
7 emotional and mental abilities, and physical capabilities of
8 the juvenile and the duration of the term of placement imposed
9 on the juvenile are to be analyzed before assignment of the
10 juvenile inmate into the various processes best suited for
11 educational/technical or vocational training.

12 3.2. When feasible, the department shall attempt to
13 obtain education or training credit for a juvenile seeking
14 apprenticeship status or a high school diploma or its
15 equivalent.

16 4.3. The juvenile may begin in a general education and
17 work skills program and progress to a specific work skills
18 training program, depending upon the ability, desire, and
19 education and work record of the juvenile.

20 5.4. Modernization and upgrading of equipment and
21 facilities should include greater automation and improved
22 production techniques to expose juveniles to the latest
23 technological procedures to facilitate their adjustment to
24 real work situations.

25 (b) Evaluations of juvenile educational/technical and
26 vocational work-related work programs shall be conducted
27 according to the following guidelines:

28 1. Systematic evaluations and quality assurance
29 monitoring shall be implemented, in accordance with ss.
30 985.401(4) and 985.412(1), to determine whether the juvenile
31 vocational work programs are related to successful postrelease

Bill No. CS for CS for SB 1594

Amendment No. ____

1 adjustments.

2 2. Operations and policies of the work programs shall
3 be reevaluated to determine if they are consistent with their
4 primary objectives.

5 (c) The department shall seek the advice of private
6 labor and management to:

7 1. Assist its work programs in the development of
8 statewide policies aimed at innovation and organizational
9 change.

10 2. Obtain technical and practical assistance,
11 information, and guidance.

12 3. Encourage the cooperation and involvement of the
13 private sector.

14 4. Assist in the placement of youth into meaningful
15 jobs upon release from the residential program.

16 (d) The department and providers are strongly
17 encouraged to work in partnership with local businesses and
18 trade groups in the development and operation of
19 educational/technical and vocational programs.

20 (5)(a) The Department of Juvenile Justice may adopt
21 and put into effect an agricultural and industrial production
22 and marketing program to provide training facilities for
23 persons placed in serious/habitual offender, high-risk
24 residential, and maximum-risk residential programs and
25 facilities under the control and supervision of the
26 department. The emphasis of this program shall be to provide
27 juveniles with useful work experience and appropriate job
28 skills that will facilitate their reentry into society and
29 provide an economic benefit to the public and the department
30 through effective utilization of juveniles.

31 (b) The department is authorized to contract with the

Bill No. CS for CS for SB 1594

Amendment No. ____

1 private sector for substantial involvement in a juvenile
2 industry program which includes the operation of a direct
3 private sector business within a juvenile facility and the
4 hiring of juvenile workers. The purposes and objectives of
5 this program shall be to:

6 1. Increase benefits to the general public by
7 reimbursement to the state for a portion of the costs of
8 juvenile residential care.

9 2. Provide purposeful work for juveniles as a means of
10 reducing tensions caused by confinement.

11 3. Increase job skills.

12 4. Provide additional opportunities for rehabilitation
13 of juveniles who are otherwise ineligible to work outside the
14 facilities, such as maximum security juveniles.

15 5. Develop and establish new models for juvenile
16 facility-based businesses which create jobs approximating
17 conditions of private sector employment.

18 6. Draw upon the economic base of operations for
19 disposition to the Crimes Compensation Trust Fund.

20 7. Substantially involve the private sector with its
21 capital, management skills, and expertise in the design,
22 development, and operation of businesses.

23 (c) Notwithstanding any other law to the contrary,
24 including s. 440.15(9), private sector employers shall provide
25 juveniles participating in juvenile work programs under
26 paragraph (b) with workers' compensation coverage, and
27 juveniles shall be entitled to the benefits of such coverage.
28 Nothing in this subsection shall be construed to allow
29 juveniles to participate in unemployment compensation
30 benefits.

31 (6) The Juvenile Justice Accountability Board shall

Bill No. CS for CS for SB 1594

Amendment No. ____

1 conduct a study regarding the types of effective juvenile
2 vocational and work programs in operation across the country,
3 relevant research on what makes programs effective, the key
4 ingredients of effective juvenile vocational and work
5 programs, and the status of such programs in juvenile
6 facilities across the state. The board shall report its
7 findings and make recommendations on how to expand and improve
8 these programs no later than January 31, 2000, to the
9 President of the Senate, the Speaker of the House of
10 Representatives, and the Secretary of Juvenile Justice.

11 (7) The department, working with providers, shall
12 inventory juvenile vocational and work training programs in
13 use in commitment programs across the state. The inventory
14 shall list the commitment program, the type of vocational or
15 work program offered, the relevant job skills provided, and
16 which programs work with the trades industry to place youth in
17 jobs upon release.

18 Section 29. Paragraph (c) of subsection (4) of section
19 985.201, Florida Statutes, is amended to read:

20 985.201 Jurisdiction.--

21 (4)

22 (c) The court may retain jurisdiction over a child and
23 the child's parent or legal guardian whom the court has
24 ordered to pay restitution until the restitution order is
25 satisfied or until the court orders otherwise. If the court
26 retains such jurisdiction after the date upon which the
27 court's jurisdiction would cease under this section, it shall
28 do so solely for the purpose of enforcing the restitution
29 order. The terms of the restitution order are subject to the
30 provisions of s. 775.089(5)~~s. 775.089(6)~~.

31 Section 30. Subsection (4) of section 985.21, Florida

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Statutes, 1998 Supplement, is amended to read:

2 985.21 Intake and case management.--

3 (4) The juvenile probation officer shall make a
4 preliminary determination as to whether the report, affidavit,
5 or complaint is complete, consulting with the state attorney
6 as may be necessary. In any case where the juvenile probation
7 officer or the state attorney finds that the report,
8 affidavit, or complaint is insufficient by the standards for a
9 probable cause affidavit, the juvenile probation officer or
10 state attorney shall return the report, affidavit, or
11 complaint, without delay, to the person or agency originating
12 the report, affidavit, or complaint or having knowledge of the
13 facts or to the appropriate law enforcement agency having
14 investigative jurisdiction of the offense, and shall request,
15 and the person or agency shall promptly furnish, additional
16 information in order to comply with the standards for a
17 probable cause affidavit.

18 ~~(a) The juvenile probation officer, upon determining~~
19 ~~that the report, affidavit, or complaint is complete, may, in~~
20 ~~the case of a child who is alleged to have committed a~~
21 ~~delinquent act or violation of law, recommend that the state~~
22 ~~attorney file a petition of delinquency or an information or~~
23 ~~seek an indictment by the grand jury. However, such a~~
24 ~~recommendation is not a prerequisite for any action taken by~~
25 ~~the state attorney.~~

26 (a)(b) The juvenile probation officer, upon
27 determining that the report, affidavit, or complaint is
28 complete, pursuant to uniform procedures established by the
29 department, shall:

30 1. When indicated by the preliminary screening,
31 provide for a comprehensive assessment of the child and family

Bill No. CS for CS for SB 1594

Amendment No. ____

1 for substance abuse problems, using community-based licensed
2 programs with clinical expertise and experience in the
3 assessment of substance abuse problems.

4 2. When indicated by the preliminary screening,
5 provide for a comprehensive assessment of the child and family
6 for mental health problems, using community-based
7 psychologists, psychiatrists, or other licensed mental health
8 professionals with clinical expertise and experience in the
9 assessment of mental health problems.

10

11 When indicated by the comprehensive assessment, the department
12 is authorized to contract within appropriated funds for
13 services with a local nonprofit community mental health or
14 substance abuse agency licensed or authorized under chapter
15 394, or chapter 397, or other authorized nonprofit social
16 service agency providing related services. The determination
17 of mental health or substance abuse services shall be
18 conducted in coordination with existing programs providing
19 mental health or substance abuse services in conjunction with
20 the intake office. Client information resulting from the
21 screening and evaluation shall be documented pursuant to rules
22 established by the department and shall serve to assist the
23 juvenile probation officer in providing the most appropriate
24 services and recommendations in the least intrusive manner.
25 Such client information shall be used in the multidisciplinary
26 assessment and classification of the child, but such
27 information, and any information obtained directly or
28 indirectly through the assessment process, is inadmissible in
29 court prior to the disposition hearing, unless the child's
30 written consent is obtained. At the disposition hearing,
31 documented client information shall serve to assist the court

Bill No. CS for CS for SB 1594

Amendment No. ____

1 in making the most appropriate custody, adjudicatory, and
2 dispositional decision. If the screening and assessment
3 indicate that the interest of the child and the public will be
4 best served thereby, the juvenile probation officer, with the
5 approval of the state attorney, may refer the child for care,
6 diagnostic and evaluation services, substance abuse treatment
7 services, mental health services, retardation services, a
8 diversionary or arbitration or mediation program, community
9 service work, or other programs or treatment services
10 voluntarily accepted by the child and the child's parents or
11 legal guardians. The victim, if any, and the law enforcement
12 agency which investigated the offense shall be notified
13 immediately by the state attorney of the action taken under
14 this paragraph. Whenever a child volunteers to participate in
15 any work program under this chapter or volunteers to work in a
16 specified state, county, municipal, or community service
17 organization supervised work program or to work for the
18 victim, the child shall be considered an employee of the state
19 for the purposes of liability. In determining the child's
20 average weekly wage, unless otherwise determined by a specific
21 funding program, all remuneration received from the employer
22 is considered a gratuity, and the child is not entitled to any
23 benefits otherwise payable under s. 440.15, regardless of
24 whether the child may be receiving wages and remuneration from
25 other employment with another employer and regardless of the
26 child's future wage-earning capacity.

