

By the Committees on Governmental Oversight and Productivity;
Criminal Justice; and Senator Campbell

302-2044-99

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 435.04, F.S.; adding to the list of offenses
4 that will prohibit the employment of a person
5 subject to Level 2 screening standards;
6 amending s. 943.0515, F.S.; requiring the
7 Criminal Justice Information Program to retain
8 the criminal history records of minors who are
9 committed to a maximum-risk residential
10 program; amending s. 960.001, F.S.; authorizing
11 state agencies to expend funds for crime
12 prevention and educational activities; amending
13 ss. 984.03, 985.03, F.S.; redefining the term
14 "delinquency program" to delete references to
15 furlough programs; defining the term
16 "aftercare" for purposes of ch. 985, F.S.;
17 providing for minimum-risk nonresidential
18 programs to be used for the aftercare placement
19 of juveniles; amending ss. 39.0132, 985.04,
20 F.S.; requiring the department to disclose to
21 school officials that a student has a history
22 of criminal sexual behavior with other
23 juveniles; conforming cross-references;
24 amending ss. 985.207, 985.208, F.S., relating
25 to conditions under which a juvenile may be
26 detained; adding a reference to home detention;
27 deleting references to violation of furlough;
28 amending s. 985.212, F.S.; providing for
29 fingerprint records and photographs of
30 juveniles to be submitted to the Department of
31 Law Enforcement; amending s. 985.231, F.S.;

1 providing for an adjudicated delinquent
2 juvenile to be placed in postcommitment
3 community control rather than in an aftercare
4 program under certain circumstances; limiting
5 the period that a juvenile may be placed on
6 home detention with electronic monitoring;
7 amending s. 985.308, F.S.; deleting the
8 Department of Legal Affairs' rulemaking
9 responsibilities for sexual abuse intervention
10 networks; amending s. 985.316, F.S.; providing
11 legislative findings and intent; providing for
12 the delivery of aftercare services to a
13 juvenile released from a residential commitment
14 program; deleting requirements for juveniles
15 released on furlough; amending s. 985.404,
16 F.S., relating to the juvenile justice
17 continuum; providing for release of a juvenile
18 into an aftercare program; amending s. 985.406,
19 F.S.; providing additional qualifications for
20 the program staff of the Department of Juvenile
21 Justice and its providers; requiring
22 competency-based examinations; creating s.
23 985.4145, F.S.; defining the term
24 "direct-support organization"; authorizing such
25 an organization to use property and facilities
26 of the Department of Juvenile Justice;
27 requiring the Secretary of Juvenile Justice to
28 appoint a board of directors for the
29 direct-support organization; requiring an
30 annual audit of the organization; amending s.
31 985.415, F.S.; revising the procedures for

1 submittal and selection of Community Juvenile
2 Justice Partnership Grants; amending s.
3 985.417, F.S., relating to the transfer of
4 children from the Department of Corrections to
5 the Department of Juvenile Justice; deleting
6 references to the furlough of a child convicted
7 of a capital felony; creating s. 985.421, F.S.;
8 providing for the Department of Juvenile
9 Justice's creation and use of a welfare account
10 local fund; amending ss. 419.001, 784.075,
11 984.05, 985.227, 985.31, 985.311, 985.312,
12 F.S.; conforming cross-references to changes
13 made by the act; amending s. 985.234, F.S.;
14 providing the time within which an order
15 involving a child may be appealed; providing an
16 effective date.

17

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

19

20 Section 1. Section 435.04, Florida Statutes, 1998
21 Supplement, is amended to read:

22

435.04 Level 2 screening standards.--

23

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

1 records checks through the Federal Bureau of Investigation,
2 and may include local criminal records checks through local
3 law enforcement agencies.

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

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

13 (b) Section 782.04, relating to murder.

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

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

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

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

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

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

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

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

28 (k)~~(j)~~ Section 787.01, relating to kidnapping.

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

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31

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

4 (n) Section 787.04(3), relating to carrying a child
5 beyond the state lines with criminal intent to avoid producing
6 a child at a custody hearing or delivering the child to the
7 designated person.

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

10 (p) Section 790.115(2)(b), relating to possessing an
11 electric weapon or device, destructive device, or other weapon
12 on school property.

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

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

16 ~~(s)(n)~~ Chapter 796, relating to prostitution.

17 ~~(t)(o)~~ Section 798.02, relating to lewd and lascivious
18 behavior.

19 ~~(u)(p)~~ Chapter 800, relating to lewdness and indecent
20 exposure.

21 ~~(v)(q)~~ Section 806.01, relating to arson.

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

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

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

28 ~~(z)(u)~~ Section 825.1025, relating to lewd or
29 lascivious offenses committed upon or in the presence of an
30 elderly person or disabled adult.

31

- 1 (aa)~~(v)~~ Section 825.103, relating to exploitation of
2 an elderly person or disabled adult, if the offense was a
3 felony.
- 4 (bb)~~(w)~~ Section 826.04, relating to incest.
- 5 (cc)~~(x)~~ Section 827.03, relating to child abuse,
6 aggravated child abuse, or neglect of a child.
- 7 (dd)~~(y)~~ Section 827.04, relating to contributing to
8 the delinquency or dependency of a child.
- 9 (ee)~~(z)~~ Section 827.05, relating to negligent
10 treatment of children.
- 11 (ff)~~(aa)~~ Section 827.071, relating to sexual
12 performance by a child.
- 13 (gg) Section 843.01, relating to resisting arrest with
14 violence.
- 15 (hh) Section 843.025, relating to depriving a law
16 enforcement, correctional, or correctional probation officer
17 means of protection or communication.
- 18 (ii) Section 843.12, relating to aiding in an escape.
- 19 (jj) Section 843.13, relating to aiding in the escape
20 of juvenile inmates in correctional institutions.
- 21 (kk)~~(bb)~~ Chapter 847, relating to obscene literature.
- 22 (ll) Section 874.05(1), relating to encouraging or
23 recruiting another to join a criminal gang.
- 24 (mm)~~(cc)~~ Chapter 893, relating to drug abuse
25 prevention and control, only if the offense was a felony or if
26 any other person involved in the offense was a minor.
- 27 (nn) Section 944.35(3), relating to inflicting cruel
28 or inhuman treatment on an inmate resulting in great bodily
29 harm.
- 30 (oo) Section 944.46, relating to harboring,
31 concealing, or aiding an escaped prisoner.

