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2 An act relating to juvenile justice; amending  
3 s. 790.22, F.S.; relating to certain offenses  
4 involving use or possession of a firearm by a  
5 minor or offenses during the commission of  
6 which the minor possessed a firearm;  
7 authorizing secure detention for a first  
8 offense of possession of a firearm by a minor,  
9 providing that possession of a firearm by a  
10 minor for a second or subsequent offense  
11 constitutes a felony of the third degree  
12 instead of a misdemeanor of the first degree;  
13 authorizing secure detention for a specified  
14 period; providing or revising penalties for  
15 specified offenses; requiring secure detention  
16 for specified periods, or increasing detention  
17 periods imposed, for commission of specified  
18 initial, second, or subsequent offenses;  
19 providing for performance of community service  
20 in a manner involving a hospital emergency room  
21 or other medical environment dealing on a  
22 regular basis with trauma patients and gunshot  
23 wounds; providing that the minor offender may  
24 not receive credit for time served before  
25 adjudication of certain offenses; amending ss.  
26 943.051(3)(b); and 985.212(1)(b), F.S.,  
27 relating to criminal justice information and  
28 fingerprinting; amending s. 790.115, F.S.;  
29 prohibiting the possession or discharging  
30 firearms at a school-sponsored event, requiring  
31 a minor charged with certain activities to be

1 detained in secure detention; requiring a  
2 hearing within a time certain; authorizing a  
3 court to order continued secure detention for a  
4 certain period; providing requirements for such  
5 detention; amending s. 985.215, F.S.; requiring  
6 secure detention care placement for a child  
7 charged with certain activities; authorizing a  
8 court to continue detaining a child charged  
9 with certain activities; amending s. 985.227,  
10 F.S.; providing for discretionary direct file  
11 for the offense of possessing or discharging  
12 firearms on school property; amending s.  
13 435.04, F.S.; adding to the list of offenses  
14 that will prohibit the employment of a person  
15 subject to Level 2 screening standards;  
16 amending s. 943.0515, F.S.; requiring the  
17 Criminal Justice Information Program to retain  
18 the criminal history records of minors who are  
19 committed to a juvenile correctional facility  
20 or juvenile prison; amending s. 960.001, F.S.;  
21 authorizing state agencies to expend funds for  
22 certain crime prevention and educational  
23 activities; amending ss. 984.03, 985.03, F.S.;  
24 redefining the term "delinquency program" to  
25 delete references to furlough programs;  
26 defining the term "aftercare" for purposes of  
27 ch. 985, F.S.; providing for minimum-risk  
28 nonresidential programs to be used for the  
29 aftercare placement of juveniles; amending ss.  
30 39.0132, 985.04, F.S.; requiring the department  
31 to disclose to school officials that a student

1 has a history of criminal sexual behavior with  
2 other juveniles; conforming cross-references;  
3 amending ss. 985.207, 985.208, F.S., relating  
4 to conditions under which a juvenile may be  
5 detained; adding a reference to home detention;  
6 deleting references to violation of furlough;  
7 amending s. 985.212, F.S.; providing for  
8 fingerprint records and photographs of  
9 juveniles to be submitted to the Department of  
10 Law Enforcement; amending s. 985.231, F.S.;  
11 providing for an adjudicated delinquent  
12 juvenile to be placed in postcommitment  
13 community control rather than in an aftercare  
14 program under certain circumstances; specifying  
15 responsibility for preparing certain documents;  
16 amending s. 985.308, F.S.; deleting the  
17 Department of Legal Affairs' rulemaking  
18 responsibilities for sexual abuse intervention  
19 networks; amending s. 985.316, F.S.; providing  
20 legislative findings and intent; providing for  
21 the delivery of aftercare services to a  
22 juvenile released from a residential commitment  
23 program; deleting requirements for juveniles  
24 released on furlough; amending s. 985.404,  
25 F.S., relating to the juvenile justice  
26 continuum; providing for release of a juvenile  
27 into an aftercare program; requiring  
28 educational support activities to be provided;  
29 amending s. 985.406, F.S.; providing additional  
30 qualifications for the program staff of the  
31 Department of Juvenile Justice and its

1 providers; requiring competency-based  
2 examinations; creating s. 985.4145, F.S.;  
3 defining the term "direct-support  
4 organization"; authorizing such an organization  
5 to use property and facilities of the  
6 Department of Juvenile Justice; providing  
7 restrictions; requiring the Secretary of  
8 Juvenile Justice to appoint a board of  
9 directors for the direct-support organization;  
10 requiring an annual audit of the organization;  
11 amending s. 985.415, F.S.; revising the  
12 procedures for submittal and selection of  
13 Community Juvenile Justice Partnership Grants;  
14 amending s. 985.417, F.S., relating to the  
15 transfer of children from the Department of  
16 Corrections to the Department of Juvenile  
17 Justice; deleting references to the furlough of  
18 a child convicted of a capital felony; amending  
19 ss. 419.001, 784.075, 984.05, 985.227, 985.31,  
20 985.311, 985.312, F.S.; conforming  
21 cross-references to changes made by the act;  
22 amending s. 985.234, F.S.; providing the time  
23 within which an order involving a child may be  
24 appealed; amending s. 985.315, F.S.; revising  
25 the vocational work training programs under the  
26 Department of Juvenile Justice; providing for  
27 participation of certain juveniles in  
28 educational/technical or vocational  
29 work-related program 5 hours per day, 5 days  
30 per week; requiring the Juvenile Justice  
31 Accountability Board to conduct a study of

1 juvenile vocational and work programs;  
2 requiring a report; requiring the department to  
3 inventory programs in the state; amending s.  
4 985.03, F.S.; redesignating "maximum-risk"  
5 residential facilities as "juvenile  
6 correctional facilities" or "juvenile prisons";  
7 amending s. 985.201, F.S.; conforming a  
8 cross-reference for purposes of application to  
9 terms of certain restitution orders; amending  
10 s. 985.21, F.S.; deleting an authorization for  
11 a juvenile probation officer to make certain  
12 recommendations to the state attorney;  
13 clarifying certain contents of intake reports;  
14 authorizing the State Attorney and Department  
15 of Juvenile Justice to enter into certain  
16 interagency agreements for certain purposes;  
17 amending s. 985.225, F.S.; requiring transfer  
18 of certain felony cases relating to children to  
19 adult court for prosecution as an adult;  
20 repealing s. 985.218(6), F.S., relating to  
21 adjudicatory hearings for children committing  
22 delinquent acts or violations of law; amending  
23 s. 985.226, F.S., relating to criteria for  
24 discretionary waiver and mandatory waiver of  
25 juvenile court jurisdiction; revising the list  
26 of specified offenses to include certain  
27 additional offenses; amending s. 985.227, F.S.,  
28 relating to discretionary direct-file criteria  
29 and mandatory direct-file criteria; permitting  
30 the filing of an information when a child was  
31 14 or 15 years of age at the time the child

1 attempted to commit or conspired to commit any  
2 one of specified offenses; revising duties of  
3 the court and guidelines for transfer of cases  
4 pertaining to the child when a child is  
5 transferred for adult prosecution; removing the  
6 requirement for annual updating by the state  
7 attorney of direct-file policies and  
8 guidelines; providing that the information  
9 filed pursuant to specified provisions may  
10 include all charges that are based on the same  
11 act, criminal episode, or transaction as the  
12 primary offense; amending s. 985.228, F.S.;  
13 specifying disqualification for possessing a  
14 firearm until a certain age for persons  
15 adjudicated delinquent for certain felony  
16 offenses; amending s. 790.23, F.S.; providing a  
17 prohibition against possession of firearms or  
18 weapons by certain persons who were found to  
19 have committed delinquent acts classified as  
20 felonies; amending s. 985.313, F.S.;  
21 redesignating "maximum-risk" residential  
22 programs as "juvenile correctional facilities"  
23 or "juvenile prisons"; providing that a  
24 juvenile may be committed to such a facility if  
25 adjudicated on certain additional offenses;  
26 amending s. 228.041, F.S.; defining "juvenile  
27 justice provider" and "school year for juvenile  
28 justice programs"; amending s. 228.051, F.S.,  
29 relating to the organization and funding of  
30 required public schools; requiring the public  
31 schools of the state to provide instruction for

1 youth in Department of Juvenile Justice  
2 programs; amending s. 228.081, F.S.; requiring  
3 the development and adoption of a rule  
4 articulating expectations for education  
5 programs for youth in Department of Juvenile  
6 Justice programs; requiring the development of  
7 model contracts for the delivery of educational  
8 services to youth in Department of Juvenile  
9 Justice programs; requiring the Department of  
10 Education to provide training and technical  
11 assistance; requiring the development of model  
12 procedures for transitioning youth into and out  
13 of Department of Juvenile Justice programs;  
14 requiring the development of model procedures  
15 regarding education records; requiring the  
16 Department of Education to provide, or contract  
17 for the provision of, quality assurance reviews  
18 of all juvenile justice education programs;  
19 amending s. 229.57, F.S.; revising provisions  
20 relating to the statewide assessment program to  
21 include schools operating for the purpose of  
22 providing educational services to youth in  
23 Department of Juvenile Justice programs;  
24 requiring the Department of Education to  
25 develop and implement assessment tools to be  
26 used in juvenile justice programs; amending s.  
27 229.58, F.S.; authorizing the establishment of  
28 district advisory councils for juvenile justice  
29 education programs; amending s. 229.592, F.S.;  
30 revising provisions relating to the  
31 implementation of the state system of school