27 (b)~~(c)~~ The juvenile probation officer, upon
28 determining that the report, affidavit, or complaint complies
29 with the standards of a probable cause affidavit and that the
30 interest of the child and the public will be best served, may
31 recommend that a delinquency petition not be filed. If such a

Bill No. CS for CS for SB 1594

Amendment No. ____

1 recommendation is made, the juvenile probation officer shall
2 advise in writing the person or agency making the report,
3 affidavit, or complaint, the victim, if any, and the law
4 enforcement agency having investigative jurisdiction of the
5 offense of the recommendation and the reasons therefor; and
6 that the person or agency may submit, within 10 days after the
7 receipt of such notice, the report, affidavit, or complaint to
8 the state attorney for special review. The state attorney,
9 upon receiving a request for special review, shall consider
10 the facts presented by the report, affidavit, or complaint,
11 and by the juvenile probation officer who made the
12 recommendation that no petition be filed, before making a
13 final decision as to whether a petition or information should
14 or should not be filed.

15 (c)(d) Subject to the interagency agreement authorized
16 under this paragraph, the juvenile probation officer for each
17 case in which a child is alleged to have committed a violation
18 of law or delinquent act and is not detained ~~In all cases in~~
19 ~~which the child is alleged to have committed a violation of~~
20 ~~law or delinquent act and is not detained, the juvenile~~
21 ~~probation officer~~ shall submit a written report to the state
22 attorney, including the original report, complaint, or
23 affidavit, or a copy thereof, including a copy of the child's
24 prior juvenile record, within 20 days after the date the child
25 is taken into custody. In cases in which the child is in
26 detention, the intake office report must be submitted within
27 24 hours after the child is placed into detention. The intake
28 office report may include a recommendation ~~must recommend~~
29 ~~either~~ that a petition or information be filed or that no
30 petition or information be filed, and may ~~must~~ set forth
31 reasons for the recommendation. The State Attorney and the

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Department of Juvenile Justice may, on a district-by-district
2 basis, enter into interagency agreements denoting the cases
3 that will require a recommendation and those for which a
4 recommendation is unnecessary.

5 ~~(d)(e)~~ The state attorney may in all cases take action
6 independent of the action or lack of action of the juvenile
7 probation officer, and shall determine the action which is in
8 the best interest of the public and the child. If the child
9 meets the criteria requiring prosecution as an adult pursuant
10 to s. 985.226, the state attorney shall request the court to
11 transfer and certify the child for prosecution as an adult or
12 shall provide written reasons to the court for not making such
13 request. In all other cases, the state attorney may:

- 14 1. File a petition for dependency;
- 15 2. File a petition pursuant to chapter 984;
- 16 3. File a petition for delinquency;
- 17 4. File a petition for delinquency with a motion to
18 transfer and certify the child for prosecution as an adult;
- 19 5. File an information pursuant to s. 985.227;
- 20 6. Refer the case to a grand jury;
- 21 7. Refer the child to a diversionary, pretrial
22 intervention, arbitration, or mediation program, or to some
23 other treatment or care program if such program commitment is
24 voluntarily accepted by the child or the child's parents or
25 legal guardians; or
- 26 8. Decline to file.

27 ~~(e)(f)~~ In cases in which a delinquency report,
28 affidavit, or complaint is filed by a law enforcement agency
29 and the state attorney determines not to file a petition, the
30 state attorney shall advise the clerk of the circuit court in
31 writing that no petition will be filed thereon.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Section 31. Subsection (4) of section 985.225, Florida
2 Statutes, is amended to read:

3 985.225 Indictment of a juvenile.--

4 (4)(a) Once a child has been indicted pursuant to this
5 subsection and has been found to have committed any offense
6 for which he or she was indicted as a part of the criminal
7 episode, the child shall be handled thereafter in every
8 respect as if an adult for any subsequent violation of state
9 law, unless the court imposes juvenile sanctions under s.
10 985.233.

11 (b) When a child has been indicted pursuant to this
12 subsection the court shall immediately transfer and certify to
13 the adult circuit court all felony cases pertaining to the
14 child, for prosecution of the child as an adult, which have
15 not yet resulted in a plea of guilty or nolo contendere or in
16 which a finding of guilt has not been made. If the child is
17 acquitted of all charged offenses or lesser included offenses
18 contained in the indictment case, all felony cases that were
19 transferred to adult court pursuant to this paragraph shall be
20 subject to the same penalties such cases were subject to
21 before being transferred to adult court.

22 Section 32. Subsection (6) of section 985.218, Florida
23 Statutes, 1998 Supplement, is repealed.

24 Section 33. Subsections (2) and (4) of section
25 985.226, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 985.226 Criteria for waiver of juvenile court
28 jurisdiction; hearing on motion to transfer for prosecution as
29 an adult.--

30 (2) INVOLUNTARY WAIVER.--

31 (a) Discretionary ~~involuntary~~ waiver.--Except as

Bill No. CS for CS for SB 1594

Amendment No. ____

1 provided in paragraph (b), the state attorney may file a
2 motion requesting the court to transfer the child for criminal
3 prosecution if the child was 14 years of age or older at the
4 time the alleged delinquent act or violation of law was
5 committed.

6 (b) Mandatory waiver.--

7 1. If the child was 14 years of age or older, and if
8 the child has been previously adjudicated delinquent for an
9 act classified as a felony, which adjudication was for the
10 commission of, attempt to commit, or conspiracy to commit
11 murder, sexual battery, armed or strong-armed robbery,
12 carjacking, home-invasion robbery, aggravated battery, or
13 aggravated assault, or burglary with an assault or battery,
14 and the child is currently charged with a second or subsequent
15 violent crime against a person; or, the state attorney shall
16 file a motion requesting the court to transfer and certify the
17 juvenile for prosecution as an adult, or proceed pursuant to
18 s. 985.227(1).

19 2.(b) Mandatory involuntary waiver.-- If the child was
20 14 years of age or older at the time of commission of a fourth
21 or subsequent alleged felony offense and the child was
22 previously adjudicated delinquent or had adjudication withheld
23 for or was found to have committed, or to have attempted or
24 conspired to commit, three offenses that are felony offenses
25 if committed by an adult, and one or more of such felony
26 offenses involved the use or possession of a firearm or
27 violence against a person;7

28
29 the state attorney shall request the court to transfer and
30 certify the child for prosecution as an adult or shall provide
31 written reasons to the court for not making such request, or

Bill No. CS for CS for SB 1594

Amendment No. ____

1 proceed pursuant to s. 985.227(1). Upon the state attorney's
2 request, the court shall either enter an order transferring
3 the case and certifying the case for trial as if the child
4 were an adult or provide written reasons for not issuing such
5 an order.

6 (4) EFFECT OF ORDER WAIVING JURISDICTION.--

7 ~~(a) If the court finds, after a waiver hearing under~~
8 ~~subsection (3), that a juvenile who was 14 years of age or~~
9 ~~older at the time the alleged violation of state law was~~
10 ~~committed should be charged and tried as an adult, the court~~
11 ~~shall enter an order transferring the case and certifying the~~
12 ~~case for trial as if the child were an adult. The child shall~~
13 ~~thereafter be subject to prosecution, trial, and sentencing as~~
14 ~~if the child were an adult but subject to the provisions of s.~~
15 ~~985.233. Once a child has been transferred for criminal~~
16 ~~prosecution pursuant to an involuntary waiver hearing and has~~
17 ~~been found to have committed the presenting offense or a~~
18 ~~lesser included offense, the child shall thereafter be handled~~
19 ~~in every respect as an adult for any subsequent violation of~~
20 ~~state law, unless the court imposes juvenile sanctions under~~
21 ~~s. 985.233.~~

22 (b) When a child is transferred for criminal
23 prosecution as an adult, the court shall immediately transfer
24 and certify to the adult circuit court all felony cases
25 pertaining to the child, for prosecution of the child as an
26 adult, which have not yet resulted in a plea of guilty or nolo
27 contendere or in which a finding of guilt has not been made.
28 If the child is acquitted of all charged offenses or lesser
29 included offenses contained in the original case transferred
30 to adult court, all felony cases that were transferred to
31 adult court pursuant to this paragraph shall be subject to the

Bill No. CS for CS for SB 1594

Amendment No. ____

1 same penalties such cases were subject to before being
2 transferred to adult court.

3 Section 34. Subsection (7) is added to section
4 985.228, Florida Statutes, to read:

5 985.228 Adjudicatory hearings; withheld adjudications;
6 orders of adjudication.--

7 (7) Notwithstanding any other provision of law, an
8 adjudication of delinquency for an offense classified as a
9 felony shall disqualify a person from lawfully possessing a
10 firearm until such person reaches 24 years of age.

11 Section 35. Subsections (1) and (2) of section 790.23,
12 Florida Statutes, 1998 Supplement, are amended to read:

13 790.23 Felons and delinquents; possession of firearms
14 or electric weapons or devices unlawful.--

15 (1) It is unlawful for any person to own or to have in
16 his or her care, custody, possession, or control any firearm
17 or electric weapon or device, or to carry a concealed weapon,
18 including a tear gas gun or chemical weapon or device, if that
19 person has been:

20 (a) ~~Convicted of a felony or found to have committed a~~
21 ~~delinquent act that would be a felony if committed by an adult~~
22 ~~in the courts of this state;~~

23 (b) Found, in the courts of this state, to have
24 committed a delinquent act that would be a felony if committed
25 by an adult and such person is under 24 years of age.

26 (c)~~(b)~~ Convicted of or found to have committed a crime
27 against the United States which is designated as a felony;

28 (d)~~(c)~~ Found to have committed a delinquent act in
29 another state, territory, or country that would be a felony if
30 committed by an adult and which was punishable by imprisonment
31 for a term exceeding 1 year and such person is under 24 years

Bill No. CS for CS for SB 1594

Amendment No. ____

1 of age; or

2 (e)(d) Found guilty of an offense that is a felony in
 3 another state, territory, or country and which was punishable
 4 by imprisonment for a term exceeding 1 year.