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

3 (qq) Section 985.4045, relating to sexual misconduct
4 in juvenile justice programs.

5 (rr) Section 985.4046, relating to contraband
6 introduced into detention facilities.

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

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

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

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

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

26 943.0515 Retention of criminal history records of
27 minors.--

28 (1)(a) The Criminal Justice Information Program shall
29 retain the criminal history record of a minor who is
30 classified as a serious or habitual juvenile offender or
31 committed to a maximum-risk residential program under chapter

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

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

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

13 960.001 Guidelines for fair treatment of victims and
14 witnesses in the criminal justice and juvenile justice
15 systems.--

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

28 (r) Implementing crime prevention in order to protect
29 the safety of persons and property, as prescribed in the State
30 Comprehensive Plan.--By preventing crimes that create victims
31 or further harm former victims, crime-prevention efforts are

1 an essential part of providing effective service for victims
2 and witnesses. Therefore, the agencies identified in this
3 subsection may participate in and expend funds for crime
4 prevention, public awareness, public participation, and
5 educational activities.

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 paragraph (a) of present subsection (45) of section
21 985.03, Florida Statutes, 1998 Supplement, are amended, and
22 present subsections (4) through (59) are redesignated as
23 subsections (5) through (60), respectively, and a new
24 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

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 Section 6. Paragraph (b) of subsection (4) of section
30 39.0132, Florida Statutes, 1998 Supplement, is amended to
31 read:

1 39.0132 Oaths, records, and confidential
2 information.--

3 (4)

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 7. Paragraph (b) of subsection (3) of section
18 985.04, Florida Statutes, 1998 Supplement, is amended to read:

19 985.04 Oaths; records; confidential information.--

20 (3)

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

1 commits a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 Section 8. Paragraph (d) of subsection (1) of section
4 985.207, Florida Statutes, 1998 Supplement, is amended to
5 read:

6 985.207 Taking a child into custody.--

7 (1) A child may be taken into custody under the
8 following circumstances:

9 (d) By a law enforcement officer who has probable
10 cause to believe that the child is in violation of the
11 conditions of the child's community control, home detention
12 furlough, or aftercare supervision or has absconded from
13 commitment.

14
15 Nothing in this subsection shall be construed to allow the
16 detention of a child who does not meet the detention criteria
17 in s. 985.215.

18 Section 9. Section 985.208, Florida Statutes, 1998
19 Supplement, is amended to read:

20 985.208 Detention of ~~furloughed child or~~ escapee on
21 authority of the department.--

22 (1) If an authorized agent of the department has
23 reasonable grounds to believe that any delinquent child
24 committed to the department has escaped from a facility of the
25 department or from being lawfully transported thereto or
26 therefrom, the agent may take the child into active custody
27 and may deliver the child to the facility or, if it is closer,
28 to a detention center for return to the facility. However, a
29 child may not be held in detention longer than 24 hours,
30 excluding Saturdays, Sundays, and legal holidays, unless a
31 special order so directing is made by the judge after a

1 detention hearing resulting in a finding that detention is
2 required based on the criteria in s. 985.215(2). The order
3 shall state the reasons for such finding. The reasons shall be
4 reviewable by appeal or in habeas corpus proceedings in the
5 district court of appeal.

6 (2) Any sheriff or other law enforcement officer, upon
7 the request of the secretary of the department or duly
8 authorized agent, shall take a child who has escaped or
9 absconded from a department facility for committed delinquent
10 children, or from being lawfully transported thereto or
11 therefrom, into custody and deliver the child to the
12 appropriate juvenile probation officer of the department.

13 Section 10. Paragraph (b) of subsection (1) of section
14 985.212, Florida Statutes, is amended to read:

15 985.212 Fingerprinting and photographing.--

16 (1)

17 (b) A child who is charged with or found to have
18 committed one of the following misdemeanors shall be
19 fingerprinted and the fingerprints shall be submitted to the
20 Department of Law Enforcement as provided in s. 943.051(3)(b):

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

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

23 3. Carrying a concealed weapon, as defined in s.
24 790.01(1).

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

27 5. Negligent treatment of children, as defined in
28 former s. 827.05.

29 6. Assault on a law enforcement officer, a
30 firefighter, or other specified officers, as defined in s.
31 784.07(2)(a).

- 1 7. Open carrying of a weapon, as defined in s.
2 790.053.
3 8. Exposure of sexual organs, as defined in s. 800.03.
4 9. Unlawful possession of a firearm, as defined in s.
5 790.22(5).
6 10. Petit theft, as defined in s. 812.014.
7 11. Cruelty to animals, as defined in s. 828.12(1).
8 12. Arson, resulting in bodily harm to a firefighter,
9 as defined in s. 806.031(1).