1 improvement and education accountability to  
2 include schools operating for the purpose of  
3 providing educational services to youth in  
4 Department of Juvenile Justice programs;  
5 deleting obsolete language; amending s. 230.23,  
6 F.S., relating to powers and duties of the  
7 school board; revising provisions relating to  
8 school improvement plans and public disclosure  
9 to include schools operating for the purpose of  
10 providing educational services to youth in  
11 Department of Juvenile Justice programs;  
12 amending s. 230.23161, F.S., relating to  
13 educational services in Department of Juvenile  
14 Justice programs; providing legislative intent;  
15 requiring the Department of Education to serve  
16 as the lead agency; requiring the Department of  
17 Education and the Department of Juvenile  
18 Justice to designate a coordinator to ensure  
19 department participation in certain activities;  
20 requiring student access to GED programs;  
21 requiring certain funding; revising provisions  
22 relating to compulsory school attendance;  
23 requiring the development of an academic  
24 improvement plan for certain students;  
25 providing requirements regarding academic  
26 records; requiring provisions for the earning  
27 and transfer of credits; providing funding  
28 requirements; revising provisions relating to  
29 quality assurance standards; requiring the  
30 Department of Juvenile Justice site visit and  
31 the education quality assurance site visit to



1 take place during the same visit; requiring the  
2 establishment of minimum standards; requiring  
3 the State Board of Education to adopt rules  
4 establishing sanctions for performance below  
5 minimum standards; revising requirements  
6 regarding an annual report; creating s.  
7 235.1975, F.S., relating to cooperative  
8 development of educational facilities in  
9 juvenile justice programs; requiring the  
10 Department of Juvenile Justice to provide  
11 certain information to school districts and the  
12 Department of Education regarding new juvenile  
13 justice facilities; providing requirements  
14 regarding planning and budgeting; amending s.  
15 237.34, F.S.; requiring each district to expend  
16 a specified percentage of the funds generated  
17 by juvenile justice programs on the aggregate  
18 total school costs for such programs; amending  
19 s. 985.401, F.S.; requiring the Juvenile  
20 Justice Accountability Board to study the  
21 extent and nature of education programs for  
22 juvenile offenders; amending s. 985.413, F.S.;  
23 revising the duties of district juvenile  
24 justice boards; requiring the development and  
25 submission of a plan for education programs in  
26 detention centers; amending s. 985.404, F.S.,  
27 relating to the administration of the juvenile  
28 justice continuum; correcting a  
29 cross-reference; providing an effective date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Section 790.22, Florida Statutes, 1998  
2 Supplement, is amended to read:

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

7           (1) The use for any purpose whatsoever of BB guns, air  
8 or gas-operated guns, or electric weapons or devices, by any  
9 minor under the age of 16 years is prohibited unless such use  
10 is under the supervision and in the presence of an adult who  
11 is acting with the consent of the minor's parent.

12           (2) Any adult responsible for the welfare of any child  
13 under the age of 16 years who knowingly permits such child to  
14 use or have in his or her possession any BB gun, air or  
15 gas-operated gun, electric weapon or device, or firearm in  
16 violation of the provisions of subsection (1) of this section  
17 commits a misdemeanor of the second degree, punishable as  
18 provided in s. 775.082 or s. 775.083.

19           (3) A minor under 18 years of age may not possess a  
20 firearm, other than an unloaded firearm at his or her home,  
21 unless:

22           (a) The minor is engaged in a lawful hunting activity  
23 and is:

- 24           1. At least 16 years of age; or  
25           2. Under 16 years of age and supervised by an adult.

26           (b) The minor is engaged in a lawful marksmanship  
27 competition or practice or other lawful recreational shooting  
28 activity and is:

- 29           1. At least 16 years of age; or  
30  
31

1           2. Under 16 years of age and supervised by an adult  
2 who is acting with the consent of the minor's parent or  
3 guardian.

4           (c) The firearm is unloaded and is being transported  
5 by the minor directly to or from an event authorized in  
6 paragraph (a) or paragraph (b).

7           (4)(a) Any parent or guardian of a minor, or other  
8 adult responsible for the welfare of a minor, who knowingly  
9 and willfully permits the minor to possess a firearm in  
10 violation of subsection (3) commits a felony of the third  
11 degree, punishable as provided in s. 775.082, s. 775.083, or  
12 s. 775.084.

13           (b) Any natural parent or adoptive parent, whether  
14 custodial or noncustodial, or any legal guardian or legal  
15 custodian of a minor, if that minor possesses a firearm in  
16 violation of subsection (3) may, if the court finds it  
17 appropriate, be required to participate in classes on  
18 parenting education which are approved by the Department of  
19 Juvenile Justice, upon the first conviction of the minor. Upon  
20 any subsequent conviction of the minor, the court may, if the  
21 court finds it appropriate, require the parent to attend  
22 further parent education classes or render community service  
23 hours together with the child.

24           (c) No later than July 1, 1994, the district juvenile  
25 justice boards or county juvenile justice councils or the  
26 Department of Juvenile Justice shall establish appropriate  
27 community service programs to be available to the alternative  
28 sanctions coordinators of the circuit courts in implementing  
29 this subsection. The boards or councils or department shall  
30 propose the implementation of a community service program in  
31 each circuit, and may submit a circuit plan, to be implemented

1 upon approval of the circuit alternative sanctions  
2 coordinator.

3 (d) For the purposes of this section, community  
4 service may be provided on public property as well as on  
5 private property with the expressed permission of the property  
6 owner. Any community service provided on private property is  
7 limited to such things as removal of graffiti and restoration  
8 of vandalized property.

9 (5)(a) A minor who violates subsection (3) commits a  
10 misdemeanor of the first degree; for a first offense, may  
11 serve a period of detention of up to 3 days in a secure  
12 detention facility;~~and~~, in addition to any other penalty  
13 provided by law, shall be required to perform 100 hours of  
14 community service;~~and~~:

15 1. If the minor is eligible by reason of age for a  
16 driver license or driving privilege, the court shall direct  
17 the Department of Highway Safety and Motor Vehicles to revoke  
18 or to withhold issuance of the minor's driver license or  
19 driving privilege for up to 1 year.

20 2. If the minor's driver license or driving privilege  
21 is under suspension or revocation for any reason, the court  
22 shall direct the Department of Highway Safety and Motor  
23 Vehicles to extend the period of suspension or revocation by  
24 an additional period of up to 1 year.

25 3. If the minor is ineligible by reason of age for a  
26 driver license or driving privilege, the court shall direct  
27 the Department of Highway Safety and Motor Vehicles to  
28 withhold issuance of the minor's driver license or driving  
29 privilege for up to 1 year after the date on which the minor  
30 would otherwise have become eligible.

31

1           (b) For a second or subsequent offense, ~~the~~ a minor  
2 who violates subsection (3) commits a felony of the third  
3 degree and shall serve a period of detention of up to 15 days  
4 in a secure detention facility and shall be required to  
5 perform not less than 100 nor more than 250 hours of community  
6 service, and:

7           1. If the minor is eligible by reason of age for a  
8 driver license or driving privilege, the court shall direct  
9 the Department of Highway Safety and Motor Vehicles to revoke  
10 or to withhold issuance of the minor's driver license or  
11 driving privilege for up to 2 years.

12           2. If the minor's driver license or driving privilege  
13 is under suspension or revocation for any reason, the court  
14 shall direct the Department of Highway Safety and Motor  
15 Vehicles to extend the period of suspension or revocation by  
16 an additional period of up to 2 years.

17           3. If the minor is ineligible by reason of age for a  
18 driver license or driving privilege, the court shall direct  
19 the Department of Highway Safety and Motor Vehicles to  
20 withhold issuance of the minor's driver license or driving  
21 privilege for up to 2 years after the date on which the minor  
22 would otherwise have become eligible.

23  
24 For the purposes of this subsection, community service shall  
25 be performed, if possible, in a manner involving a hospital  
26 emergency room or other medical environment that deals on a  
27 regular basis with trauma patients and gunshot wounds.

28           (6) Any firearm that is possessed or used by a minor  
29 in violation of this section shall be promptly seized by a law  
30 enforcement officer and disposed of in accordance with s.  
31 790.08(1)-(6).

1           (7) The provisions of this section are supplemental to  
2 all other provisions of law relating to the possession, use,  
3 or exhibition of a firearm.

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

1 detention and the benefits derived by the minor or the  
2 community by placing the minor in secure detention, and must  
3 include a copy of the form provided by the department. The  
4 Department of Juvenile Justice must send the form, including a  
5 copy of any order, without client-identifying information, to  
6 the Office of Economic and Demographic Research.

7 (9) Notwithstanding s. 985.214, if the minor is found  
8 to have committed an offense that involves the use or  
9 possession of a firearm, as defined in s. 790.001, other than  
10 a violation of subsection (3), or an offense during the  
11 commission of which the minor possessed a firearm, and the  
12 minor is not committed to a residential commitment program of  
13 the Department of Juvenile Justice, in addition to any other  
14 punishment provided by law, the court shall order:

15 (a) For a first offense, that the minor shall serve a  
16 minimum mandatory period of detention of 15 5 days in a secure  
17 detention facility; and

- 18 1. Perform 100 hours of community service; and may-  
19 2. Be placed on community control or in a  
20 nonresidential commitment program.