5 (2) This section shall not apply to a person convicted
 6 of a felony whose civil rights and firearm authority have been
 7 restored, ~~or to a person found to have committed a delinquent~~
 8 ~~act that would be a felony if committed by an adult with~~
 9 ~~respect to which the jurisdiction of the court pursuant to~~
 10 ~~chapter 985 has expired.~~

11 Section 36. Section 985.313, Florida Statutes, is
 12 amended to read:

13 985.313 Juvenile correctional facilities or juvenile
 14 prison ~~Maximum-risk residential program.~~--A juvenile
 15 correctional facility or juvenile prison ~~maximum-risk~~
 16 ~~residential program~~ is a physically secure residential
 17 commitment program with a designated length of stay from 18
 18 months to 36 months, primarily serving children 13 years of
 19 age to 19 years of age, or until the jurisdiction of the court
 20 expires. The court may retain jurisdiction over the child
 21 until the child reaches the age of 21, specifically for the
 22 purpose of the child completing the program. Each child
 23 committed to this level must meet one of the following
 24 criteria:

25 (1) The youth is at least 13 years of age at the time
 26 of the disposition for the current offense and has been
 27 adjudicated on the current offense for:

- 28 (a) Arson;
- 29 (b) Sexual battery;
- 30 (c) Robbery;
- 31 (d) Kidnapping;

Bill No. CS for CS for SB 1594

Amendment No. ____

- 1 (e) Aggravated child abuse;
- 2 (f) Aggravated assault;
- 3 (g) Aggravated stalking;
- 4 (h) Murder;
- 5 (i) Manslaughter;
- 6 (j) Unlawful throwing, placing, or discharging of a
- 7 destructive device or bomb;
- 8 (k) Armed burglary;
- 9 (l) Aggravated battery;
- 10 (m) Carjacking;
- 11 (n) Home-invasion robbery;
- 12 (o) Burglary with an assault or battery;
- 13 (p)~~(m)~~ Lewd or lascivious assault or act in the
- 14 presence of a child; or
- 15 (q)~~(m)~~ Carrying, displaying, using, threatening to
- 16 use, or attempting to use a weapon or firearm during the
- 17 commission of a felony.
- 18 (2) The youth is at least 13 years of age at the time
- 19 of the disposition, the current offense is a felony, and the
- 20 child has previously been committed three or more times to a
- 21 delinquency commitment program.
- 22 (3) The youth is at least 13 years of age and is
- 23 currently committed for a felony offense and transferred from
- 24 a moderate-risk or high-risk residential commitment placement.
- 25 (4) The youth is at least 13 years of age at the time
- 26 of the disposition for the current offense, the youth is
- 27 eligible for prosecution as an adult for the current offense,
- 28 and the current offense is ranked at level 7 or higher on the
- 29 Criminal Punishment Code offense severity ranking chart
- 30 pursuant to s. 921.0022.
- 31 Section 37. Subsections (43) and (44) are added to

Bill No. CS for CS for SB 1594

Amendment No. ____

1 section 228.041, Florida Statutes, 1998 Supplement, to read:
2 228.041 Definitions.--Specific definitions shall be as
3 follows, and wherever such defined words or terms are used in
4 the Florida School Code, they shall be used as follows:

5 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
6 schools operating for the purpose of providing educational
7 services to youth in Department of Juvenile Justice programs,
8 the school year shall be comprised of 250 days of instruction
9 distributed over 12 months. A district school board may
10 decrease the minimum number of days of instruction by up to 10
11 days for teacher planning.

12 (44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice
13 provider" means the Department of Juvenile Justice or a
14 private, public, or other governmental organization under
15 contract with the Department of Juvenile Justice which
16 provides treatment, care and custody, or educational programs
17 for youth in juvenile justice intervention, detention, or
18 commitment programs.

19 Section 38. Section 228.051, Florida Statutes, is
20 amended to read:

21 228.051 Organization and funding of required public
22 schools.--The public schools of the state shall provide 13
23 consecutive years of instruction, beginning with kindergarten,
24 and shall also provide such instruction for exceptional
25 children and youth in Department of Juvenile Justice programs
26 as may be required by law. The funds for support and
27 maintenance of such schools shall be derived from state,
28 district, federal, or other lawful sources or combinations of
29 sources and shall include any tuition fees charged
30 nonresidents as provided by law. Public schools,
31 institutions, and agencies providing this instruction shall

Bill No. CS for CS for SB 1594

Amendment No. ____

1 constitute the uniform system of free public schools
2 prescribed by Art. IX of the State Constitution.

3 Section 39. Section 228.081, Florida Statutes, is
4 amended to read:

5 228.081 Other public educational services.--

6 (1) The general control of other public educational
7 services shall be vested in the state board except as provided
8 herein. The state board shall, at the request of the
9 Department of Children and Family Services and the Department
10 of Juvenile Justice, advise as to standards and requirements
11 relating to education to be met in all state schools or
12 institutions under their control which provide educational
13 programs. The Department of Education shall provide
14 supervisory services for the educational programs of all such
15 schools or institutions. The direct control of any of these
16 services provided as part of the district program of education
17 shall rest with the school board. These services shall be
18 supported out of state, district, federal, or other lawful
19 funds, depending on the requirements of the services being
20 supported.

21 (2) The Department of Education shall recommend and by
22 August 1, 1999, the state board shall adopt an administrative
23 rule articulating expectations for high-quality, effective
24 education programs for youth in Department of Juvenile Justice
25 programs, including, but not limited to, education programs in
26 juvenile justice commitment and detention facilities. The rule
27 shall articulate policies and standards for education programs
28 for youth in Department of Juvenile Justice programs and shall
29 include the following:

30 (a) The interagency collaborative process needed to
31 ensure effective programs with measurable results.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 (b) The responsibilities of the Department of
2 Education, the Department of Juvenile Justice, school
3 districts, and providers of education services to youth in
4 Department of Juvenile Justice programs.

5 (c) Academic expectations.

6 (d) Service delivery options available to school
7 districts, including direct service and contracting.

8 (e) Assessment procedures, which:

9 1. Include appropriate academic and vocational
10 assessments administered at program entry and exit which are
11 selected by the Department of Education in partnership with
12 representatives from the Department of Juvenile Justice,
13 school districts, and providers.

14 2. Require school districts to be responsible for
15 ensuring the completion of the assessment process.

16 3. Require assessments for students in detention who
17 will move on to commitment facilities, to be designed to
18 create the foundation for developing the student's education
19 program in the assigned commitment facility.

20 4. Require assessments of students sent directly to
21 commitment facilities to be completed within the first week of
22 the student's commitment.

23
24 The results of these assessments, together with a portfolio
25 depicting the student's academic and vocational
26 accomplishments, shall be included in the discharge package
27 assembled for each youth.

28 (f) Recommended instructional programs including, but
29 not limited to, vocational training and job preparation.

30 (g) Funding requirements, which shall include the
31 requirement that at least 80 percent of the FEFP funds

Bill No. CS for CS for SB 1594

Amendment No. ____

1 generated by students in Department of Juvenile Justice
2 Programs be spent on instructional costs for those students.
3 One hundred percent of the formula-based categorial funds
4 generated by students in Department of Juvenile Justice
5 Programs must be spent on appropriate categoricals such as
6 instructional materials and public school technology for those
7 students.

8 (h) Qualifications of instructional staff, procedures
9 for the selection of instructional staff, and procedures to
10 ensure consistent instruction and qualified staff year round.

11 (i) Transition services, including the roles and
12 responsibilities of appropriate personnel in school districts,
13 provider organizations, and the Department of Juvenile
14 Justice.

15 (j) Procedures and timeframe for transfer of education
16 records when a youth enters and leaves a facility.

17 (k) The requirement that each school district maintain
18 an academic transcript for each student enrolled in a juvenile
19 justice facility which delineates each course completed by the
20 student as provided by the State Course Code Directory.

21 (l) The requirement that each school district make
22 available and transmit a copy of a student's transcript in the
23 discharge packet when the student exits a facility.

24 (m) Contract requirements.

25 (n) Performance expectations for providers and school
26 districts, including the provision of academic improvement
27 plan as required in s. 232.245.

28 (o) The role and responsibility of the school district
29 in securing workforce development funds.

30 (p) A series of graduated sanctions for school
31 districts whose educational programs in Department of Juvenile

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Justice facilities are considered to be unsatisfactory and for
2 instances in which school districts fail to meet standards
3 prescribed by law, rule, or State Board of Education policy.
4 These sanctions shall include the option of requiring a school
5 district to contract with a provider or another school
6 district if the educational program at the Department of
7 Juvenile Justice facility has failed a quality assurance
8 review and after 6 months, is still performing below minimum
9 standards.

10 (q) Other aspects of program operations.

11 (3) By January 1, 2000, the Department of Education in
12 partnership with the Department of Juvenile Justice, school
13 districts, and providers shall:

14 (a) Develop model contracts for the delivery of
15 appropriate education services to youth in Department of
16 Juvenile Justice programs to be used for the development of
17 future contracts. The model contracts shall reflect the policy
18 and standards included in subsection (2). The Department of
19 Education shall ensure that appropriate school district
20 personnel are trained and held accountable for the management
21 and monitoring of contracts for education programs for youth
22 in juvenile justice residential and nonresidential facilities.

23 (b) Develop model procedures for transitioning youth
24 into and out of Department of Juvenile Justice programs. These
25 procedures shall reflect the policy and standards adopted
26 pursuant to subsection (2).