10

11 A law enforcement agency may fingerprint and photograph a
12 child taken into custody upon probable cause that such child
13 has committed any other violation of law, as the agency deems
14 appropriate. Such fingerprint records and photographs shall be
15 retained by the law enforcement agency in a separate file, and
16 these records and all copies thereof must be marked "Juvenile
17 Confidential." These records are ~~shall~~ not be available for
18 public disclosure and inspection under s. 119.07(1) except as
19 provided in ss. 943.053 and 985.04(5), but shall be available
20 to other law enforcement agencies, criminal justice agencies,
21 state attorneys, the courts, the child, the parents or legal
22 custodians of the child, their attorneys, and any other person
23 authorized by the court to have access to such records. In
24 addition, such records may be submitted to the Department of
25 Law Enforcement for inclusion in the state criminal history
26 records and used by criminal justice agencies for criminal
27 justice purposes. These records may, in the discretion of the
28 court, be open to inspection by anyone upon a showing of
29 cause. The fingerprint and photograph records shall be
30 produced in the court whenever directed by the court. Any
31 photograph taken pursuant to this section may be shown by a

1 law enforcement officer to any victim or witness of a crime
2 for the purpose of identifying the person who committed such
3 crime.

4 Section 11. Paragraph (a) of subsection (1) and
5 subsection (2) of section 985.231, Florida Statutes, 1998
6 Supplement, are amended to read:

7 985.231 Powers of disposition in delinquency cases.--
8 (1)

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

13 1. Place the child in a community control program or a
14 postcommitment community control ~~an aftercare~~ program under
15 the supervision of an authorized agent of the Department of
16 Juvenile Justice or of any other person or agency specifically
17 authorized and appointed by the court, whether in the child's
18 own home, in the home of a relative of the child, or in some
19 other suitable place under such reasonable conditions as the
20 court may direct. A community control program for an
21 adjudicated delinquent child must include a penalty component
22 such as restitution in money or in kind, community service, a
23 curfew, revocation or suspension of the driver's license of
24 the child, or other nonresidential punishment appropriate to
25 the offense and must also include a rehabilitative program
26 component such as a requirement of participation in substance
27 abuse treatment or in school or other educational program.
28 Upon the recommendation of the department at the time of
29 disposition, or subsequent to disposition pursuant to the
30 filing of a petition alleging a violation of the child's
31 conditions of community control or aftercare supervision, the

1 court may order the child to submit to random testing for the
2 purpose of detecting and monitoring the use of alcohol or
3 controlled substances.

4 a. A restrictiveness level classification scale for
5 levels of supervision shall be provided by the department,
6 taking into account the child's needs and risks relative to
7 community control supervision requirements to reasonably
8 ensure the public safety. Community control programs for
9 children shall be supervised by the department or by any other
10 person or agency specifically authorized by the court. These
11 programs must include, but are not limited to, structured or
12 restricted activities as described in this subparagraph, and
13 shall be designed to encourage the child toward acceptable and
14 functional social behavior. If supervision or a program of
15 community service is ordered by the court, the duration of
16 such supervision or program must be consistent with any
17 treatment and rehabilitation needs identified for the child
18 and may not exceed the term for which sentence could be
19 imposed if the child were committed for the offense, except
20 that the duration of such supervision or program for an
21 offense that is a misdemeanor of the second degree, or is
22 equivalent to a misdemeanor of the second degree, may be for a
23 period not to exceed 6 months. When restitution is ordered by
24 the court, the amount of restitution may not exceed an amount
25 the child and the parent or guardian could reasonably be
26 expected to pay or make. A child who participates in any work
27 program under this part is considered an employee of the state
28 for purposes of liability, unless otherwise provided by law.

29 b. The court may conduct judicial review hearings for
30 a child placed on community control for the purpose of
31 fostering accountability to the judge and compliance with

1 other requirements, such as restitution and community service.
2 The court may allow early termination of community control for
3 a child who has substantially complied with the terms and
4 conditions of community control.

5 c. If the conditions of the community control program
6 or the postcommitment community control ~~aftercare~~ program are
7 violated, the department ~~agent supervising the program as it~~
8 ~~relates to the child involved,~~ or the state attorney, may
9 bring the child before the court on a petition alleging a
10 violation of the program. Any child who violates the
11 conditions of community control or postcommitment community
12 control ~~aftercare~~ must be brought before the court if
13 sanctions are sought. A child taken into custody under s.
14 985.207 for violating the conditions of community control or
15 postcommitment community control ~~aftercare~~ shall be held in a
16 consequence unit if such a unit is available. The child shall
17 be afforded a hearing within 24 hours after being taken into
18 custody to determine the existence of probable cause that the
19 child violated the conditions of community control or
20 postcommitment community control ~~aftercare~~. A consequence unit
21 is a secure facility specifically designated by the department
22 for children who are taken into custody under s. 985.207 for
23 violating community control or postcommitment community
24 control ~~aftercare~~, or who have been found by the court to have
25 violated the conditions of community control or postcommitment
26 community control ~~aftercare~~. If the violation involves a new
27 charge of delinquency, the child may be detained under s.
28 985.215 in a facility other than a consequence unit. If the
29 child is not eligible for detention for the new charge of
30 delinquency, the child may be held in the consequence unit
31 pending a hearing and is subject to the time limitations

1 specified in s. 985.215. If the child denies violating the
2 conditions of community control or postcommitment community
3 control ~~aftercare~~, the court shall appoint counsel to
4 represent the child at the child's request. Upon the child's
5 admission, or if the court finds after a hearing that the
6 child has violated the conditions of community control or
7 postcommitment community control ~~aftercare~~, the court shall
8 enter an order revoking, modifying, or continuing community
9 control or postcommitment community control ~~aftercare~~. In each
10 such case, the court shall enter a new disposition order and,
11 in addition to the sanctions set forth in this paragraph, may
12 impose any sanction the court could have imposed at the
13 original disposition hearing. If the child is found to have
14 violated the conditions of community control or postcommitment
15 community control ~~aftercare~~, the court may:

16 (I) Place the child in a consequence unit in that
17 judicial circuit, if available, for up to 5 days for a first
18 violation, and up to 15 days for a second or subsequent
19 violation.