21 (b) For a second or subsequent offense, that the minor  
22 shall serve a mandatory period of detention of at least 21 ~~10~~  
23 days in a secure detention facility; and

24 1. Perform not less than 100 nor more than 250 hours  
25 of community service; and may-

- 26 2. Be placed on community control or in a  
27 nonresidential commitment program.

28  
29 The minor shall not receive credit for time served before  
30 adjudication. For the purposes of this subsection, community  
31 service shall be performed, if possible, in a manner involving

1 a hospital emergency room or other medical environment that  
2 deals on a regular basis with trauma patients and gunshot  
3 wounds.

4 (10) If a minor is found to have committed an offense  
5 under subsection (9), the court shall impose the following  
6 penalties in addition to any penalty imposed under paragraph  
7 (9)(a) or paragraph (9)(b):

8 (a) For a first offense:

9 1. If the minor is eligible by reason of age for a  
10 driver license or driving privilege, the court shall direct  
11 the Department of Highway Safety and Motor Vehicles to revoke  
12 or to withhold issuance of the minor's driver license or  
13 driving privilege for up to 1 year.

14 2. If the minor's driver license or driving privilege  
15 is under suspension or revocation for any reason, the court  
16 shall direct the Department of Highway Safety and Motor  
17 Vehicles to extend the period of suspension or revocation by  
18 an additional period for up to 1 year.

19 3. If the minor is ineligible by reason of age for a  
20 driver license or driving privilege, the court shall direct  
21 the Department of Highway Safety and Motor Vehicles to  
22 withhold issuance of the minor's driver license or driving  
23 privilege for up to 1 year after the date on which the minor  
24 would otherwise have become eligible.

25 (b) For a second or subsequent offense:

26 1. If the minor is eligible by reason of age for a  
27 driver license or driving privilege, the court shall direct  
28 the Department of Highway Safety and Motor Vehicles to revoke  
29 or to withhold issuance of the minor's driver license or  
30 driving privilege for up to 2 years.

31



1           2. If the minor's driver license or driving privilege  
2 is under suspension or revocation for any reason, the court  
3 shall direct the Department of Highway Safety and Motor  
4 Vehicles to extend the period of suspension or revocation by  
5 an additional period for up to 2 years.

6           3. If the minor is ineligible by reason of age for a  
7 driver license or driving privilege, the court shall direct  
8 the Department of Highway Safety and Motor Vehicles to  
9 withhold issuance of the minor's driver license or driving  
10 privilege for up to 2 years after the date on which the minor  
11 would otherwise have become eligible.

12           Section 2. Paragraph (b) of subsection (3) of section  
13 943.051, Florida Statutes, is amended to read:

14           943.051 Criminal justice information; collection and  
15 storage; fingerprinting.--

16           (3)

17           (b) A minor who is charged with or found to have  
18 committed the following offenses ~~misdemeanors~~ shall be  
19 fingerprinted and the fingerprints shall be submitted to the  
20 department:

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 s.  
28 827.05.

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

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(3).

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

8           12. Arson, as defined in s. 806.031(1).

9           13. Unlawful possession or discharge of a weapon or  
10 firearm at a school-sponsored event or on school property as  
11 defined in s. 790.115.

12           Section 3. Section 790.115, Florida Statutes, is  
13 amended to read:

14           790.115 Possessing or discharging weapons or firearms  
15 at a school-sponsored event or on school property prohibited;  
16 penalties; exceptions.--

17           (1) A person who exhibits any sword, sword cane,  
18 firearm, electric weapon or device, destructive device, or  
19 other weapon, including a razor blade, box cutter, or knife,  
20 except as authorized in support of school-sanctioned  
21 activities, in the presence of one or more persons in a rude,  
22 careless, angry, or threatening manner and not in lawful  
23 self-defense, at a school-sponsored event or on the grounds or  
24 facilities of any school, school bus, or school bus stop, or  
25 within 1,000 feet of the real property that comprises a public  
26 or private elementary school, middle school, or secondary  
27 school, during school hours or during the time of a sanctioned  
28 school activity, commits a felony of the third degree,  
29 punishable as provided in s. 775.082, s. 775.083, or s.  
30 775.084. This subsection does not apply to the exhibition of a  
31 firearm or weapon on private real property within 1,000 feet

1 of a school by the owner of such property or by a person whose  
2 presence on such property has been authorized, licensed, or  
3 invited by the owner.

4 (2)(a) A person shall not possess any firearm,  
5 electric weapon or device, destructive device, or other  
6 weapon, including a razor blade, box cutter, or knife, except  
7 as authorized in support of school-sanctioned activities, at a  
8 school-sponsored event or on the property of any school,  
9 school bus, or school bus stop; however, a person may carry a  
10 firearm:

11 1. In a case to a firearms program, class or function  
12 which has been approved in advance by the principal or chief  
13 administrative officer of the school as a program or class to  
14 which firearms could be carried;

15 2. In a case to a vocational school having a firearms  
16 training range; or

17 3. In a vehicle pursuant to s. 790.25(5); except that  
18 school districts may adopt written and published policies that  
19 waive the exception in this subparagraph for purposes of  
20 student and campus parking privileges.

21

22 For the purposes of this section, "school" means any  
23 preschool, elementary school, middle school, junior high  
24 school, secondary school, vocational school, or postsecondary  
25 school, whether public or nonpublic.

26 (b) A person who willfully and knowingly possesses any  
27 electric weapon or device, destructive device, or other  
28 weapon, including a razor blade, box cutter, or knife, except  
29 as authorized in support of school-sanctioned activities, in  
30 violation of this subsection commits a felony of the third

31

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 (c)1. A person who willfully and knowingly possesses  
4 any firearm in violation of this subsection commits a felony  
5 of the third degree, punishable as provided in s. 775.082, s.  
6 775.083, or s. 775.084.

7 2. A person who stores or leaves a loaded firearm  
8 within the reach or easy access of a minor who obtains the  
9 firearm and commits a violation of subparagraph 1. commits a  
10 misdemeanor of the second degree, punishable as provided in s.  
11 775.082 or s. 775.083; except that this does not apply if the  
12 firearm was stored or left in a securely locked box or  
13 container or in a location which a reasonable person would  
14 have believed to be secure, or was securely locked with a  
15 firearm-mounted push-button combination lock or a trigger  
16 lock; if the minor obtains the firearm as a result of an  
17 unlawful entry by any person; or to members of the Armed  
18 Forces, National Guard, or State Militia, or to police or  
19 other law enforcement officers, with respect to firearm  
20 possession by a minor which occurs during or incidental to the  
21 performance of their official duties.

22 (d) A person who discharges any weapon or firearm  
23 while in violation of paragraph (a), unless discharged for  
24 lawful defense of himself or herself or another or for a  
25 lawful purpose, commits a felony of the second degree,  
26 punishable as provided in s. 775.082, s. 775.083, or s.  
27 775.084.

28 (e) The penalties of this subsection shall not apply  
29 to persons licensed under s. 790.06. Persons licensed under  
30 s. 790.06 shall be punished as provided in s. 790.06(12),  
31 except that a licenseholder who unlawfully discharges a weapon

1 or firearm on school property as prohibited by this subsection  
2 commits a felony of the second degree, punishable as provided  
3 in s. 775.082, s. 775.083, or s. 775.084.

4 (3) This section does not apply to any law enforcement  
5 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),  
6 (8), (9), or (14).

7 (4) Notwithstanding s. 985.213, s. 985.214, or s.  
8 985.215(1), any minor under 18 years of age who is charged  
9 under this section with possessing or discharging a firearm on  
10 school property shall be detained in secure detention, unless  
11 the state attorney authorizes the release of the minor, and  
12 shall be given a probable cause hearing within 24 hours after  
13 being taken into custody. At the hearing, the court may order  
14 that the minor continue to be held in secure detention for a  
15 period of 21 days, during which time the minor shall receive  
16 medical, psychiatric, psychological, or substance abuse  
17 examinations pursuant to s. 985.224 and a written report shall  
18 be completed.

19 Section 4. Paragraph (b) of subsection (1) and  
20 subsection (2) of section 985.215, Florida Statutes, 1998  
21 Supplement, are amended to read:

22 985.215 Detention.--

23 (1) The juvenile probation officer shall receive  
24 custody of a child who has been taken into custody from the  
25 law enforcement agency and shall review the facts in the law  
26 enforcement report or probable cause affidavit and make such  
27 further inquiry as may be necessary to determine whether  
28 detention care is required.

29 (b) The juvenile probation officer shall base the  
30 decision whether or not to place the child into secure  
31 detention care, home detention care, or nonsecure detention

1 care on an assessment of risk in accordance with the risk  
2 assessment instrument and procedures developed by the  
3 Department of Juvenile Justice under s. 985.213. However, a  
4 child charged with possessing or discharging a firearm on  
5 school property in violation of s. 790.115 shall be placed in  
6 secure detention care.

7  
8 Under no circumstances shall the juvenile probation officer or  
9 the state attorney or law enforcement officer authorize the  
10 detention of any child in a jail or other facility intended or  
11 used for the detention of adults, without an order of the  
12 court.