27 (c) Develop standardized required content of education
28 records to be included as part of a youth's commitment record.
29 These requirements shall reflect the policy and standards
30 adopted pursuant to subsection (2) and shall include, but not
31 be limited to, the following:

Bill No. CS for CS for SB 1594

Amendment No. ____

1 1. A copy of the student's individualized education
2 plan;

3 2. Assessment data, including grade level proficiency
4 in reading, writing, and mathematics, and performance on tests
5 taken according to s. 229.57;

6 3. A copy of the student's permanent cumulative
7 record; and

8 4. A copy of the student's academic transcript.

9 5. A portfolio reflecting the youth's academic
10 accomplishments while in the Department of Juvenile Justice
11 program.

12 (d) Develop model procedures for securing the
13 education record and the roles and responsibilities of the
14 juvenile probation officer and others involved in the
15 withdrawal of the student from school and assignment to a
16 commitment or detention facility. Effective for the 2000-2001
17 school year and thereafter, school districts shall be required
18 to respond to requests for student education records received
19 from another school district or a juvenile justice facility
20 within 5 working days of receiving the request.

21 (4) The Department of Education shall ensure that
22 school districts notify students in juvenile justice
23 residential or nonresidential facilities who attain the age of
24 16 years of the provisions of s. 232.01(1)(c) regarding
25 compulsory school attendance and make available the option of
26 enrolling in a program to attain a general education
27 development diploma prior to release from the facility. School
28 districts or community colleges, or both, shall waive GED
29 testing fees for youth in Department of Juvenile Justice
30 residential programs and shall, upon request, designate
31 schools operating for the purpose of providing educational

Bill No. CS for CS for SB 1594

Amendment No. ____

1 services to youth in Department of Juvenile Justice programs
2 as GED testing centers, subject to GED testing center
3 requirements.

4 (5) The Department of Education shall establish and
5 operate, either directly or indirectly through a contract, a
6 mechanism to provide quality assurance reviews of all juvenile
7 justice education programs and shall provide technical
8 assistance and related research to school districts and
9 providers on how to establish, develop, and operate
10 educational programs that exceed the minimum quality assurance
11 standards.

12 Section 40. Subsection (3) of section 229.57, Florida
13 Statutes, 1998 Supplement, is amended to read.

14 229.57 Student assessment program.--

15 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
16 directed to design and implement a statewide program of
17 educational assessment that provides information for the
18 improvement of the operation and management of the public
19 schools including schools operating for the purpose of
20 providing educational services to youth in Department of
21 Juvenile Justice programs. The program must be designed, as
22 far as possible, so as not to conflict with ongoing district
23 assessment programs and so as to use information obtained from
24 district programs. Pursuant to the statewide assessment
25 program, the commissioner shall:

26 (a) Submit to the state board a list that specifies
27 student skills and competencies to which the goals for
28 education specified in the state plan apply, including, but
29 not limited to, reading, writing, and mathematics. The skills
30 and competencies must include problem-solving and higher-order
31 skills as appropriate. The commissioner shall select such

Bill No. CS for CS for SB 1594

Amendment No. ____

1 skills and competencies after receiving recommendations from
2 educators, citizens, and members of the business community.
3 The commissioner shall submit to the state board revisions to
4 the list of student skills and competencies in order to
5 maintain continuous progress toward improvements in student
6 proficiency.

7 (b) Develop and implement a uniform system of
8 indicators to describe the performance of public school
9 students and the characteristics of the public school
10 districts and the public schools. These indicators must
11 include, without limitation, information gathered by the
12 comprehensive management information system created pursuant
13 to s. 229.555 and student achievement information obtained
14 pursuant to this section.

15 (c) Develop and implement a student achievement
16 testing program as part of the statewide assessment program,
17 to be administered at designated times at the elementary,
18 middle, and high school levels to measure reading, writing,
19 and mathematics. The testing program must be designed so
20 that:

- 21 1. The tests measure student skills and competencies
22 adopted by the state board as specified in paragraph (a). The
23 tests must measure and report student proficiency levels in
24 reading, writing, and mathematics. Other content areas may be
25 included as directed by the commissioner. The commissioner
26 shall provide for the tests to be developed or obtained, as
27 appropriate, through contracts and project agreements with
28 private vendors, public vendors, public agencies,
29 postsecondary institutions, or school districts. The
30 commissioner shall obtain input with respect to the design and
31 implementation of the testing program from state educators and

Bill No. CS for CS for SB 1594

Amendment No. ____

1 the public.

2 2. The tests are criterion-referenced and include, to
3 the extent determined by the commissioner, items that require
4 the student to produce information or perform tasks in such a
5 way that the skills and competencies he or she uses can be
6 measured.

7 3. Each testing program, whether at the elementary,
8 middle, or high school level, includes a test of writing in
9 which students are required to produce writings which are then
10 scored by appropriate methods.

11 4. A score is designated for each subject area tested,
12 below which score a student's performance is deemed
13 inadequate. The school districts shall provide appropriate
14 remedial instruction to students who score below these levels.

15 5. All 11th grade students take a high school
16 competency test developed by the state board to test minimum
17 student performance skills and competencies in reading,
18 writing, and mathematics. The test must be based on the skills
19 and competencies adopted by the state board pursuant to
20 paragraph (a). Upon recommendation of the commissioner, the
21 state board shall designate a passing score for each part of
22 the high school competency test. In establishing passing
23 scores, the state board shall consider any possible negative
24 impact of the test on minority students. The commissioner may
25 establish criteria whereby a student who successfully
26 demonstrates proficiency in either reading or mathematics or
27 both may be exempted from taking the corresponding section of
28 the high school competency test or the college placement test.
29 A student must earn a passing score or have been exempted from
30 each part of the high school competency test in order to
31 qualify for a regular high school diploma. The school

Bill No. CS for CS for SB 1594

Amendment No. ____

1 districts shall provide appropriate remedial instruction to
2 students who do not pass part of the competency test.

3 6. Participation in the testing program is mandatory
4 for all students, including students served in Department of
5 Juvenile Justice programs,except as otherwise prescribed by
6 the commissioner. The commissioner shall recommend rules to
7 the state board for the provision of test adaptations and
8 modifications of procedures as necessary for students in
9 exceptional education programs and for students who have
10 limited English proficiency.

11 7. A student seeking an adult high school diploma must
12 meet the same testing requirements that a regular high school
13 student must meet.

14 8. By January 1, 2000, the Department of Education
15 must develop, or select, and implement a common battery of
16 assessment tools which will be used in all juvenile justice
17 programs in the state. These tools must accurately reflect
18 criteria established in the Florida Sunshine State Standards.

19
20 The commissioner may design and implement student testing
21 programs for any grade level and subject area, based on
22 procedures designated by the commissioner to monitor
23 educational achievement in the state.

24 (d) Obtain or develop a career planning assessment to
25 be administered to students, at their option, in grades 7 and
26 10 to assist them in preparing for further education or
27 entering the workforce. The statewide student assessment
28 program must include career planning assessment.

29 (e) Conduct ongoing research to develop improved
30 methods of assessing student performance, including, without
31 limitation, the use of technology to administer tests, the use

Bill No. CS for CS for SB 1594

Amendment No. ____

1 of electronic transfer of data, the development of
 2 work-product assessments, and the development of process
 3 assessments.

4 (f) Conduct ongoing research and analysis of student
 5 achievement data, including, without limitation, monitoring
 6 trends in student achievement, identifying school programs
 7 that are successful, and analyzing correlates of school
 8 achievement.

9 (g) Provide technical assistance to school districts
 10 in the implementation of state and district testing programs
 11 and the use of the data produced pursuant to such programs.

12 Section 41. Paragraph (c) is added to subsection (1)
 13 of section 229.58, Florida Statutes, 1998 Supplement, to read:

14 229.58 District and school advisory councils.--

15 (1) ESTABLISHMENT.--

16 (c) For those schools operating for the purpose of
 17 providing educational services to youth in Department of
 18 Juvenile Justice programs, school boards may establish a
 19 district advisory council with appropriate representatives for
 20 the purpose of developing and monitoring a district school
 21 improvement plan which encompasses all such schools in the
 22 district, pursuant to s. 230.23(16)(a).

23 Section 42. Subsections (1), (3), and (4) of section
 24 229.592, Florida Statutes, 1998 Supplement, are amended to
 25 read:

26 229.592 Implementation of state system of school
 27 improvement and education accountability.--

28 (1) DEVELOPMENT.--It is the intent of the Legislature
 29 that every public school in the state, including schools
 30 operating for the purpose of providing educational services to
 31 youth in Department of Juvenile Justice programs, shall have a

Bill No. CS for CS for SB 1594

Amendment No. ____

1 school improvement plan, as required by s. 230.23(16), ~~fully~~
2 ~~implemented and operational by the beginning of the 1993-1994~~
3 ~~school year~~. Vocational standards considered pursuant to s.
4 239.229 shall be incorporated into the school improvement plan
5 for each area technical center operated by a school board by
6 the 1994-1995 school year, and area technical centers shall
7 prepare school report cards incorporating such standards,
8 pursuant to s. 230.23(16), for the 1995-1996 school year. In
9 order to accomplish this, the Florida Commission on Education
10 Reform and Accountability and the school districts and schools
11 shall carry out the duties assigned to them by ss. 229.594 and
12 230.23(16), respectively.

13 (3) COMMISSIONER.--The commissioner shall be
14 responsible for implementing and maintaining a system of
15 intensive school improvement and stringent education
16 accountability.