20 (II) Place the child on home detention with electronic
21 monitoring for up to 5 days for a first violation and up to 15
22 days for a second or subsequent violation. However, this
23 sanction may be used only if a residential consequence unit is
24 not available.

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

27 (IV) Revoke community control or postcommitment
28 community control ~~aftercare~~ and commit the child to the
29 department.

30 d. Notwithstanding s. 743.07 and paragraph (d), and
31 except as provided in s. 985.31, the term of any order placing

1 a child in a community control program must be until the
2 child's 19th birthday unless he or she is released by the
3 court, on the motion of an interested party or on its own
4 motion.

5 2. Commit the child to a licensed child-caring agency
6 willing to receive the child, but the court may not commit the
7 child to a jail or to a facility used primarily as a detention
8 center or facility or shelter.

9 3. Commit the child to the Department of Juvenile
10 Justice at a restrictiveness level defined in s. 985.03 ~~s.~~
11 ~~985.03(45)~~. Such commitment must be for the purpose of
12 exercising active control over the child, including, but not
13 limited to, custody, care, training, urine monitoring, and
14 treatment of the child and release furlough of the child into
15 the community in a postcommitment nonresidential aftercare
16 program. If the child is not successful in the aftercare
17 program, the department may use the transfer procedure under
18 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
19 except as provided in s. 985.31, the term of the commitment
20 must be until the child is discharged by the department or
21 until he or she reaches the age of 21.

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

24 5. Require the child and, if the court finds it
25 appropriate, the child's parent or guardian together with the
26 child, to render community service in a public service
27 program.

28 6. As part of the community control program to be
29 implemented by the Department of Juvenile Justice, or, in the
30 case of a committed child, as part of the community-based
31 sanctions ordered by the court at the disposition hearing or

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

19 7. Order the child and, if the court finds it
20 appropriate, the child's parent or guardian together with the
21 child, to participate in a community work project, either as
22 an alternative to monetary restitution or as part of the
23 rehabilitative or community control program.

24 8. Commit the child to the Department of Juvenile
25 Justice for placement in a program or facility for serious or
26 habitual juvenile offenders in accordance with s. 985.31. Any
27 commitment of a child to a program or facility for serious or
28 habitual juvenile offenders must be for an indeterminate
29 period of time, but the time may not exceed the maximum term
30 of imprisonment that an adult may serve for the same offense.
31 The court may retain jurisdiction over such child until the

1 child reaches the age of 21, specifically for the purpose of
2 the child completing the program.

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

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

24 (2) Following a delinquency adjudicatory hearing
25 pursuant to s. 985.228 and a delinquency disposition hearing
26 pursuant to s. 985.23 which results in a commitment
27 determination, the court shall, on its own or upon request by
28 the state or the department, determine whether the protection
29 of the public requires that the child be placed in a program
30 for serious or habitual juvenile offenders and whether the
31 particular needs of the child would be best served by a

1 program for serious or habitual juvenile offenders as provided
2 in s. 985.31. The determination shall be made pursuant to ss.
3 985.03(49)~~985.03(47)~~and 985.23(3).

4 Section 12. Subsections (14) and (15) of section
5 985.308, Florida Statutes, 1998 Supplement, are amended to
6 read:

7 985.308 Juvenile sexual offender commitment programs;
8 sexual abuse intervention networks.--

9 (14) Subject to specific appropriation, availability
10 of funds, or receipt of appropriate grant funds, the Office of
11 the Attorney General, the Department of Children and Family
12 Services, the Department of Juvenile Justice, or local
13 juvenile justice councils shall award grants to sexual abuse
14 intervention networks that apply for such grants. The grants
15 may be used for training, treatment, aftercare, evaluation,
16 public awareness, and other specified community needs that are
17 identified by the network. A grant shall be awarded based on
18 the applicant's level of local funding, level of
19 collaboration, number of juvenile sexual offenders to be
20 served, number of victims to be served, and level of unmet
21 needs. ~~The Department of Legal Affairs' Office of the Attorney
22 General, in collaboration with the Department of Juvenile
23 Justice and the Department of Children and Family Services,
24 shall establish by rule minimum standards for each respective
25 department for residential and day treatment juvenile sexual
26 offender programs funded under this subsection.~~

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

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

31 985.316 ~~Furlough and intensive~~ Aftercare.--

1 (1) The Legislature finds that:

2 (a) Aftercare is the care, treatment, help, and
3 supervision provided juveniles released from residential
4 commitment programs to promote rehabilitation and prevent
5 recidivism.

6 (b) Aftercare services can contribute significantly to
7 a successful transition of a juvenile from a residential
8 commitment to the juvenile's home, school, and community.
9 Therefore, the best efforts should be made to provide for a
10 successful transition.

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

15 (d) Accordingly, aftercare should be included in the
16 continuum of care.

17 (2) It is the intent of the Legislature that:

18 (a) Commitment programs include rehabilitative efforts
19 on preparing committed juveniles for a successful release to
20 the community.

21 (b) Aftercare transition planning begins as early in
22 the commitment process as possible.

23 (c) Each juvenile committed to a residential
24 commitment program be assessed to determine the need for
25 aftercare services upon release from the commitment program.

26 (3) For juveniles referred or committed to the
27 department, the function of the department may include, but
28 shall not be limited to, assessing each committed juvenile to
29 determine the need for aftercare services upon release from a
30 commitment program, supervising the juvenile when released
31 into the community from a residential commitment facility of

1 the department, providing such counseling and other services
2 as may be necessary for the families and assisting their
3 preparations for the return of the child. Subject to specific
4 appropriation, the department shall provide for outpatient
5 sexual offender counseling for any juvenile sexual offender
6 released from a commitment program as a component of
7 aftercare.