13 (2) Subject to the provisions of subsection (1), a  
14 child taken into custody and placed into nonsecure or home  
15 detention care or detained in secure detention care prior to a  
16 detention hearing may continue to be detained by the court if:

17 (a) The child is alleged to be an escapee or an  
18 absconder from a commitment program, a community control  
19 program, furlough, or aftercare supervision, or is alleged to  
20 have escaped while being lawfully transported to or from such  
21 program or supervision.

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

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

28 (d) The child is charged with committing an offense of  
29 domestic violence as defined in s. 741.28(1) and is detained  
30 as provided in s. 985.213(2)(b)3.

31

1           (e) The child is charged with possession or  
2 discharging a firearm on school property in violation of  
3 790.115.

4           ~~(f)(e)~~ The child is charged with a capital felony, a  
5 life felony, a felony of the first degree, a felony of the  
6 second degree that does not involve a violation of chapter  
7 893, or a felony of the third degree that is also a crime of  
8 violence, including any such offense involving the use or  
9 possession of a firearm.

10           ~~(g)(f)~~ The child is charged with any second degree or  
11 third degree felony involving a violation of chapter 893 or  
12 any third degree felony that is not also a crime of violence,  
13 and the child:

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

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

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

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

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

24           ~~(h)(g)~~ The child is alleged to have violated the  
25 conditions of the child's community control or aftercare  
26 supervision. However, a child detained under this paragraph  
27 may be held only in a consequence unit as provided in s.  
28 985.231(1)(a)1.c. If a consequence unit is not available, the  
29 child shall be placed on home detention with electronic  
30 monitoring.

31

1 A child who meets any of these criteria and who is ordered to  
2 be detained pursuant to this subsection shall be given a  
3 hearing within 24 hours after being taken into custody. The  
4 purpose of the detention hearing is to determine the existence  
5 of probable cause that the child has committed the delinquent  
6 act or violation of law with which he or she is charged and  
7 the need for continued detention. Unless a child is detained  
8 under paragraph (d) or paragraph (e), the court shall utilize  
9 the results of the risk assessment performed by the juvenile  
10 probation officer and, based on the criteria in this  
11 subsection, shall determine the need for continued detention.  
12 A child placed into secure, nonsecure, or home detention care  
13 may continue to be so detained by the court pursuant to this  
14 subsection. If the court orders a placement more restrictive  
15 than indicated by the results of the risk assessment  
16 instrument, the court shall state, in writing, clear and  
17 convincing reasons for such placement. Except as provided in  
18 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
19 paragraph (10)(c), or paragraph (10)(d), when a child is  
20 placed into secure or nonsecure detention care, or into a  
21 respite home or other placement pursuant to a court order  
22 following a hearing, the court order must include specific  
23 instructions that direct the release of the child from such  
24 placement no later than 5 p.m. on the last day of the  
25 detention period specified in paragraph (5)(b) or paragraph  
26 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
27 unless the requirements of such applicable provision have been  
28 met or an order of continuance has been granted pursuant to  
29 paragraph (5)(d).

30 Section 5. Section 435.04, Florida Statutes, 1998  
31 Supplement, is amended to read:



1           435.04 Level 2 screening standards.--

2           (1) All employees in positions designated by law as  
3 positions of trust or responsibility shall be required to  
4 undergo security background investigations as a condition of  
5 employment and continued employment. For the purposes of this  
6 subsection, security background investigations shall include,  
7 but not be limited to, employment history checks,  
8 fingerprinting for all purposes and checks in this subsection,  
9 statewide criminal and juvenile records checks through the  
10 Florida Department of Law Enforcement, and federal criminal  
11 records checks through the Federal Bureau of Investigation,  
12 and may include local criminal records checks through local  
13 law enforcement agencies.

14           (2) The security background investigations under this  
15 section must ensure that no persons subject to the provisions  
16 of this section have been found guilty of, regardless of  
17 adjudication, or entered a plea of nolo contendere or guilty  
18 to, any offense prohibited under any of the following  
19 provisions of the Florida Statutes or under any similar  
20 statute of another jurisdiction:

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

23           (b) Section 782.04, relating to murder.

24           (c) Section 782.07, relating to manslaughter,  
25 aggravated manslaughter of an elderly person or disabled  
26 adult, or aggravated manslaughter of a child.

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

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

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

- 1 (g) Section 784.021, relating to aggravated assault.
- 2 (h) Section 784.03, relating to battery, if the victim  
3 of the offense was a minor.
- 4 (i) Section 784.045, relating to aggravated battery.
- 5 (j) Section 784.075, relating to battery on a  
6 detention or commitment facility staff.
- 7 (k)~~(j)~~ Section 787.01, relating to kidnapping.
- 8 (l)~~(k)~~ Section 787.02, relating to false imprisonment.
- 9 (m) Section 787.04(2), relating to taking, enticing,  
10 or removing a child beyond the state limits with criminal  
11 intent pending custody proceedings.
- 12 (n) Section 787.04(3), relating to carrying a child  
13 beyond the state lines with criminal intent to avoid producing  
14 a child at a custody hearing or delivering the child to the  
15 designated person.
- 16 (o) Section 790.115(1), relating to exhibiting  
17 firearms or weapons within 1,000 feet of a school.
- 18 (p) Section 790.115(2)(b), relating to possessing an  
19 electric weapon or device, destructive device, or other weapon  
20 on school property.
- 21 (q)~~(l)~~ Section 794.011, relating to sexual battery.
- 22 (r)~~(m)~~ Former s. 794.041, relating to prohibited acts  
23 of persons in familial or custodial authority.
- 24 (s)~~(n)~~ Chapter 796, relating to prostitution.
- 25 (t)~~(o)~~ Section 798.02, relating to lewd and lascivious  
26 behavior.
- 27 (u)~~(p)~~ Chapter 800, relating to lewdness and indecent  
28 exposure.
- 29 (v)~~(q)~~ Section 806.01, relating to arson.
- 30 (w)~~(r)~~ Chapter 812, relating to theft, robbery, and  
31 related crimes, if the offense is a felony.

- 1        (x)~~(s)~~ Section 817.563, relating to fraudulent sale of  
2 controlled substances, only if the offense was a felony.
- 3        (y)~~(t)~~ Section 825.102, relating to abuse, aggravated  
4 abuse, or neglect of an elderly person or disabled adult.
- 5        (z)~~(u)~~ Section 825.1025, relating to lewd or  
6 lascivious offenses committed upon or in the presence of an  
7 elderly person or disabled adult.
- 8        (aa)~~(v)~~ Section 825.103, relating to exploitation of  
9 an elderly person or disabled adult, if the offense was a  
10 felony.
- 11       (bb)~~(w)~~ Section 826.04, relating to incest.
- 12       (cc)~~(x)~~ Section 827.03, relating to child abuse,  
13 aggravated child abuse, or neglect of a child.
- 14       (dd)~~(y)~~ Section 827.04, relating to contributing to  
15 the delinquency or dependency of a child.
- 16       (ee)~~(z)~~ Section 827.05, relating to negligent  
17 treatment of children.
- 18       (ff)~~(aa)~~ Section 827.071, relating to sexual  
19 performance by a child.
- 20       (gg) Section 843.01, relating to resisting arrest with  
21 violence.
- 22       (hh) Section 843.025, relating to depriving a law  
23 enforcement, correctional, or correctional probation officer  
24 means of protection or communication.
- 25       (ii) Section 843.12, relating to aiding in an escape.
- 26       (jj) Section 843.13, relating to aiding in the escape  
27 of juvenile inmates in correctional institutions.
- 28       (kk)~~(bb)~~ Chapter 847, relating to obscene literature.
- 29       (ll) Section 874.05(1), relating to encouraging or  
30 recruiting another to join a criminal gang.
- 31

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

4           (nn) Section 944.35(3), relating to inflicting cruel  
5 or inhuman treatment on an inmate resulting in great bodily  
6 harm.

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

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

11           (qq) Section 985.4045, relating to sexual misconduct  
12 in juvenile justice programs.

13           (rr) Section 985.4046, relating to contraband  
14 introduced into detention facilities.

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

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

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

22           (4) Under penalty of perjury, all employees in such  
23 positions of trust or responsibility shall attest to meeting  
24 the requirements for qualifying for employment and agreeing to  
25 inform the employer immediately if convicted of any of the  
26 disqualifying offenses while employed by the employer. Each  
27 employer of employees in such positions of trust or  
28 responsibilities which is licensed or registered by a state  
29 agency shall submit to the licensing agency annually, under  
30 penalty of perjury, an affidavit of compliance with the  
31 provisions of this section.

1 Section 6. Subsection (1) of section 943.0515, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3 943.0515 Retention of criminal history records of  
4 minors.--

5 (1)(a) The Criminal Justice Information Program shall  
6 retain the criminal history record of a minor who is  
7 classified as a serious or habitual juvenile offender or  
8 committed to a juvenile correctional facility or juvenile  
9 prison under chapter 985 for 5 years after the date the  
10 offender reaches 21 years of age, at which time the record  
11 shall be expunged unless it meets the criteria of paragraph  
12 (2)(a) or paragraph (2)(b).