17 (a) Based on the recommendations of the Florida
18 Commission on Education Reform and Accountability, the
19 commissioner shall develop and implement the following
20 programs and procedures:

21 1. A system of data collection and analysis that will
22 improve information about the educational success of
23 individual students and schools, including schools operating
24 for the purpose of providing educational services to youth in
25 Department of Juvenile Justice programs. The information and
26 analyses must be capable of identifying educational programs
27 or activities in need of improvement, and reports prepared
28 pursuant to this subparagraph shall be distributed to the
29 appropriate school boards prior to distribution to the general
30 public. This provision shall not preclude access to public
31 records as provided in chapter 119.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 2. A program of school improvement that will analyze
2 information to identify schools, including schools operating
3 for the purpose of providing educational services to youth in
4 Department of Juvenile Justice programs, educational programs,
5 or educational activities in need of improvement.

6 3. A method of delivering services to assist school
7 districts and schools to improve, including schools operating
8 for the purpose of providing educational services to youth in
9 Department of Juvenile Justice programs.

10 4. A method of coordinating with the state educational
11 goals and school improvement plans any other state program
12 that creates incentives for school improvement.

13 (b) The commissioner shall be held responsible for the
14 implementation and maintenance of the system of school
15 improvement and education accountability outlined in this
16 subsection. There shall be an annual determination of whether
17 adequate progress is being made toward implementing and
18 maintaining a system of school improvement and education
19 accountability.

20 (c) The annual feedback report shall be developed by
21 the commission and the Department of Education.

22 (d) The commissioner and the commission shall review
23 each school board's feedback report and submit its findings to
24 the State Board of Education. If adequate progress is not
25 being made toward implementing and maintaining a system of
26 school improvement and education accountability, the State
27 Board of Education shall direct the commissioner to prepare
28 and implement a corrective action plan. The commissioner and
29 State Board of Education shall monitor the development and
30 implementation of the corrective action plan.

31 (e) As co-chair of the Florida Commission on Education

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Reform and Accountability, the commissioner shall appear
 2 before the appropriate committees of the Legislature annually
 3 in October to report and recommend changes in state policy
 4 necessary to foster school improvement and education
 5 accountability. The report shall reflect the recommendations
 6 of the Florida Commission on Education Reform and
 7 Accountability. Included in the report shall be a list of the
 8 schools, including schools operating for the purpose of
 9 providing educational services to youth in Department of
 10 Juvenile Justice programs,for which school boards have
 11 developed assistance and intervention plans and an analysis of
 12 the various strategies used by the school boards. School
 13 reports shall be distributed pursuant to this paragraph and s.
 14 230.23(16)(e) according to guidelines adopted by the State
 15 Board of Education.

16 (4) DEPARTMENT.--

17 (a) The Department of Education shall implement a
 18 training program to develop among state and district educators
 19 a cadre of facilitators of school improvement. These
 20 facilitators shall assist schools and districts to conduct
 21 needs assessments and develop and implement school improvement
 22 plans to meet state goals.

23 (b) Upon request, the department shall provide
 24 technical assistance and training to any school, including any
 25 school operating for the purpose of providing educational
 26 services to youth in Department of Juvenile Justice programs,
 27 school advisory council, district, or school board for
 28 conducting needs assessments, developing and implementing
 29 school improvement plans, developing and implementing
 30 assistance and intervention plans, or implementing other
 31 components of school improvement and accountability. Priority

Bill No. CS for CS for SB 1594

Amendment No. ____

1 for these services shall be given to school districts in rural
2 and sparsely populated areas of the state.

3 (c) Pursuant to s. 24.121(5)(d), the department shall
4 not release funds from the Educational Enhancement Trust Fund
5 to any district in which a school, including schools operating
6 for the purpose of providing educational services to youth in
7 Department of Juvenile Justice programs, does not have an
8 approved school improvement plan, pursuant to s. 230.23(16),
9 after 1 full school year of planning and development, or does
10 not comply with school advisory council membership composition
11 requirements pursuant to s. 229.58(1). The department shall
12 send a technical assistance team to each school without an
13 approved plan to develop such school improvement plan or to
14 each school without appropriate school advisory council
15 membership composition to develop a strategy for corrective
16 action. The department shall release the funds upon approval
17 of the plan or upon establishment of a plan of corrective
18 action. Notice shall be given to the public of the
19 department's intervention and shall identify each school
20 without a plan or without appropriate school advisory council
21 membership composition.

22 Section 43. Paragraphs (a) and (e) of subsection (16)
23 of section 230.23, Florida Statutes, 1998 Supplement, are
24 amended to read:

25 230.23 Powers and duties of school board.--The school
26 board, acting as a board, shall exercise all powers and
27 perform all duties listed below:

28 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
29 ACCOUNTABILITY.--Maintain a system of school improvement and
30 education accountability as provided by statute and State
31 Board of Education rule. This system of school improvement and

Bill No. CS for CS for SB 1594

Amendment No. ____

1 education accountability shall be consistent with, and
2 implemented through, the district's continuing system of
3 planning and budgeting required by this section and ss.
4 229.555 and 237.041. This system of school improvement and
5 education accountability shall include, but not be limited to,
6 the following:

7 (a) School improvement plans.--Annually approve and
8 require implementation of a new, amended, or continuation
9 school improvement plan for each school in the district,
10 except that a school board may establish a district school
11 improvement plan which includes all schools in the district
12 operating for the purpose of providing educational services to
13 youth in Department of Juvenile Justice programs. Such plan
14 shall be designed to achieve the state education goals and
15 student performance standards pursuant to ss. 229.591(3) and
16 229.592. Beginning in 1999-2000, each plan shall also address
17 issues relative to budget, training, instructional materials,
18 technology, staffing, student support services, and other
19 matters of resource allocation, as determined by school board
20 policy.

21 (e) Public disclosure.--Provide information regarding
22 performance of students and educational programs as required
23 pursuant to s. 229.555 and implement a system of school
24 reports as required by statute and State Board of Education
25 rule which shall include schools operating for the purpose of
26 providing educational services to youth in Department of
27 Juvenile Justice programs, and for those schools, report on
28 the elements specified in s. 230.23161(21).

29 Section 44. Section 230.23161, Florida Statutes, 1998
30 Supplement, is amended to read.

31 230.23161 Educational services in Department of

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Juvenile Justice programs.--

2 (1) The Legislature finds that education is the single
3 most important factor in the rehabilitation of adjudicated
4 delinquent youth in the custody of the Department of Juvenile
5 Justice in detention or commitment facilities. The Department
6 of Education shall serve as the lead agency for juvenile
7 justice education programs to ensure that curriculum, support
8 services, and resources are provided to maximize the public's
9 investment in the custody and care of these youth. To this
10 end, the Department of Education and the Department of
11 Juvenile Justice shall each designate a Coordinator for
12 Juvenile Justice Education Programs to serve as the point of
13 contact for resolving issues not addressed by local district
14 school boards and to ensure each department's participation in
15 the following activities:

16 (a) Training, collaborating, and coordinating with the
17 Department of Juvenile Justice, local school districts,
18 educational contract providers, and juvenile justice
19 providers, whether state operated or contracted.

20 (b) Collecting information on the academic performance
21 of students in juvenile justice commitment and detention
22 programs and reporting on the results.

23 (c) Developing protocols that provide guidance to
24 school districts and providers in all aspects of education
25 programming, including records transfer and transition.

26 (d) Prescribing the roles of program personnel.

27 (2)(1) The Legislature finds that juvenile assessment
28 centers are an important source of information about youth who
29 are entering the juvenile justice system. Juvenile assessment
30 centers document the condition of youth entering the system,
31 thereby providing baseline data which is essential to evaluate

Bill No. CS for CS for SB 1594

Amendment No. ____

1 changes in the condition of youth as a result of treatment.
2 The cooperation and involvement of the local school system,
3 including the commitment of appropriate resources for
4 determining the educational status and special learning
5 problems and needs of youth, are essential if the full
6 potential benefits of juvenile assessment centers are to be
7 achieved.

8 (3)~~(2)~~ Students participating in a detention,
9 commitment, or rehabilitation program pursuant to chapter 985
10 which is sponsored by a community-based agency or is operated
11 or contracted for by the Department of Juvenile Justice shall
12 receive educational programs according to rules of the State
13 Board of Education. These students shall be eligible for
14 services afforded to students enrolled in programs pursuant to
15 s. 230.2316 and all corresponding State Board of Education
16 rules.

17 (4)~~(3)~~ The district school board of the county in
18 which the residential or nonresidential care facility or
19 juvenile assessment facility is located shall provide
20 appropriate educational assessments and an appropriate program
21 of instruction and special education services. The district
22 school board shall make provisions for each student to
23 participate in basic, vocational, and exceptional student
24 programs as appropriate. Students served in Department of
25 Juvenile Justice programs shall have access to the appropriate
26 courses and instruction to prepare them for the GED test.
27 Students participating in GED preparation programs shall be
28 funded at the basic program cost factor for Department of
29 Juvenile Justice programs in the Florida Education Finance
30 Program. Each program shall be conducted according to
31 applicable law providing for the operation of public schools

Bill No. CS for CS for SB 1594

Amendment No. ____

1 and rules of the state board.

2 (5)~~(4)~~ A school day for any student serviced in a
3 Department of Juvenile Justice program shall be the same as
4 specified in s. 228.041(13). Educational services shall be
5 provided at times of the day most appropriate for the program.
6 School programming in juvenile justice detention, commitment,
7 and rehabilitation programs shall be made available during the
8 regular school year and the summer school by the local school
9 district.

10 (6)~~(5)~~ The educational program shall consist of
11 appropriate basic academic, vocational, or exceptional
12 curricula and related services which support the treatment
13 goals and reentry and which may lead to completion of the
14 requirements for receipt of a high school diploma or its
15 equivalent. If the duration of a program is less than 40
16 days, the educational component may be limited to tutorial
17 activities and vocational employability skills.