8 (4) After a youth is released from a residential
9 commitment program, aftercare services may be delivered
10 through either minimum-risk nonresidential commitment
11 restrictiveness programs or postcommitment community control.
12 A juvenile under minimum-risk nonresidential commitment
13 placement will continue to be on commitment status and subject
14 to the transfer provision under s. 985.404. A juvenile on
15 post-commitment community control will be subject to the
16 provisions under s. 985.231(1)(a).

17 ~~(1) With regard to children referred or committed to~~
18 ~~the department, the function of the department may include,~~
19 ~~but shall not be limited to, supervising the child when~~
20 ~~furloughed into the community from a facility of the~~
21 ~~department, including providing such counseling and other~~
22 ~~services as may be necessary for the families and assisting~~
23 ~~their preparations for the return of the child.~~

24 ~~(2) Whenever a delinquent child is committed to a~~
25 ~~residential program operated by a private vendor under~~
26 ~~contract, the department may negotiate with such vendor to~~
27 ~~provide intensive aftercare for the child in the home~~
28 ~~community following successful completion of the residential~~
29 ~~program. Intensive aftercare shall involve regular contact~~
30 ~~between the child and the staff of the vendor with whom the~~
31 ~~child has developed a relationship during the course of the~~

1 ~~commitment program. Contingent upon specific appropriation, a~~
2 ~~contract for intensive aftercare provided by the residential~~
3 ~~commitment program vendor shall provide for caseloads of 10 or~~
4 ~~fewer children, intensive aftercare for 1 year, and a transfer~~
5 ~~of the ongoing case management and reentry responsibilities~~
6 ~~from the department to the vendor at the time the vendor~~
7 ~~admits the child into the commitment program. The department~~
8 ~~shall annually seek the necessary resources to provide~~
9 ~~intensive aftercare.~~

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

14 ~~(4) Upon a recommendation that a child committed to~~
15 ~~the department have his or her furlough revoked, the~~
16 ~~department shall, within 30 days after the date the~~
17 ~~recommendation is made, hold an administrative hearing~~
18 ~~pursuant to chapter 120.~~

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

25 Section 14. Subsection (4) of section 985.404, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 985.404 Administering the juvenile justice
28 continuum.--

29 (4) The department may transfer a child, when
30 necessary to appropriately administer the child's commitment,
31 from one facility or program to another facility or program

1 operated, contracted, subcontracted, or designated by the
2 department, including a postcommitment minimum-risk
3 nonresidential aftercare program. The department shall notify
4 the court that committed the child to the department, in
5 writing, of its transfer of the child from a commitment
6 facility or program to another facility or program of a higher
7 or lower restrictiveness level. The court that committed the
8 child may agree to the transfer or may set a hearing to review
9 the transfer. If the court does not respond within 10 days
10 after receipt of the notice, the transfer of the child shall
11 be deemed granted.

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

14 985.406 Juvenile justice training academies
15 established; Juvenile Justice Standards and Training
16 Commission created; Juvenile Justice Training Trust Fund
17 created.--

18 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
19 shall establish a certifiable program for juvenile justice
20 training pursuant to ~~the provisions of~~ this section, and all
21 Department of Juvenile Justice program staff and providers who
22 deliver direct care services pursuant to contract with the
23 department shall be required to participate in and
24 successfully complete the commission-approved program of
25 training pertinent to their areas of responsibility. Judges,
26 state attorneys, and public defenders, law enforcement
27 officers, and school district personnel may participate in
28 such training program. For the juvenile justice program staff,
29 the commission shall, based on a job-task analysis:

30 (a) Design, implement, maintain, evaluate, and revise
31 a basic training program, including a competency-based

1 ~~curriculum-based~~ examination, for the purpose of providing
2 minimum employment training qualifications for all juvenile
3 justice personnel. All program staff of the Department of
4 Juvenile Justice and providers who deliver direct-care
5 services who are hired after October 1, 1999, must meet the
6 following minimum requirements:

7 1. Be at least 19 years of age.

8 2. Be a high school graduate or its equivalent as
9 determined by the commission.

10 3. Not have been convicted of any felony or a
11 misdemeanor involving perjury or a false statement, or have
12 received a dishonorable discharge from any of the Armed Forces
13 of the United States. Any person who, after September 30,
14 1999, pleads guilty or nolo contendere to or is found guilty
15 of any felony or a misdemeanor involving perjury or false
16 statement is not eligible for employment, notwithstanding
17 suspension of sentence or withholding of adjudication.

18 Notwithstanding this subparagraph, any person who pleads nolo
19 contendere to a misdemeanor involving a false statement before
20 October 1, 1999, and who has had such record of that plea
21 sealed or expunged is not ineligible for employment for that
22 reason.

23 4. Abide by all the provisions of s. 985.01(2)
24 regarding fingerprinting and background investigations and
25 other screening requirements for personnel.

26 5. Execute and submit to the department an
27 affidavit-of-application form, adopted by the department,
28 attesting to his or her compliance with subparagraphs 1.
29 through 4. The affidavit must be executed under oath and
30 constitutes an official statement under s. 837.06. The
31 affidavit must include conspicuous language that the

1 intentional false execution of the affidavit constitutes a
2 misdemeanor of the second degree. The employing agency shall
3 retain the affidavit.

4 (b) Design, implement, maintain, evaluate, and revise
5 an advanced training program, including a competency-based
6 ~~curriculum-based~~ examination for each training course, which
7 is intended to enhance knowledge, skills, and abilities
8 related to job performance.

9 (c) Design, implement, maintain, evaluate, and revise
10 a career development training program, including a
11 competency-based ~~curriculum-based~~ examination for each
12 training course. Career development courses are intended to
13 prepare personnel for promotion.

14 (d) The commission is encouraged to design, implement,
15 maintain, evaluate, and revise juvenile justice training
16 courses, or to enter into contracts for such training courses,
17 that are intended to provide for the safety and well-being of
18 both citizens and juvenile offenders.