13 (b) If the minor is not classified as a serious or  
14 habitual juvenile offender or committed to a juvenile  
15 correctional facility or juvenile prison under chapter 985,  
16 the program shall retain the minor's criminal history record  
17 for 5 years after the date the minor reaches 19 years of age,  
18 at which time the record shall be expunged unless it meets the  
19 criteria of paragraph (2)(a) or paragraph (2)(b).

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

22 960.001 Guidelines for fair treatment of victims and  
23 witnesses in the criminal justice and juvenile justice  
24 systems.--

25 (1) The Department of Legal Affairs, the state  
26 attorneys, the Department of Corrections, the Department of  
27 Juvenile Justice, the Parole Commission, the State Courts  
28 Administrator and circuit court administrators, the Department  
29 of Law Enforcement, and every sheriff's department, police  
30 department, or other law enforcement agency as defined in s.  
31 943.10(4) shall develop and implement guidelines for the use

1 of their respective agencies, which guidelines are consistent  
2 with the purposes of this act and s. 16(b), Art. I of the  
3 State Constitution and are designed to implement the  
4 provisions of s. 16(b), Art. I of the State Constitution and  
5 to achieve the following objectives:

6 (r) Implementing crime prevention in order to protect  
7 the safety of persons and property, as prescribed in the State  
8 Comprehensive Plan.--By preventing crimes that create victims  
9 or further harm former victims, crime-prevention efforts are  
10 an essential part of providing effective service for victims  
11 and witnesses. Therefore, the agencies identified in this  
12 subsection may participate in and expend funds for crime  
13 prevention, public awareness, public participation, and  
14 educational activities directly relating to, and in  
15 furtherance of, existing public safety statutes. Furthermore,  
16 funds may not be expended for the purpose of influencing  
17 public opinion on public policy issues that have not been  
18 resolved by the Legislature or the electorate.

19 Section 8. Subsection (16) of section 984.03, Florida  
20 Statutes, 1998 Supplement, is amended to read:

21 984.03 Definitions.--When used in this chapter, the  
22 term:

23 (16) "Delinquency program" means any intake, community  
24 control ~~and furlough~~, or similar program; regional detention  
25 center or facility; or community-based program, whether owned  
26 and operated by or contracted by the Department of Juvenile  
27 Justice, or institution owned and operated by or contracted by  
28 the Department of Juvenile Justice, which provides intake,  
29 supervision, or custody and care of children who are alleged  
30 to be or who have been found to be delinquent pursuant to  
31 chapter 985.

1           Section 9. Paragraph (a) of present subsection (15)  
2 and paragraphs (a) and (e) of present subsection (46) of  
3 section 985.03, Florida Statutes, 1998 Supplement, are  
4 amended, and present subsections (4) through (59) are  
5 redesignated as subsections (5) through (60), respectively,  
6 and a new subsection (4) is added to that section, to read:

7           985.03 Definitions.--When used in this chapter, the  
8 term:

9           (4) "Aftercare" means the care, treatment, help, and  
10 supervision provided to a juvenile released from a residential  
11 commitment program which is intended to promote rehabilitation  
12 and prevent recidivism. The purpose of aftercare is to protect  
13 the public, reduce recidivism, increase responsible productive  
14 behavior, and provide for a successful transition of the youth  
15 from the department to the family. Aftercare includes, but is  
16 not limited to, minimum-risk nonresidential programs, reentry  
17 services, and postcommitment community control.

18           ~~(16)~~~~(15)~~(a) "Delinquency program" means any intake,  
19 community control ~~and furlough~~, or similar program; regional  
20 detention center or facility; or community-based program,  
21 whether owned and operated by or contracted by the Department  
22 of Juvenile Justice, or institution owned and operated by or  
23 contracted by the Department of Juvenile Justice, which  
24 provides intake, supervision, or custody and care of children  
25 who are alleged to be or who have been found to be delinquent  
26 pursuant to part II.

27           ~~(47)~~~~(46)~~ "Restrictiveness level" means the level of  
28 custody provided by programs that service the custody and care  
29 needs of committed children. There shall be five  
30 restrictiveness levels:

31

1           (a) Minimum-risk nonresidential.--Youth assessed and  
2 classified for placement in programs at this restrictiveness  
3 level represent a minimum risk to themselves and public safety  
4 and do not require placement and services in residential  
5 settings. Programs or program models in this restrictiveness  
6 level include: community counselor supervision programs,  
7 special intensive group programs, nonresidential marine  
8 programs, nonresidential training and rehabilitation centers,  
9 and other local community nonresidential programs, including  
10 any nonresidential program or supervision program that is used  
11 for aftercare placement.

12           (e) Juvenile correctional facilities or juvenile  
13 prison ~~Maximum-risk residential~~.--Youth assessed and  
14 classified for this level of placement require close  
15 supervision in a maximum security residential setting that  
16 provides 24-hour-per-day secure custody, care, and  
17 supervision. Placement in a program in this level is prompted  
18 by a demonstrated need to protect the public. Programs or  
19 program models in this level are maximum-secure-custody,  
20 long-term residential commitment facilities that are intended  
21 to provide a moderate overlay of educational, vocational, and  
22 behavioral-modification services and other maximum-security  
23 program models authorized by the Legislature and established  
24 by rule. Section 985.3141 applies to children placed in  
25 programs in this restrictiveness level.

26           Section 10. Paragraph (b) of subsection (4) of section  
27 39.0132, Florida Statutes, 1998 Supplement, is amended to  
28 read:

29           39.0132 Oaths, records, and confidential  
30 information.--

31           (4)



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

14           Section 11. Paragraph (b) of subsection (3) of section  
15 985.04, Florida Statutes, 1998 Supplement, is amended to read:

16           985.04 Oaths; records; confidential information.--

17           (3)

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

1           Section 12. Paragraph (d) of subsection (1) of section  
2 985.207, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           985.207 Taking a child into custody.--

5           (1) A child may be taken into custody under the  
6 following circumstances:

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

12  
13 Nothing in this subsection shall be construed to allow the  
14 detention of a child who does not meet the detention criteria  
15 in s. 985.215.

16           Section 13. Section 985.208, Florida Statutes, 1998  
17 Supplement, is amended to read:

18           985.208 Detention of ~~furloughed child or~~ escapee on  
19 authority of the department.--

20           (1) If an authorized agent of the department has  
21 reasonable grounds to believe that any delinquent child  
22 committed to the department has escaped from a facility of the  
23 department or from being lawfully transported thereto or  
24 therefrom, the agent may take the child into active custody  
25 and may deliver the child to the facility or, if it is closer,  
26 to a detention center for return to the facility. However, a  
27 child may not be held in detention longer than 24 hours,  
28 excluding Saturdays, Sundays, and legal holidays, unless a  
29 special order so directing is made by the judge after a  
30 detention hearing resulting in a finding that detention is  
31 required based on the criteria in s. 985.215(2). The order

1 shall state the reasons for such finding. The reasons shall be  
2 reviewable by appeal or in habeas corpus proceedings in the  
3 district court of appeal.

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

11 Section 14. Paragraph (b) of subsection (1) of section  
12 985.212, Florida Statutes, is amended to read:

13 985.212 Fingerprinting and photographing.--

14 (1)

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

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

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

21 3. Carrying a concealed weapon, as defined in s.  
22 790.01(1).

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

25 5. Negligent treatment of children, as defined in  
26 former s. 827.05.

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

30 7. Open carrying of a weapon, as defined in s.  
31 790.053.

- 1           8. Exposure of sexual organs, as defined in s. 800.03.  
2           9. Unlawful possession of a firearm, as defined in s.  
3 790.22(5).  
4           10. Petit theft, as defined in s. 812.014.  
5           11. Cruelty to animals, as defined in s. 828.12(1).  
6           12. Arson, resulting in bodily harm to a firefighter,  
7 as defined in s. 806.031(1).  
8           13. Unlawful possession or discharge of a weapon or  
9 firearm at a school-sponsored event or on school property as  
10 defined in s. 790.115.  
11

12 A law enforcement agency may fingerprint and photograph a  
13 child taken into custody upon probable cause that such child  
14 has committed any other violation of law, as the agency deems  
15 appropriate. Such fingerprint records and photographs shall be  
16 retained by the law enforcement agency in a separate file, and  
17 these records and all copies thereof must be marked "Juvenile  
18 Confidential." These records are ~~shall~~ ~~be~~ available for  
19 public disclosure and inspection under s. 119.07(1) except as  
20 provided in ss. 943.053 and 985.04(5), but shall be available  
21 to other law enforcement agencies, criminal justice agencies,  
22 state attorneys, the courts, the child, the parents or legal  
23 custodians of the child, their attorneys, and any other person  
24 authorized by the court to have access to such records. In  
25 addition, such records may be submitted to the Department of  
26 Law Enforcement for inclusion in the state criminal history  
27 records and used by criminal justice agencies for criminal  
28 justice purposes. These records may, in the discretion of the  
29 court, be open to inspection by anyone upon a showing of  
30 cause. The fingerprint and photograph records shall be  
31 produced in the court whenever directed by the court. Any

1 photograph taken pursuant to this section may be shown by a  
2 law enforcement officer to any victim or witness of a crime  
3 for the purpose of identifying the person who committed such  
4 crime.