18 (7)~~(6)~~ Participation in the program by students of
19 compulsory school attendance age as provided for in s. 232.01
20 shall be mandatory. All students of noncompulsory
21 school-attendance age who have not received a high school
22 diploma or its equivalent shall participate in the educational
23 program, unless the student files a formal declaration of his
24 or her intent to terminate school enrollment as described in
25 s. 232.01(1)(c) and is afforded the opportunity to attain a
26 general education development diploma prior to release from a
27 facility.

28 (8) An academic improvement plan shall be developed
29 for students who score below the level specified in local
30 school board policy in reading, writing, and mathematics or
31 below the level specified by the Commissioner of Education on

Bill No. CS for CS for SB 1594

Amendment No. ____

1 statewide assessments as required by s. 232.245. These plans
2 shall address academic, literacy, and life skills and shall
3 include provisions for intensive remedial instruction in the
4 areas of weakness.

5 (9) Each school district shall maintain an academic
6 record for each student enrolled in a juvenile justice
7 facility as prescribed by s. 228.081. Such record shall
8 delineate each course completed by the student according to
9 procedures in the State Course Code Directory. The school
10 district shall include a copy of a student's academic record
11 in the discharge packet when the student exits the facility.

12 (10) The Department of Education shall ensure that all
13 school districts make provisions for high school level
14 committed youth to earn credits toward high school graduation
15 while in residential and nonresidential juvenile justice
16 facilities. Provisions must be made for the transfer of
17 credits and partial credits earned.

18 (11)(7) The school district shall recruit and train
19 teachers who are interested, qualified, or experienced in
20 educating students in juvenile justice programs. Students in
21 juvenile justice programs shall be provided a wide range of
22 educational programs and opportunities including textbooks,
23 technology, instructional support, and other resources
24 available to students in public schools. Teachers assigned to
25 educational programs in juvenile justice settings in which the
26 school district operates the educational program shall be
27 selected by the school district in consultation with the
28 director of the juvenile justice facility. Educational
29 programs in juvenile justice facilities shall have access to
30 the substitute teacher pool utilized by the school district.

31 (12)(8) School districts are authorized and strongly

Bill No. CS for CS for SB 1594

Amendment No. ____

1 encouraged to contract with a private provider for the
 2 provision of educational programs to youths placed with the
 3 Department of Juvenile Justice and shall generate local,
 4 state, and federal funding, including funding through the
 5 Florida Education Finance Program for such students. The
 6 school district's planning and budgeting process shall include
 7 the needs of Department of Juvenile Justice programs in the
 8 district's plan for expenditures for state categorical and
 9 federal funds.

10 (13)(9) The local school district shall fund the
 11 education program in a Department of Juvenile Justice facility
 12 at the same or higher level of funding for equivalent students
 13 in the county school system based on the funds generated by
 14 state funding through the Florida Education Finance Program
 15 for such students. It is the intent of the Legislature that
 16 the school district maximize its available local, state, and
 17 federal funding to a juvenile justice program.

18 (a) Juvenile justice education programs shall be
 19 funded in the appropriate FEFP program based on the
 20 educational services needed by the student for Department of
 21 Juvenile Justice programs in accordance with s. 236.081.

22 (b) Juvenile justice education programs to receive the
 23 appropriate FEFP program funding for Department of Juvenile
 24 Justice programs shall include those operated through a
 25 contract with the Department of Juvenile Justice and which are
 26 under purview of the Department of Juvenile Justice quality
 27 assurance standards for education.

28 (c) Consistent with the rules of the State Board of
 29 Education, local school districts are authorized and required
 30 to request an alternative FTE survey for Department of
 31 Juvenile Justice programs experiencing fluctuations in student

Bill No. CS for CS for SB 1594

Amendment No. ____

1 enrollment.

2 (d) FTE count periods shall be prescribed in rules of
3 the State Board of Education. The summer school period for
4 students in Department of Juvenile Justice programs shall
5 begin on the day immediately following the end of the regular
6 school year and end on the day immediately preceding the
7 subsequent regular school year. Students shall be funded for
8 no more than 25 hours per week of direct instruction. The
9 Department of Education shall develop a method which captures
10 all direct instructional time provided to such students during
11 the summer school period.

12 ~~(14)~~(10) Each school district shall negotiate a
13 cooperative agreement with the Department of Juvenile Justice
14 on the delivery of educational services to youths under the
15 jurisdiction of the department. Such agreement must include,
16 but is not limited to:

17 (a) Roles and responsibilities of each agency,
18 including the roles and responsibilities of contract
19 providers.

20 (b) Administrative issues including procedures for
21 sharing information.

22 (c) Allocation of resources including maximization of
23 local, state, and federal funding.

24 (d) Procedures for educational evaluation for
25 educational exceptionalities and special needs.

26 (e) Curriculum and delivery of instruction.

27 (f) Classroom management procedures and attendance
28 policies.

29 (g) Procedures for provision of qualified
30 instructional personnel, whether supplied by the school
31 district or provided under contract by the provider, and for

Bill No. CS for CS for SB 1594

Amendment No. ____

1 performance of duties while in a juvenile justice setting.

2 (h) Provisions for improving skills in teaching and
3 working with juvenile delinquents.

4 (i) Transition plans for students moving into and out
5 of juvenile facilities.

6 (j) Procedures and timelines for the timely
7 documentation of credits earned and transfer of student
8 records.

9 (k) Methods and procedures for dispute resolution.

10 (l) Provisions for ensuring the safety of education
11 personnel and support for the agreed-upon education program.

12 (m) Strategies for correcting any deficiencies found
13 through the quality assurance process.

14 (15)~~(11)~~ The cooperative agreement pursuant to
15 subsection(14)~~(10)~~ does not preclude the development of an
16 operating agreement or contract between the school district
17 and the provider for each juvenile justice program in the
18 school district where educational programs are to be provided.
19 Any of the matters which must be included in the agreement
20 pursuant to subsection(14)~~(10)~~ may be defined in the
21 operational agreements or operating contracts rather than in
22 the cooperative agreement if agreed to by the Department of
23 Juvenile Justice. Nothing in this section or in a cooperative
24 agreement shall be construed to require the school board to
25 provide more services than can be supported by the funds
26 generated by students in the juvenile justice programs.

27 (16)(a)~~(12)~~ The Department of Education in
28 consultation with the Department of Juvenile Justice, school
29 districts and providers shall establish objective and
30 measurable quality assurance standards for the educational
31 component of residential and nonresidential juvenile justice

Bill No. CS for CS for SB 1594

Amendment No. ____

1 facilities. These standards shall rate the school district's
2 performance both as a provider and contractor. The quality
3 assurance rating for the education component shall be
4 disaggregated from the overall quality assurance score and
5 reported separately.

6 (b) The Department of Education shall develop and a
7 comprehensive quality assurance review process and schedule
8 for the evaluation of the educational component in juvenile
9 justice programs. The Department of Juvenile Justice quality
10 assurance site visit and the education quality assurance site
11 visit shall be conducted during the same visit.

12 (c) The Department of Education, in consultation with
13 school districts and providers, shall establish minimum
14 thresholds for the standards and key indicators for education
15 programs in juvenile justice facilities. If a school district
16 fails to meet the established minimum standards, the district
17 will be given 6 months to achieve compliance with the
18 standards. If after 6 months, the school district's
19 performance is still below minimum standards, the Department
20 of Education shall exercise sanctions as prescribed by rules
21 adopted by the State Board of Education. If a provider, under
22 contract with the school district, fails to meet minimum
23 standards, such failure shall cause the school district to
24 cancel the provider's contract unless the provider achieves
25 compliance within 6 months or unless there are documented
26 extenuating circumstances.

27 ~~(17)(13)~~ The district school board shall not be
28 charged any rent, maintenance, utilities, or overhead on such
29 facilities. Maintenance, repairs, and remodeling of existing
30 facilities shall be provided by the Department of Juvenile
31 Justice.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 ~~(18)(14)~~ When additional facilities are required, the
2 district school board and the Department of Juvenile Justice
3 shall agree on the appropriate site based on the instructional
4 needs of the students. When the most appropriate site for
5 instruction is on district school board property, a special
6 capital outlay request shall be made by the commissioner in
7 accordance with s. 235.41. When the most appropriate site is
8 on state property, state capital outlay funds shall be
9 requested by the Department of Juvenile Justice provided by s.
10 216.043 and shall be submitted as specified by s. 216.023.
11 Any instructional facility to be built on state property shall
12 have educational specifications jointly developed by the
13 school district and the Department of Juvenile Justice and
14 approved by the Department of Education. The size of space
15 and occupant design capacity criteria as provided by state
16 board rules shall be used for remodeling or new construction
17 whether facilities are provided on state property or district
18 school board property.

19 ~~(19)(15)~~ The parent or guardian of exceptional
20 students shall have the due process rights provided for in
21 chapter 232.

22 ~~(20)(16)~~ Department of Juvenile Justice detention and
23 commitment programs may be designated as second chance schools
24 pursuant to s. 230.2316(3)(d). Admission to such programs
25 shall be governed by chapter 985.

26 ~~(21)(17)~~ The Department of Education and Department of
27 Juvenile Justice, after consultation with and assistance from
28 local providers and local school districts, shall report
29 annually to the Legislature by February ~~December~~ 1 on the
30 progress towards developing effective educational programs for
31 juvenile delinquents including the amount of funding provided

Bill No. CS for CS for SB 1594

Amendment No. ____

1 by local school districts to juvenile justice programs, the
2 amount retained for administration including documenting the
3 purposes for such expenses, the status of the development of
4 cooperative agreements, ~~and~~ the results of the quality
5 assurance reviews including recommendations for system
6 improvement, and information on the identification of, and
7 services provided to, exceptional students in juvenile justice
8 commitment facilities to determine whether these students are
9 properly reported for funding and are appropriately served.