19 Section 16. Section 985.4145, Florida Statutes, is
20 created to read:

21 985.4145 Direct-support organization; definition; use
22 of property; board of directors; audit.--

23 (1) DEFINITION.--As used in this section, the term
24 "direct-support organization" means an organization whose sole
25 purpose is to support the juvenile justice system and which
26 is:

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

29 (b) Organized and operated to conduct programs and
30 activities; to raise funds; to request and receive grants,
31 gifts, and bequests of moneys; to acquire, receive, hold,

1 invest, and administer, in its own name, securities, funds,
2 objects of value, or other property, real or personal; and to
3 make expenditures to or for the direct or indirect benefit of
4 the Department of Juvenile Justice or the juvenile justice
5 system operated by a county commission or a district board;

6 (c) Determined by the Department of Juvenile Justice
7 to be consistent with the goals of the juvenile justice
8 system, in the best interest of the state, and in accordance
9 with the adopted goals and mission of the Department of
10 Juvenile Justice.

11 (2) CONTRACT.--The direct-support organization shall
12 operate under written contract with the department. The
13 contract must provide for:

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

16 (b) Submission of an annual budget for the approval of
17 the department.

18 (c) Certification by the department that the
19 direct-support organization is complying with the terms of the
20 contract and in a manner consistent with the goals and
21 purposes of the department and in the best interest of the
22 state. Such certification must be made annually and reported
23 in the official minutes of a meeting of the direct-support
24 organization.

25 (d) The reversion of moneys and property held in trust
26 by the direct-support organization for the benefit of the
27 juvenile justice system to the state if the department ceases
28 to exist or to the department if the direct-support
29 organization is no longer approved to operate for the
30 department, a county commission, or a district board or if the
31 direct-support organization ceases to exist;

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

4 (f) The disclosure of material provisions of the
5 contract, and the distinction between the department and the
6 direct-support organization, to donors of gifts,
7 contributions, or bequests, including such disclosure on all
8 promotional and fundraising publications.

9 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile
10 Justice shall appoint a board of directors of the
11 direct-support organization. Members of the organization must
12 include representatives from businesses, representatives from
13 each of the juvenile justice service districts, and one
14 representative appointed at-large.

15 (4) USE OF PROPERTY.--The department may permit,
16 without charge, appropriate use of fixed property and
17 facilities of the juvenile justice system by the
18 direct-support organization, subject to the provisions of this
19 section.

20 (a) The department may prescribe any condition with
21 which the direct-support organization must comply in order to
22 use fixed property or facilities of the juvenile justice
23 system.

24 (b) The department may not permit the use of any fixed
25 property or facilities of the juvenile justice system by the
26 direct-support organization if it does not provide equal
27 membership and employment opportunities to all persons
28 regardless of race, color, religion, sex, age, or national
29 origin.

30 (c) The department shall adopt rules prescribing the
31 procedures by which the direct-support organization is

1 governed and any conditions with which a direct-support
2 organization must comply to use property or facilities of the
3 department.

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

7 (6) The direct-support organization shall provide for
8 an annual financial and compliance postaudit of its financial
9 accounts and records by an independent certified public
10 accountant in accordance with rules of the Auditor General.
11 The annual audit report must include a management letter and
12 must be submitted to the Auditor General and the department
13 for review. The department and the Auditor General may require
14 and receive from the direct-support organization, or from its
15 independent auditor, any detail or supplemental data relative
16 to the operation of the organization.

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

20 985.415 Community Juvenile Justice Partnership
21 Grants.--

22 (1) GRANTS; CRITERIA.--

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

26 1. The participation of the agencies and programs
27 needed to implement the project or program for which the
28 applicant is applying; ~~and~~

29 2. The reduction of truancy and in-school and
30 out-of-school suspensions and expulsions, ~~and~~ the enhancement
31

1 of school safety, and other delinquency early-intervention and
2 diversion services;-

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

7 4. The extent to which the program targets
8 high-juvenile-crime neighborhoods and those public schools
9 serving juveniles from high-crime neighborhoods;

10 5. The validity and cost-effectiveness of the program;
11 and

12 6. The degree to which the program is located in and
13 managed by local leaders of the target neighborhoods and
14 public schools serving the target neighborhoods.

15 (2) GRANT APPLICATION PROCEDURES.--

16 (a) Each entity wishing to apply for an annual
17 community juvenile justice partnership grant, which may be
18 renewed for a maximum of 2 additional years for the same
19 provision of services, shall submit a grant proposal for
20 funding or continued funding to the department ~~by March 1 of~~
21 ~~each year~~. The department shall establish the grant
22 application procedures. In order to be considered for
23 funding, the grant proposal shall include the following
24 assurances and information:

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

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

31

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

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

6 5. Coordination with other community-based and social
7 service prevention efforts, including, but not limited to,
8 drug and alcohol abuse prevention and dropout prevention
9 programs, that serve the target population or neighborhood.

10 6. An evaluation component to measure the
11 effectiveness of the program in accordance with the provisions
12 of s. 985.412.

13 7. A program budget, including the amount and sources
14 of local cash and in-kind resources committed to the budget.
15 The proposal must establish to the satisfaction of the
16 department that the entity will make a cash or in-kind
17 contribution to the program of a value that is at least equal
18 to 20 percent of the amount of the grant.

19 8. The necessary program staff.