5 Section 15. Paragraphs (a) and (c) of subsection (1)  
6 and subsection (2) of section 985.231, Florida Statutes, 1998  
7 Supplement, are amended to read:

8 985.231 Powers of disposition in delinquency cases.--  
9 (1)

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

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

1 conditions of community control or aftercare supervision, the  
2 court may order the child to submit to random testing for the  
3 purpose of detecting and monitoring the use of alcohol or  
4 controlled substances.

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

30       b. The court may conduct judicial review hearings for  
31 a child placed on community control for the purpose of

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

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

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

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

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

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

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

29 d. Notwithstanding s. 743.07 and paragraph (d), and  
30 except as provided in s. 985.31, the term of any order placing  
31 a child in a community control program must be until the



1 child's 19th birthday unless he or she is released by the  
2 court, on the motion of an interested party or on its own  
3 motion.

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

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

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

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

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

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

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

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

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

27           (2) Following a delinquency adjudicatory hearing  
28 pursuant to s. 985.228 and a delinquency disposition hearing  
29 pursuant to s. 985.23 which results in a commitment  
30 determination, the court shall, on its own or upon request by  
31 the state or the department, determine whether the protection

1 of the public requires that the child be placed in a program  
2 for serious or habitual juvenile offenders and whether the  
3 particular needs of the child would be best served by a  
4 program for serious or habitual juvenile offenders as provided  
5 in s. 985.31. The determination shall be made pursuant to ss.  
6 985.03(49)~~985.03(47)~~and 985.23(3).

7 Section 16. Subsections (14) and (15) of section  
8 985.308, Florida Statutes, 1998 Supplement, are amended to  
9 read:

10 985.308 Juvenile sexual offender commitment programs;  
11 sexual abuse intervention networks.--

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

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

1           Section 17. Section 985.316, Florida Statutes, is  
2 amended to read:

3           985.316 ~~Furlough and intensive~~ Aftercare.--

4           (1) The Legislature finds that:

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

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

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

18           (d) Accordingly, aftercare should be included in the  
19 continuum of care.

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

21           (a) Commitment programs include rehabilitative efforts  
22 on preparing committed juveniles for a successful release to  
23 the community.

24           (b) Aftercare transition planning begins as early in  
25 the commitment process as possible.

26           (c) Each juvenile committed to a residential  
27 commitment program be assessed to determine the need for  
28 aftercare services upon release from the commitment program.

29           (3) For juveniles referred or committed to the  
30 department, the function of the department may include, but  
31 shall not be limited to, assessing each committed juvenile to

1 determine the need for aftercare services upon release from a  
2 commitment program, supervising the juvenile when released  
3 into the community from a residential commitment facility of  
4 the department, providing such counseling and other services  
5 as may be necessary for the families and assisting their  
6 preparations for the return of the child. Subject to specific  
7 appropriation, the department shall provide for outpatient  
8 sexual offender counseling for any juvenile sexual offender  
9 released from a commitment program as a component of  
10 aftercare.

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

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

27 ~~(2) Whenever a delinquent child is committed to a~~  
28 ~~residential program operated by a private vendor under~~  
29 ~~contract, the department may negotiate with such vendor to~~  
30 ~~provide intensive aftercare for the child in the home~~  
31 ~~community following successful completion of the residential~~

1 ~~program. Intensive aftercare shall involve regular contact~~  
2 ~~between the child and the staff of the vendor with whom the~~  
3 ~~child has developed a relationship during the course of the~~  
4 ~~commitment program. Contingent upon specific appropriation, a~~  
5 ~~contract for intensive aftercare provided by the residential~~  
6 ~~commitment program vendor shall provide for caseloads of 10 or~~  
7 ~~fewer children, intensive aftercare for 1 year, and a transfer~~  
8 ~~of the ongoing case management and reentry responsibilities~~  
9 ~~from the department to the vendor at the time the vendor~~  
10 ~~admits the child into the commitment program. The department~~  
11 ~~shall annually seek the necessary resources to provide~~  
12 ~~intensive aftercare.~~

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

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

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

28 Section 18. Subsections (4) and (10) of section  
29 985.404, Florida Statutes, 1998 Supplement, are amended, and  
30 subsection (13) is added to that section, to read:

31

1           985.404 Administering the juvenile justice  
2 continuum.--

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

17           (10) The department shall annually collect and report  
18 cost data for every program operated or contracted by the  
19 department. The cost data shall conform to a format approved  
20 by the department and the Legislature. Uniform cost data shall  
21 be reported and collected for state-operated and contracted  
22 programs so that comparisons can be made among programs. The  
23 department shall ensure that there is accurate cost accounting  
24 for state-operated services including market-equivalent rent  
25 and other shared cost. The cost of the educational program  
26 provided to a residential facility shall be reported and  
27 included in the cost of a program. The department shall submit  
28 an annual cost report to the President of the Senate, the  
29 Speaker of the House of Representatives, the Minority Leader  
30 of each house of the Legislature, the appropriate substantive  
31 and appropriations committees of each house of the



1 Legislature, and the Governor, no later than December 1 of  
2 each year. Cost-benefit analysis for educational programs will  
3 be developed and implemented in collaboration with and  
4 cooperation by the Department of Education, local providers,  
5 and local school districts. Cost data for the report shall  
6 include data collected by the Department of Education for the  
7 purposes of preparing the annual report required by s.  
8 230.23161(21)(17).

9 (13) The department shall implement procedures to  
10 ensure that educational support activities are provided  
11 throughout the juvenile justice continuum. Such activities may  
12 include, but are not limited to, mentoring, tutoring, group  
13 discussions, homework assistance, library support, designated  
14 reading times, independent living, personal finance, and other  
15 appropriate educational activities.

16 Section 19. Subsection (3) of section 985.406, Florida  
17 Statutes, 1998 Supplement, is amended to read:

18 985.406 Juvenile justice training academies  
19 established; Juvenile Justice Standards and Training  
20 Commission created; Juvenile Justice Training Trust Fund  
21 created.--

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

1 such training program. For the juvenile justice program staff,  
2 the commission shall, based on a job-task analysis:

3 (a) Design, implement, maintain, evaluate, and revise  
4 a basic training program, including a competency-based  
5 ~~curriculum-based~~ examination, for the purpose of providing  
6 minimum employment training qualifications for all juvenile  
7 justice personnel. All program staff of the Department of  
8 Juvenile Justice and providers who deliver direct-care  
9 services who are hired after October 1, 1999, must meet the  
10 following minimum requirements:

11 1. Be at least 19 years of age.

12 2. Be a high school graduate or its equivalent as  
13 determined by the commission.

14 3. Not have been convicted of any felony or a  
15 misdemeanor involving perjury or a false statement, or have  
16 received a dishonorable discharge from any of the Armed Forces  
17 of the United States. Any person who, after September 30,  
18 1999, pleads guilty or nolo contendere to or is found guilty  
19 of any felony or a misdemeanor involving perjury or false  
20 statement is not eligible for employment, notwithstanding  
21 suspension of sentence or withholding of adjudication.  
22 Notwithstanding this subparagraph, any person who pleads nolo  
23 contendere to a misdemeanor involving a false statement before  
24 October 1, 1999, and who has had such record of that plea  
25 sealed or expunged is not ineligible for employment for that  
26 reason.

27 4. Abide by all the provisions of s. 985.01(2)  
28 regarding fingerprinting and background investigations and  
29 other screening requirements for personnel.

30 5. Execute and submit to the department an  
31 affidavit-of-application form, adopted by the department,

1 attesting to his or her compliance with subparagraphs 1.  
2 through 4. The affidavit must be executed under oath and  
3 constitutes an official statement under s. 837.06. The  
4 affidavit must include conspicuous language that the  
5 intentional false execution of the affidavit constitutes a  
6 misdemeanor of the second degree. The employing agency shall  
7 retain the affidavit.

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

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

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

23 Section 20. Section 985.4145, Florida Statutes, is  
24 created to read:

25 985.4145 Direct-support organization; definition; use  
26 of property; board of directors; audit.--

27 (1) DEFINITION.--As used in this section, the term  
28 "direct-support organization" means an organization whose sole  
29 purpose is to support the juvenile justice system and which  
30 is:  
31

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

3           (b) Organized and operated to conduct programs and  
4 activities; to raise funds; to request and receive grants,  
5 gifts, and bequests of moneys; to acquire, receive, hold,  
6 invest, and administer, in its own name, securities, funds,  
7 objects of value, or other property, real or personal; and to  
8 make expenditures to or for the direct or indirect benefit of  
9 the Department of Juvenile Justice or the juvenile justice  
10 system operated by a county commission or a district board;

11           (c) Determined by the Department of Juvenile Justice  
12 to be consistent with the goals of the juvenile justice  
13 system, in the best interest of the state, and in accordance  
14 with the adopted goals and mission of the Department of  
15 Juvenile Justice.

16  
17 Expenditures of the organization shall be expressly used to  
18 prevent and ameliorate juvenile delinquency. The expenditures  
19 of the direct-support organization may not be used for the  
20 purpose of lobbying as defined in s. 11.045.

21           (2) CONTRACT.--The direct-support organization shall  
22 operate under written contract with the department. The  
23 contract must provide for:

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

26           (b) Submission of an annual budget for the approval of  
27 the department.