10 (22)~~(18)~~ The educational programs at the Arthur Dozier
11 School for Boys in Jackson County and the Florida School for
12 Boys in Okeechobee shall be operated by the Department of
13 Education, either directly or through grants or contractual
14 agreements with other public or duly accredited education
15 agencies approved by the Department of Education.

16 (23)~~(19)~~ The Department of Education shall have the
17 authority to adopt any rules necessary to implement the
18 provisions of this section, including uniform curriculum,
19 funding, and second chance schools. Such rules shall require
20 the minimum amount of paperwork and reporting necessary to
21 comply with this act.

22 Section 45. Section 235.1975, Florida Statutes, is
23 created to read:

24 235.1975 Cooperative Development of Educational
25 Facilities in Juvenile Justice Programs.--

26 (1) The Department of Management Services, in
27 consultation with the Department of Education and the
28 Department of Juvenile Justice, shall conduct a review and
29 analysis of existing education facilities in Department of
30 Juvenile Justice facilities to determine the adequacy of the
31 facilities for educational use. This information shall be used

Bill No. CS for CS for SB 1594

Amendment No. ____

1 to generate a 3-year plan for the provision of adequate space,
2 equipment, furnishings, and technology for improving the
3 learner's educational outcomes. The Department of Education
4 shall submit this plan to the Governor, the President of the
5 Senate, the Speaker of the House of Representatives, and the
6 Secretary of the Department of Juvenile Justice by November 1,
7 1999. The plan shall contain sufficient detail for the
8 development of a fixed capital outlay budget request which
9 will ensure that student achievement will be enhanced.

10 (2) The Department of Juvenile Justice shall provide
11 early notice to school districts regarding the siting of new
12 juvenile justice facilities. School districts shall include
13 the projected number of students in the districts' annual
14 estimates. School districts should be consulted regarding the
15 types of students expected to be assigned to commitment
16 facilities for education planning and budgeting purposes. The
17 Department of Juvenile Justice shall notify, in writing, the
18 Department of Education when a request for proposals is issued
19 for the construction or operation of a commitment or detention
20 facility anywhere in the state. The Department of Juvenile
21 Justice shall notify, in writing, the appropriate school
22 district when a request for proposals is issued for the
23 construction or operation of a commitment or detention
24 facility when a county or site is specifically identified. The
25 Department of Juvenile Justice is also required to notify the
26 district school superintendent within 30 days of the award of
27 a contract for the construction or operation of a commitment
28 or detention facility within that school district.

29 Section 46. Paragraph (a) of subsection (3) of section
30 237.34, Florida Statutes, is amended to read.

31 237.34 Cost accounting and reporting.--

Bill No. CS for CS for SB 1594

Amendment No. ____

1 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

2 (a) Each district shall expend at least the percent of
3 the funds generated by each of the programs listed herein on
4 the aggregate total school costs for such programs:

5 1. Kindergarten and grades 1, 2, and 3, 90 percent.

6 2. Grades 4, 5, 6, 7, and 8, 80 percent.

7 3. Grades 9, 10, 11, and 12, 80 percent.

8 4. Programs for exceptional students, on an aggregate
9 program basis, 80 percent.

10 5. Grades 7 through 12 vocational education programs,
11 on an aggregate program basis, 80 percent.

12 6. Students-at-risk programs, on an aggregate program
13 basis, 80 percent.

14 7. Juvenile justice programs, on an aggregate program
15 basis, 80 percent.

16 8.7. Any new program established and funded under s.
17 236.081(1)(c), that is not included under subparagraphs 1.
18 through 6., on an aggregate basis as appropriate, 80 percent.

19 Section 47. Subsection (6) of section 985.401, Florida
20 Statutes, 1998 Supplement, is renumbered as subsection (7),
21 and a new subsection (6) is added to said section to read:

22 985.401 Juvenile Justice Accountability Board.--

23 (6) The board shall study the extent and nature of
24 education programs for juvenile offenders committed by the
25 court to the Department of Juvenile Justice and for juvenile
26 offenders under court supervision in the community. The board
27 shall utilize a subcommittee of interested board members and
28 may request other interested persons to participate and act as
29 a juvenile justice education task force for the study. The
30 task force shall address, at a minimum, the following issues:

31 (a) The impact of education services on students in

Bill No. CS for CS for SB 1594

Amendment No. ____

1 commitment programs;

2 (b) The barriers impeding the timely transfer of
3 education records;

4 (c) The development and implementation of vocational
5 programming in commitment programs;

6 (d) The implementation of provisions for earning high
7 school credits regardless of varied lengths of stay; and

8 (e) The accountability of school districts and
9 providers regarding the expenditure of education funds.

10 (7)(6) Each state agency shall provide assistance when
11 requested by the board. The board shall have access to all
12 records, files, and reports that are material to its duties
13 and that are in the custody of a school board, a law
14 enforcement agency, a state attorney, a public defender, the
15 court, the Department of Children and Family Services, and the
16 department.

17 Section 48. Paragraph (d) of subsection (3) of section
18 985.413, Florida Statutes, 1998 Supplement, is amended to
19 read:

20 985.413 District juvenile justice boards.--

21 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

22 (d) A district juvenile justice board has the purpose,
23 power, and duty to:

24 1. Advise the district juvenile justice manager and
25 the district administrator on the need for and the
26 availability of juvenile justice programs and services in the
27 district, including the educational services in Department of
28 Juvenile Justice programs.

29 2. Develop a district juvenile justice plan that is
30 based upon the juvenile justice plans developed by each county
31 within the district, and that addresses the needs of each

Bill No. CS for CS for SB 1594

Amendment No. ____

1 county within the district.

2 3. Develop a district interagency cooperation and
3 information-sharing agreement that supplements county
4 agreements and expands the scope to include appropriate
5 circuit and district officials and groups.

6 4. Coordinate the efforts of the district juvenile
7 justice board with the activities of the Governor's Juvenile
8 Justice and Delinquency Prevention Advisory Committee and
9 other public and private entities.

10 5. Advise and assist the district juvenile justice
11 manager in the provision of optional, innovative delinquency
12 services in the district to meet the unique needs of
13 delinquent children and their families.

14 6. Develop, in consultation with the district juvenile
15 justice manager, funding sources external to the Department of
16 Juvenile Justice for the provision and maintenance of
17 additional delinquency programs and services. The board may,
18 either independently or in partnership with one or more county
19 juvenile justice councils or other public or private entities,
20 apply for and receive funds, under contract or other funding
21 arrangement, from federal, state, county, city, and other
22 public agencies, and from public and private foundations,
23 agencies, and charities for the purpose of funding optional
24 innovative prevention, diversion, or treatment services in the
25 district for delinquent children and children at risk of
26 delinquency, and their families. To aid in this process, the
27 department shall provide fiscal agency services for the
28 councils.

29 7. Educate the community about and assist in the
30 community juvenile justice partnership grant program
31 administered by the Department of Juvenile Justice.

Bill No. CS for CS for SB 1594

Amendment No. ____

1 8. Advise the district health and human services
2 board, the district juvenile justice manager, and the
3 Secretary of Juvenile Justice regarding the development of the
4 legislative budget request for juvenile justice programs and
5 services in the district and the commitment region, and, in
6 coordination with the district health and human services
7 board, make recommendations, develop programs, and provide
8 funding for prevention and early intervention programs and
9 services designed to serve children in need of services,
10 families in need of services, and children who are at risk of
11 delinquency within the district or region.

12 9. Assist the district juvenile justice manager in
13 collecting information and statistical data useful in
14 assessing the need for prevention programs and services within
15 the juvenile justice continuum program in the district.

16 10. Make recommendations with respect to, and monitor
17 the effectiveness of, the judicial administrative plan for
18 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
19 Administration.

20 11. Provide periodic reports to the health and human
21 services board in the appropriate district of the Department
22 of Children and Family Services. These reports must contain,
23 at a minimum, data about the clients served by the juvenile
24 justice programs and services in the district, as well as data
25 concerning the unmet needs of juveniles within the district.

26 12. Provide a written annual report on the activities
27 of the board to the district administrator, the Secretary of
28 Juvenile Justice, and the Juvenile Justice Accountability
29 ~~Advisory~~ Board. The report should include an assessment of the
30 effectiveness of juvenile justice continuum programs and
31 services within the district, recommendations for elimination,

Bill No. CS for CS for SB 1594

Amendment No. ____

1 modification, or expansion of existing programs, and
2 suggestions for new programs or services in the juvenile
3 justice continuum that would meet identified needs of children
4 and families in the district.

5 Section 49. The Department of Education shall work in
6 consultation with the Department of Juvenile Justice and the
7 local school districts to develop a plan for educational
8 programs in detention centers. The plan shall reflect the
9 unique needs, variability in lengths of stay, and diversity of
10 youth assigned to juvenile justice detention centers, and
11 instructional strategies to improve student achievement. The
12 plan shall anticipate the use of all state and local funding
13 categories available to ensure the success of students who are
14 being educated in juvenile justice facilities. The plan shall
15 provide for appropriate performance outcome measures. The
16 plan shall be submitted to the Governor, the Speaker of the
17 House of Representatives, and the President of the Senate
18 prior to January 1, 2000, and shall include appropriate cost
19 estimates.