20 (b) The department shall consider the following in
21 awarding such grants:

22 1. ~~The number of youths from 10 through 17 years of~~
23 ~~age within the geographical area to be served by the program.~~
24 ~~Those geographical areas with the highest number of youths~~
25 ~~from 10 through 17 years of age shall have priority for~~
26 ~~selection.~~

27 2. ~~The extent to which the program targets high~~
28 ~~juvenile crime neighborhoods and those public schools serving~~
29 ~~juveniles from high crime neighborhoods.~~

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

31

1 ~~4. The degree to which the program is located in and~~
2 ~~managed by local leaders of the target neighborhoods and~~
3 ~~public schools serving the target neighborhoods.~~

4 ~~1.5.~~ The recommendations of the juvenile justice
5 council as to the priority that should be given to proposals
6 submitted by entities within a county.

7 ~~2.6.~~ The recommendations of the juvenile justice board
8 as to the priority that should be given to proposals submitted
9 by entities within a district.

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

12 985.417 Transfer of children from the Department of
13 Corrections to the Department of Juvenile Justice.--

14 (5) Any child who has been convicted of a capital
15 felony while under the age of 18 years may not be released
16 ~~furloughed~~ on community control without the consent of the
17 Governor and three members of the Cabinet.

18 Section 19. Section 985.421, Florida Statutes, is
19 created to read:

20 985.421 Welfare account local fund created; use of.--

21 (1) All moneys now held in the Welfare Trust Fund, or
22 similar fund in any state program under the jurisdiction of
23 the Department of Juvenile Justice, shall be deposited in a
24 welfare trust fund, which fund is created in the State
25 Treasury or in a place that the department shall designate.
26 The money in the fund for each program of the department, and
27 money that accrues thereto, is appropriated for the benefit,
28 education, and general welfare of youth in that program. The
29 general welfare of the youth includes the establishment of,
30 maintenance of, staffing for, and the purchase of items for
31 resale at canteens or vending machines maintained at the state

1 programs and for the establishment of, maintenance of,
2 employment of personnel for, and the operation of canteens,
3 hobby shops, recreational or entertainment facilities,
4 activity centers, farming projects, behavior modification
5 programs for all youth, and similar facilities and programs.

6 (2) All moneys now held in any welfare trust fund or
7 similar fund in any district of the department shall be
8 deposited in the Welfare Trust Fund, which is created in the
9 State Treasury, or in a place that the department designates.

10 Money in the fund of each district of the department, and
11 money that accrues thereto, is appropriated for the purpose
12 the donor intended. Absent specific intentions of the donor,
13 such moneys must be used for programs for the benefit,
14 education, and general welfare of all youths of the
15 department. All sales taxes collected by the department in a
16 district for the Department of Revenue may be deposited into
17 the district trust fund to facilitate preparing consolidated
18 sales tax returns and remittals of sales tax to the Department
19 of Revenue.

20 (3) The Department of Juvenile Justice shall deposit
21 in a welfare trust fund all receipts from the operation of
22 canteens, vending machines, hobby shops, activity centers,
23 farming projects, specified donations and other such
24 facilities designated as accruing to a specific welfare trust
25 fund, and any moneys that are assigned to a specific welfare
26 trust fund by youths or others. Separate revenue and expense
27 accounts must be maintained in the department's accounting
28 system for each such facility. Annually, the net proceeds,
29 must be determined for such facility and made available for
30 expenditures for the benefit, education, and general welfare
31 of the youths of the department. The moneys in the fund

1 constitute a trust held by the department for the benefit and
2 welfare of the youths of the department.

3 (4) Any contraband found upon or in the possession of
4 any youth of the department shall be confiscated and
5 liquidated, and the proceeds thereof shall be deposited in a
6 welfare trust fund.

7 (5) The department may invest in the manner authorized
8 by law for fiduciaries any money in a welfare trust fund which
9 is not necessary for immediate use. Investments may include,
10 but are not limited to, investments in savings share accounts
11 of any credit union chartered under the laws of the United
12 States and doing business in this state and savings share
13 accounts of any credit union chartered under the laws of this
14 state, provided the credit union is insured under the federal
15 share insurance program or an approved state share insurance
16 program. The interest earned and other increments derived from
17 such investments of such money shall be deposited in the
18 Welfare Trust Fund. Moneys required for current use may be
19 deposited in any bank, credit union, or savings and loan
20 association authorized to do business in this state, provided
21 such deposits are insured under a federal depository or share
22 insurance program or under a state-approved depository or
23 share insurance program, and provided such moneys are
24 available on demand.

25 (6) The department shall maintain accounts in the
26 Welfare Trust Fund for the sale of goods, services, or
27 products as outlined in subsection (1), and each project shall
28 be accounted for separately in accordance with cost standards
29 established by the department. However, the cost of such
30 projects may not include any wage or salary expenditures
31 funded by a general revenue appropriation applicable to such

1 rehabilitative activities. The cost of materials incorporated
2 in such products sold, if funded by an appropriation of
3 general revenue, must be restored to the General Revenue Fund
4 unallocated at the end of the fiscal year of sale from the
5 proceeds of such sales.

6 Section 20. Paragraph (d) of subsection (1) of section
7 419.001, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 419.001 Site selection of community residential
10 homes.--

11 (1) For the purposes of this section, the following
12 definitions shall apply:

13 (d) "Resident" means any of the following: a frail
14 elder as defined in s. 400.618; a physically disabled or
15 handicapped person as defined in s. 760.22(7)(a); a
16 developmentally disabled person as defined in s. 393.063(11);
17 a nondangerous mentally ill person as defined in s.
18 394.455(18); or a child as defined in s. 39.01(11), s.
19 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

20 Section 21. Section 784.075, Florida Statutes, 1998
21 Supplement, is amended to read:

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

1 listed includes persons employed by the Department of Juvenile
2 Justice, persons employed at facilities licensed by the
3 Department of Juvenile Justice, and persons employed at
4 facilities operated under a contract with the Department of
5 Juvenile Justice.