28           (c) Certification by the department that the  
29 direct-support organization is complying with the terms of the  
30 contract and in a manner consistent with the goals and  
31 purposes of the department and in the best interest of the

1 state. Such certification must be made annually and reported  
2 in the official minutes of a meeting of the direct-support  
3 organization.

4 (d) The reversion of moneys and property held in trust  
5 by the direct-support organization for the benefit of the  
6 juvenile justice system to the state if the department ceases  
7 to exist or to the department if the direct-support  
8 organization is no longer approved to operate for the  
9 department, a county commission, or a district board or if the  
10 direct-support organization ceases to exist;

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

14 (f) The disclosure of material provisions of the  
15 contract, and the distinction between the department and the  
16 direct-support organization, to donors of gifts,  
17 contributions, or bequests, including such disclosure on all  
18 promotional and fundraising publications.

19 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile  
20 Justice shall appoint a board of directors of the  
21 direct-support organization. Members of the organization must  
22 include representatives from businesses, representatives from  
23 each of the juvenile justice service districts, and one  
24 representative appointed at-large.

25 (4) USE OF PROPERTY.--The department may permit,  
26 without charge, appropriate use of fixed property and  
27 facilities of the juvenile justice system by the  
28 direct-support organization, subject to the provisions of this  
29 section.

30 (a) The department may prescribe any condition with  
31 which the direct-support organization must comply in order to

1 use fixed property or facilities of the juvenile justice  
2 system.

3 (b) The department may not permit the use of any fixed  
4 property or facilities of the juvenile justice system by the  
5 direct-support organization if it does not provide equal  
6 membership and employment opportunities to all persons  
7 regardless of race, color, religion, sex, age, or national  
8 origin.

9 (c) The department shall adopt rules prescribing the  
10 procedures by which the direct-support organization is  
11 governed and any conditions with which a direct-support  
12 organization must comply to use property or facilities of the  
13 department.

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

17 (6) The direct-support organization shall provide for  
18 an annual financial and compliance postaudit of its financial  
19 accounts and records by an independent certified public  
20 accountant in accordance with rules of the Auditor General.  
21 The annual audit report must include a management letter and  
22 must be submitted to the Auditor General and the department  
23 for review. The department and the Auditor General may require  
24 and receive from the direct-support organization, or from its  
25 independent auditor, any detail or supplemental data relative  
26 to the operation of the organization.

27 Section 21. Paragraph (b) of subsection (1) and  
28 paragraphs (a) and (b) of subsection (2) of section 985.415,  
29 Florida Statutes, 1998 Supplement, are amended to read:

30 985.415 Community Juvenile Justice Partnership  
31 Grants.--

- 1           (1) GRANTS; CRITERIA.--
- 2           (b) In awarding these grants, the department shall
- 3 ~~only~~ consider applications that ~~which~~ at a minimum provide for
- 4 the following:
- 5           1. The participation of the agencies and programs
- 6 needed to implement the project or program for which the
- 7 applicant is applying; ~~and~~
- 8           2. The reduction of truancy and in-school and
- 9 out-of-school suspensions and expulsions, ~~and~~ the enhancement
- 10 of school safety, and other delinquency early-intervention and
- 11 diversion services;-
- 12           3. The number of youths from 10 through 17 years of
- 13 age within the geographic area to be served by the program,
- 14 giving those geographic areas having the highest number of
- 15 youths from 10 to 17 years of age priority for selection;
- 16           4. The extent to which the program targets
- 17 high-juvenile-crime neighborhoods and those public schools
- 18 servng juveniles from high-crime neighborhoods;
- 19           5. The validity and cost-effectiveness of the program;
- 20 and
- 21           6. The degree to which the program is located in and
- 22 managed by local leaders of the target neighborhoods and
- 23 public schools serving the target neighborhoods.
- 24           (2) GRANT APPLICATION PROCEDURES.--
- 25           (a) Each entity wishing to apply for an annual
- 26 community juvenile justice partnership grant, which may be
- 27 renewed for a maximum of 2 additional years for the same
- 28 provision of services, shall submit a grant proposal for
- 29 funding or continued funding to the department ~~by March 1 of~~
- 30 ~~each year.~~ The department shall establish the grant
- 31 application procedures. In order to be considered for

1 funding, the grant proposal shall include the following  
2 assurances and information:

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

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

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

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

14 5. Coordination with other community-based and social  
15 service prevention efforts, including, but not limited to,  
16 drug and alcohol abuse prevention and dropout prevention  
17 programs, that serve the target population or neighborhood.

18 6. An evaluation component to measure the  
19 effectiveness of the program in accordance with the provisions  
20 of s. 985.412.

21 7. A program budget, including the amount and sources  
22 of local cash and in-kind resources committed to the budget.  
23 The proposal must establish to the satisfaction of the  
24 department that the entity will make a cash or in-kind  
25 contribution to the program of a value that is at least equal  
26 to 20 percent of the amount of the grant.

27 8. The necessary program staff.

28 (b) The department shall consider the following in  
29 awarding such grants:

30 ~~1. The number of youths from 10 through 17 years of~~  
31 ~~age within the geographical area to be served by the program.~~



1 ~~Those geographical areas with the highest number of youths~~  
2 ~~from 10 through 17 years of age shall have priority for~~  
3 ~~selection.~~

4 ~~2. The extent to which the program targets high~~  
5 ~~juvenile crime neighborhoods and those public schools serving~~  
6 ~~juveniles from high crime neighborhoods.~~

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

8 ~~4. The degree to which the program is located in and~~  
9 ~~managed by local leaders of the target neighborhoods and~~  
10 ~~public schools serving the target neighborhoods.~~

11 1.5. The recommendations of the juvenile justice  
12 council as to the priority that should be given to proposals  
13 submitted by entities within a county.

14 2.6. The recommendations of the juvenile justice board  
15 as to the priority that should be given to proposals submitted  
16 by entities within a district.

17 Section 22. Subsection (5) of section 985.417, Florida  
18 Statutes, is amended to read:

19 985.417 Transfer of children from the Department of  
20 Corrections to the Department of Juvenile Justice.--

21 (5) Any child who has been convicted of a capital  
22 felony while under the age of 18 years may not be released  
23 ~~furloigned~~ on community control without the consent of the  
24 Governor and three members of the Cabinet.

25 Section 23. Paragraph (d) of subsection (1) of section  
26 419.001, Florida Statutes, 1998 Supplement, is amended to  
27 read:

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

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

1 (d) "Resident" means any of the following: a frail  
2 elder as defined in s. 400.618; a physically disabled or  
3 handicapped person as defined in s. 760.22(7)(a); a  
4 developmentally disabled person as defined in s. 393.063(11);  
5 a nondangerous mentally ill person as defined in s.  
6 394.455(18); or a child as defined in s. 39.01(11), s.  
7 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

8 Section 24. Section 784.075, Florida Statutes, 1998  
9 Supplement, is amended to read:

10 784.075 Battery on detention or commitment facility  
11 staff.--A person who commits a battery on a juvenile probation  
12 officer ~~an intake counselor or case manager~~, as defined in s.  
13 984.03 ~~s. 984.03(31)~~ or s. 985.03 ~~s. 985.03(30)~~, on other  
14 staff of a detention center or facility as defined in s.  
15 984.03 ~~s. 984.03(19)~~ or s. 985.03 ~~s. 985.03(19)~~, or on a staff  
16 member of a commitment facility as defined in s. 985.03(47)~~s.~~  
17 ~~985.03(45)~~, commits a felony of the third degree, punishable  
18 as provided in s. 775.082, s. 775.083, or s. 775.084. For  
19 purposes of this section, a staff member of the facilities  
20 listed includes persons employed by the Department of Juvenile  
21 Justice, persons employed at facilities licensed by the  
22 Department of Juvenile Justice, and persons employed at  
23 facilities operated under a contract with the Department of  
24 Juvenile Justice.

25 Section 25. Section 984.05, Florida Statutes, 1998  
26 Supplement, is amended to read:

27 984.05 Rules relating to habitual truants; adoption by  
28 Department of Education and Department of Juvenile  
29 Justice.--The Department of Juvenile Justice and the  
30 Department of Education shall work together on the development  
31

1 of, and shall adopt, rules as necessary for the implementation  
2 of ss. 232.19, 984.03(29), and 985.03(28)~~985.03(27)~~.