20 Section 50. This act shall take effect upon becoming a
21 law.

22
23

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

27
28

and insert:

29

A bill to be entitled

30

An act relating to juvenile justice; amending

31

s. 435.04, F.S.; adding to the list of offenses

Bill No. CS for CS for SB 1594

Amendment No. ____

1 that will prohibit the employment of a person
2 subject to Level 2 screening standards;
3 amending s. 943.0515, F.S.; requiring the
4 Criminal Justice Information Program to retain
5 the criminal history records of minors who are
6 committed to a juvenile correctional facility
7 or juvenile prison; amending s. 960.001, F.S.;
8 authorizing state agencies to expend funds for
9 certain crime prevention and educational
10 activities; amending ss. 984.03, 985.03, F.S.;
11 redefining the term "delinquency program" to
12 delete references to furlough programs;
13 defining the term "aftercare" for purposes of
14 ch. 985, F.S.; providing for minimum-risk
15 nonresidential programs to be used for the
16 aftercare placement of juveniles; amending ss.
17 39.0132, 985.04, F.S.; requiring the department
18 to disclose to school officials that a student
19 has a history of criminal sexual behavior with
20 other juveniles; conforming cross-references;
21 amending ss. 985.207, 985.208, F.S., relating
22 to conditions under which a juvenile may be
23 detained; adding a reference to home detention;
24 deleting references to violation of furlough;
25 amending s. 985.212, F.S.; providing for
26 fingerprint records and photographs of
27 juveniles to be submitted to the Department of
28 Law Enforcement; amending s. 985.231, F.S.;
29 providing for an adjudicated delinquent
30 juvenile to be placed in postcommitment
31 community control rather than in an aftercare

Bill No. CS for CS for SB 1594

Amendment No. ____

1 program under certain circumstances; specifying
2 responsibility for preparing certain documents;
3 amending s. 985.308, F.S.; deleting the
4 Department of Legal Affairs' rulemaking
5 responsibilities for sexual abuse intervention
6 networks; amending s. 985.316, F.S.; providing
7 legislative findings and intent; providing for
8 the delivery of aftercare services to a
9 juvenile released from a residential commitment
10 program; deleting requirements for juveniles
11 released on furlough; amending s. 985.404,
12 F.S., relating to the juvenile justice
13 continuum; providing for release of a juvenile
14 into an aftercare program; requiring
15 educational support activities to be provided;
16 amending s. 985.406, F.S.; providing additional
17 qualifications for the program staff of the
18 Department of Juvenile Justice and its
19 providers; requiring competency-based
20 examinations; creating s. 985.4145, F.S.;
21 defining the term "direct-support
22 organization"; authorizing such an organization
23 to use property and facilities of the
24 Department of Juvenile Justice; providing
25 restrictions; requiring the Secretary of
26 Juvenile Justice to appoint a board of
27 directors for the direct-support organization;
28 requiring an annual audit of the organization;
29 amending s. 985.415, F.S.; revising the
30 procedures for submittal and selection of
31 Community Juvenile Justice Partnership Grants;

Bill No. CS for CS for SB 1594

Amendment No. ____

1 amending s. 985.417, F.S., relating to the
2 transfer of children from the Department of
3 Corrections to the Department of Juvenile
4 Justice; deleting references to the furlough of
5 a child convicted of a capital felony; amending
6 ss. 419.001, 784.075, 984.05, 985.227, 985.31,
7 985.311, 985.312, F.S.; conforming
8 cross-references to changes made by the act;
9 amending s. 985.234, F.S.; providing the time
10 within which an order involving a child may be
11 appealed; amending s. 985.315, F.S.; revising
12 the vocational work training programs under the
13 Department of Juvenile Justice; providing for
14 participation of certain juveniles in
15 educational/technical or vocational
16 work-related program 5 hours per day, 5 days
17 per week; requiring the Juvenile Justice
18 Accountability Board to conduct a study of
19 juvenile vocational and work programs;
20 requiring a report; requiring the department to
21 inventory programs in the state; amending s.
22 985.03, F.S.; redesignating "maximum-risk"
23 residential facilities as "juvenile
24 correctional facilities" or "juvenile prisons";
25 amending s. 985.201, F.S.; conforming a
26 cross-reference for purposes of application to
27 terms of certain restitution orders; amending
28 s. 985.21, F.S.; deleting an authorization for
29 a juvenile probation officer to make certain
30 recommendations to the state attorney;
31 clarifying certain contents of intake reports;

Bill No. CS for CS for SB 1594

Amendment No. ____

1 authorizing the State Attorney and Department
2 of Juvenile Justice to enter into certain
3 interagency agreements for certain purposes;
4 amending s. 985.225, F.S.; requiring transfer
5 of certain felony cases relating to children to
6 adult court for prosecution as an adult;
7 repealing s. 985.218(6), F.S., relating to
8 adjudicatory hearings for children committing
9 delinquent acts or violations of law; amending
10 s. 985.226, F.S., relating to criteria for
11 discretionary waiver and mandatory waiver of
12 juvenile court jurisdiction; revising the list
13 of specified offenses to include certain
14 additional offenses; amending s. 985.227, F.S.,
15 relating to discretionary direct-file criteria
16 and mandatory direct-file criteria; permitting
17 the filing of an information when a child was
18 14 or 15 years of age at the time the child
19 attempted to commit or conspired to commit any
20 one of specified offenses; revising duties of
21 the court and guidelines for transfer of cases
22 pertaining to the child when a child is
23 transferred for adult prosecution; removing the
24 requirement for annual updating by the state
25 attorney of direct-file policies and
26 guidelines; providing that the information
27 filed pursuant to specified provisions may
28 include all charges that are based on the same
29 act, criminal episode, or transaction as the
30 primary offense; amending s. 985.228, F.S.;
31 specifying disqualification for possessing a

Bill No. CS for CS for SB 1594

Amendment No. ____

1 firearm until a certain age for persons
2 adjudicated delinquent for certain felony
3 offenses; amending s. 790.23, F.S.; providing a
4 prohibition against possession of firearms or
5 weapons by certain persons who were found to
6 have committed delinquent acts classified as
7 felonies; amending s. 985.313, F.S.;
8 redesignating "maximum-risk" residential
9 programs as "juvenile correctional facilities"
10 or "juvenile prisons"; providing that a
11 juvenile may be committed to such a facility if
12 adjudicated on certain additional offenses;
13 amending s. 228.041, F.S.; defining "juvenile
14 justice provider" and "school year for juvenile
15 justice programs"; amending s. 228.051, F.S.,
16 relating to the organization and funding of
17 required public schools; requiring the public
18 schools of the state to provide instruction for
19 youth in Department of Juvenile Justice
20 programs; amending s. 228.081, F.S.; requiring
21 the development and adoption of a rule
22 articulating expectations for education
23 programs for youth in Department of Juvenile
24 Justice programs; requiring the development of
25 model contracts for the delivery of educational
26 services to youth in Department of Juvenile
27 Justice programs; requiring the Department of
28 Education to provide training and technical
29 assistance; requiring the development of model
30 procedures for transitioning youth into and out
31 of Department of Juvenile Justice programs;

Bill No. CS for CS for SB 1594

Amendment No. ____

1 requiring the development of model procedures
2 regarding education records; requiring the
3 Department of Education to provide, or contract
4 for the provision of, quality assurance reviews
5 of all juvenile justice education programs;
6 amending s. 229.57, F.S.; revising provisions
7 relating to the statewide assessment program to
8 include schools operating for the purpose of
9 providing educational services to youth in
10 Department of Juvenile Justice programs;
11 requiring the Department of Education to
12 develop and implement assessment tools to be
13 used in juvenile justice programs; amending s.
14 229.58, F.S.; authorizing the establishment of
15 district advisory councils for juvenile justice
16 education programs; amending s. 229.592, F.S.;
17 revising provisions relating to the
18 implementation of the state system of school
19 improvement and education accountability to
20 include schools operating for the purpose of
21 providing educational services to youth in
22 Department of Juvenile Justice programs;
23 deleting obsolete language; amending s. 230.23,
24 F.S., relating to powers and duties of the
25 school board; revising provisions relating to
26 school improvement plans and public disclosure
27 to include schools operating for the purpose of
28 providing educational services to youth in
29 Department of Juvenile Justice programs;
30 amending s. 230.23161, F.S., relating to
31 educational services in Department of Juvenile

Bill No. CS for CS for SB 1594

Amendment No. ____

1 Justice programs; providing legislative intent;
2 requiring the Department of Education to serve
3 as the lead agency; requiring the Department of
4 Education and the Department of Juvenile
5 Justice to designate a coordinator to ensure
6 department participation in certain activities;
7 requiring student access to GED programs;
8 requiring certain funding; revising provisions
9 relating to compulsory school attendance;
10 requiring the development of an academic
11 improvement plan for certain students;
12 providing requirements regarding academic
13 records; requiring provisions for the earning
14 and transfer of credits; providing funding
15 requirements; revising provisions relating to
16 quality assurance standards; requiring the
17 Department of Juvenile Justice site visit and
18 the education quality assurance site visit to
19 take place during the same visit; requiring the
20 establishment of minimum standards; requiring
21 the State Board of Education to adopt rules
22 establishing sanctions for performance below
23 minimum standards; revising requirements
24 regarding an annual report; creating s.
25 235.1975, F.S., relating to cooperative
26 development of educational facilities in
27 juvenile justice programs; requiring a review
28 and analysis of existing facilities; requiring
29 the development and submission of a plan;
30 requiring the Department of Juvenile Justice to
31 provide certain information to school districts

Bill No. CS for CS for SB 1594

Amendment No. ____

1 and the Department of Education regarding new
2 juvenile justice facilities; providing
3 requirements regarding planning and budgeting;
4 amending s. 237.34, F.S.; requiring each
5 district to expend a specified percentage of
6 the funds generated by juvenile justice
7 programs on the aggregate total school costs
8 for such programs; amending s. 985.401, F.S.;
9 requiring the Juvenile Justice Accountability
10 Board to study the extent and nature of
11 education programs for juvenile offenders;
12 amending s. 985.413, F.S.; revising the duties
13 of district juvenile justice boards; requiring
14 the development and submission of a plan for
15 education programs in detention centers;
16 amending s. 985.404, F.S., relating to the
17 administration of the juvenile justice
18 continuum; correcting a cross-reference;
19 providing an effective date.

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