6 Section 22. Section 984.05, Florida Statutes, 1998
7 Supplement, is amended to read:

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

14 Section 23. Paragraph (b) of subsection (2) of section
15 985.227, Florida Statutes, is amended to read:

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

20 (2) MANDATORY DIRECT FILE.--

21 (b) Notwithstanding subsection (1), regardless of the
22 child's age at the time the alleged offense was committed, the
23 state attorney must file an information with respect to any
24 child who previously has been adjudicated for offenses which,
25 if committed by an adult, would be felonies and such
26 adjudications occurred at three or more separate delinquency
27 adjudicatory hearings, and three of which resulted in
28 residential commitments as defined in s. 985.03(47)~~s.~~
29 ~~985.03(45)~~.

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

4 985.31 Serious or habitual juvenile offender.--

5 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
6 TREATMENT.--

7 (e) After a child has been adjudicated delinquent
8 pursuant to s. 985.228, the court shall determine whether the
9 child meets the criteria for a serious or habitual juvenile
10 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court
11 determines that the child does not meet such criteria, the
12 provisions of s. 985.231(1) shall apply.

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

14 (a) Pursuant to the provisions of this section, the
15 department shall implement the comprehensive assessment
16 instrument for the treatment needs of serious or habitual
17 juvenile offenders and for the assessment, which assessment
18 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~
19 and shall also include, but not be limited to, evaluation of
20 the child's:

- 21 1. Amenability to treatment.
- 22 2. Proclivity toward violence.
- 23 3. Tendency toward gang involvement.
- 24 4. Substance abuse or addiction and the level thereof.
- 25 5. History of being a victim of child abuse or sexual
26 abuse, or indication of sexual behavior dysfunction.
- 27 6. Number and type of previous adjudications, findings
28 of guilt, and convictions.
- 29 7. Potential for rehabilitation.

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1 Section 25. Paragraph (e) of subsection (3) and
2 paragraph (a) of subsection (4) of section 985.311, Florida
3 Statutes, 1998 Supplement, are amended to read:

4 985.311 Intensive residential treatment program for
5 offenders less than 13 years of age.--

6 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
7 TREATMENT.--

8 (e) After a child has been adjudicated delinquent
9 pursuant to s. 985.228(5), the court shall determine whether
10 the child is eligible for an intensive residential treatment
11 program for offenders less than 13 years of age pursuant to s.
12 985.03(8)~~s. 985.03(7)~~. If the court determines that the
13 child does not meet the criteria, the provisions of s.
14 985.231(1) shall apply.

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

16 (a) Pursuant to the provisions of this section, the
17 department shall implement the comprehensive assessment
18 instrument for the treatment needs of children who are
19 eligible for an intensive residential treatment program for
20 offenders less than 13 years of age and for the assessment,
21 which assessment shall include the criteria under s. 985.03(8)
22 ~~s. 985.03(7)~~ and shall also include, but not be limited to,
23 evaluation of the child's:

- 24 1. Amenability to treatment.
- 25 2. Proclivity toward violence.
- 26 3. Tendency toward gang involvement.
- 27 4. Substance abuse or addiction and the level thereof.
- 28 5. History of being a victim of child abuse or sexual
29 abuse, or indication of sexual behavior dysfunction.
- 30 6. Number and type of previous adjudications, findings
31 of guilt, and convictions.

1 7. Potential for rehabilitation.

2 Section 26. Section 985.312, Florida Statutes, is
3 amended to read:

4 985.312 Intensive residential treatment programs for
5 offenders less than 13 years of age; prerequisite for
6 commitment.--No child who is eligible for commitment to an
7 intensive residential treatment program for offenders less
8 than 13 years of age as established in s. 985.03(8)~~s.~~
9 ~~985.03(7)~~, may be committed to any intensive residential
10 treatment program for offenders less than 13 years of age as
11 established in s. 985.311, unless such program has been
12 established by the department through existing resources or
13 specific appropriation, for such program.

14 Section 27. Section 985.3141, Florida Statutes, is
15 amended to read:

16 985.3141 Escapes from secure detention or residential
17 commitment facility.--An escape from:

18 (1) Any secure detention facility maintained for the
19 temporary detention of children, pending adjudication,
20 disposition, or placement;

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

25 (3) Lawful transportation to or from any such secure
26 detention facility or residential commitment facility,

27
28 constitutes escape within the intent and meaning of s. 944.40
29 and is a felony of the third degree, punishable as provided in
30 s. 775.082, s. 775.083, or s. 775.084.

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1 Section 28. Subsection (1) of section 985.234, Florida
2 Statutes, is amended to read:

3 985.234 Appeal.--

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

9 (a) Any child, and any parent or legal guardian or
10 custodian of any child.

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

12 1. An order dismissing a petition or any section
13 thereof;

14 2. An order granting a new adjudicatory hearing;

15 3. An order arresting judgment;

16 4. A ruling on a question of law when the child is
17 adjudicated delinquent and appeals from the judgment;

18 5. The disposition, on the ground that it is illegal;

19 6. A judgment discharging a child on habeas corpus;

20 7. An order adjudicating a child insane under the
21 Florida Rules of Juvenile Procedure; and

22 8. All other preadjudicatory hearings, except that the
23 state may not take more than one appeal under this subsection
24 in any case.

25
26 In the case of an appeal by the state, the notice of appeal
27 shall be filed by the appropriate state attorney or his or her
28 authorized assistant pursuant to the provisions of s. 27.18.
29 Such an appeal shall embody all assignments of error in each
30 preadjudicatory hearing order that the state seeks to have
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1 reviewed. The state shall pay all costs of the appeal except
2 for the child's attorney's fee.

3 Section 29. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 1594

8

9 Revises procedures for submission of proposals and selection
10 of Community Juvenile Justice Partnership Grants.

11 Adds additional requirements to improve accountability of the
12 direct-support organization.

13 Deletes pre-employment training requirement.

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