3 Section 26. Subsections (1), (2), (3), and (4) of  
4 section 985.227, Florida Statutes, are amended, and subsection  
5 (5) is added to that section, to read:

6 985.227 Prosecution of juveniles as adults by the  
7 direct filing of an information in the criminal division of  
8 the circuit court; discretionary criteria; mandatory  
9 criteria.--

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

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

- 18 1. Arson;
- 19 2. Sexual battery;
- 20 3. Robbery;
- 21 4. Kidnapping;
- 22 5. Aggravated child abuse;
- 23 6. Aggravated assault;
- 24 7. Aggravated stalking;
- 25 8. Murder;
- 26 9. Manslaughter;
- 27 10. Unlawful throwing, placing, or discharging of a  
28 destructive device or bomb;
- 29 11. Armed burglary in violation of s. 810.02(2)(b) or  
30 specified burglary of a dwelling or structure in violation of  
31

1 s. 810.02(2)(c), or burglary with an assault or battery in  
2 violation of s. 810.02(2)(a);  
3 12. Aggravated battery;  
4 13. Lewd or lascivious assault or act in the presence  
5 of a child;  
6 14. Carrying, displaying, using, threatening, or  
7 attempting to use a weapon or firearm during the commission of  
8 a felony; or  
9 15. Grand theft in violation of s. 812.014(2)(a);  
10 16. Possessing or discharging any weapon or firearm on  
11 school property in violation of s. 790.115;  
12 17. Home invasion robbery; or  
13 18. Carjacking.  
14 (b) With respect to any child who was 16 or 17 years  
15 of age at the time the alleged offense was committed, the  
16 state attorney may file an information when in the state  
17 attorney's judgment and discretion the public interest  
18 requires that adult sanctions be considered or imposed.  
19 However, the state attorney may not file an information on a  
20 child charged with a misdemeanor, unless the child has had at  
21 least two previous adjudications or adjudications withheld for  
22 delinquent acts, one of which involved an offense classified  
23 as a felony under state law.  
24 (2) MANDATORY DIRECT FILE.--  
25 (a) With respect to any child who was 16 or 17 years  
26 of age at the time the alleged offense was committed, the  
27 state attorney shall file an information if the child has been  
28 previously adjudicated delinquent for an act classified as a  
29 felony, which adjudication was for the commission of, attempt  
30 to commit, or conspiracy to commit murder, sexual battery,  
31 armed or strong-armed robbery, carjacking, home-invasion

1 robbery, aggravated battery, or aggravated assault, and the  
2 child is currently charged with a second or subsequent violent  
3 crime against a person.

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

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

1 (3) EFFECT OF DIRECT FILE.--

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

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

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

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

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

16 Section 27. Paragraph (e) of subsection (3) and  
17 paragraph (a) of subsection (4) of section 985.31, Florida  
18 Statutes, 1998 Supplement, are amended to read:

19 985.31 Serious or habitual juvenile offender.--

20 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
21 TREATMENT.--

22 (e) After a child has been adjudicated delinquent  
23 pursuant to s. 985.228, the court shall determine whether the  
24 child meets the criteria for a serious or habitual juvenile  
25 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court  
26 determines that the child does not meet such criteria, the  
27 provisions of s. 985.231(1) shall apply.

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

29 (a) Pursuant to the provisions of this section, the  
30 department shall implement the comprehensive assessment  
31 instrument for the treatment needs of serious or habitual

1 juvenile offenders and for the assessment, which assessment  
2 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~  
3 and shall also include, but not be limited to, evaluation of  
4 the child's:

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

14 Section 28. Paragraph (e) of subsection (3) and  
15 paragraph (a) of subsection (4) of section 985.311, Florida  
16 Statutes, 1998 Supplement, are amended to read:

17 985.311 Intensive residential treatment program for  
18 offenders less than 13 years of age.--

19 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
20 TREATMENT.--

21 (e) After a child has been adjudicated delinquent  
22 pursuant to s. 985.228(5), the court shall determine whether  
23 the child is eligible for an intensive residential treatment  
24 program for offenders less than 13 years of age pursuant to s.  
25 985.03(8)~~s. 985.03(7)~~. If the court determines that the  
26 child does not meet the criteria, the provisions of s.  
27 985.231(1) shall apply.

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

29 (a) Pursuant to the provisions of this section, the  
30 department shall implement the comprehensive assessment  
31 instrument for the treatment needs of children who are



- 1 eligible for an intensive residential treatment program for  
2 offenders less than 13 years of age and for the assessment,  
3 which assessment shall include the criteria under s. 985.03(8)  
4 ~~s. 985.03(7)~~ and shall also include, but not be limited to,  
5 evaluation of the child's:
- 6 1. Amenability to treatment.
  - 7 2. Proclivity toward violence.
  - 8 3. Tendency toward gang involvement.
  - 9 4. Substance abuse or addiction and the level thereof.
  - 10 5. History of being a victim of child abuse or sexual  
11 abuse, or indication of sexual behavior dysfunction.
  - 12 6. Number and type of previous adjudications, findings  
13 of guilt, and convictions.
  - 14 7. Potential for rehabilitation.

15 Section 29. Section 985.312, Florida Statutes, is  
16 amended to read:

17 985.312 Intensive residential treatment programs for  
18 offenders less than 13 years of age; prerequisite for  
19 commitment.--No child who is eligible for commitment to an  
20 intensive residential treatment program for offenders less  
21 than 13 years of age as established in s. 985.03(8)~~s.~~  
22 ~~985.03(7)~~, may be committed to any intensive residential  
23 treatment program for offenders less than 13 years of age as  
24 established in s. 985.311, unless such program has been  
25 established by the department through existing resources or  
26 specific appropriation, for such program.

27 Section 30. Section 985.3141, Florida Statutes, is  
28 amended to read:

29 985.3141 Escapes from secure detention or residential  
30 commitment facility.--An escape from:

31

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

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

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

10

11 constitutes escape within the intent and meaning of s. 944.40  
12 and is a felony of the third degree, punishable as provided in  
13 s. 775.082, s. 775.083, or s. 775.084.

14 Section 31. Subsection (1) of section 985.234, Florida  
15 Statutes, is amended to read:

16 985.234 Appeal.--

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

22 (a) Any child, and any parent or legal guardian or  
23 custodian of any child.

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

25 1. An order dismissing a petition or any section  
26 thereof;

27 2. An order granting a new adjudicatory hearing;

28 3. An order arresting judgment;

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

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

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

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

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

7  
8 In the case of an appeal by the state, the notice of appeal  
9 shall be filed by the appropriate state attorney or his or her  
10 authorized assistant pursuant to the provisions of s. 27.18.  
11 Such an appeal shall embody all assignments of error in each  
12 preadjudicatory hearing order that the state seeks to have  
13 reviewed. The state shall pay all costs of the appeal except  
14 for the child's attorney's fee.

15           Section 32. Section 985.315, Florida Statutes, 1998  
16 Supplement, is amended to read:

17           985.315 Educational/technical and vocational  
18 work-related ~~work training~~ programs.--

19           (1)(a) It is the finding of the Legislature that the  
20 educational/technical and vocational work-related work  
21 programs of the Department of Juvenile Justice are uniquely  
22 different from other programs operated or conducted by other  
23 departments in that it is essential to the state that these  
24 ~~the work~~ programs provide juveniles with useful information  
25 and activities that can lead to meaningful employment after  
26 release in order to assist in reducing the return of juveniles  
27 to the system.

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

31

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

6           2. To serve the security goals of the state through  
7 the reduction of idleness of juveniles and the provision of an  
8 incentive for good behavior in residential commitment  
9 facilities.

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

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

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

28           (b) Nothing in this subsection is intended to restore,  
29 in whole or in part, the civil rights of any juvenile. No  
30 juvenile compensated under this subsection shall be considered  
31 as an employee of the state or the department, nor shall such

1 juvenile come within any other provision of the Workers'  
2 Compensation Law.

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

8 (a) Attitudes favorable to work, the work situation,  
9 and a law-abiding life in each juvenile employed in the  
10 juvenile work program.

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

13 (c) Programs that motivate juveniles to use their  
14 abilities. ~~Juveniles who do not adjust to these programs shall~~  
15 ~~be reassigned.~~

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

22 (e) A logical sequence of educational/technical or  
23 vocational training, employment by the juvenile ~~vocational~~  
24 work programs, and postrelease job placement for juveniles  
25 participating in juvenile work programs.

26 (4)(a) The Department of Juvenile Justice shall  
27 establish guidelines for the operation of juvenile  
28 educational/technical and vocational work-related work  
29 programs, which shall include the following procedures:  
30  
31

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

4           ~~2.1.~~ The education, training, work experience,  
5 emotional and mental abilities, and physical capabilities of  
6 the juvenile and the duration of the term of placement imposed  
7 on the juvenile are to be analyzed before assignment of the  
8 juvenile inmate into the various processes best suited for  
9 educational/technical or vocational training.

10           ~~3.2.~~ When feasible, the department shall attempt to  
11 obtain education or training credit for a juvenile seeking  
12 apprenticeship status or a high school diploma or its  
13 equivalent.

14           ~~4.3.~~ The juvenile may begin in a general education and  
15 work skills program and progress to a specific work skills  
16 training program, depending upon the ability, desire, and  
17 education and work record of the juvenile.

18           ~~5.4.~~ Modernization and upgrading of equipment and  
19 facilities should include greater automation and improved  
20 production techniques to expose juveniles to the latest  
21 technological procedures to facilitate their adjustment to  
22 real work situations.

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

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

31

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

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

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

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

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

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

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

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

30           (b) The department is authorized to contract with the  
31 private sector for substantial involvement in a juvenile

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

- 5 1. Increase benefits to the general public by  
6 reimbursement to the state for a portion of the costs of  
7 juvenile residential care.
- 8 2. Provide purposeful work for juveniles as a means of  
9 reducing tensions caused by confinement.
- 10 3. Increase job skills.
- 11 4. Provide additional opportunities for rehabilitation  
12 of juveniles who are otherwise ineligible to work outside the  
13 facilities, such as maximum security juveniles.
- 14 5. Develop and establish new models for juvenile  
15 facility-based businesses which create jobs approximating  
16 conditions of private sector employment.
- 17 6. Draw upon the economic base of operations for  
18 disposition to the Crimes Compensation Trust Fund.
- 19 7. Substantially involve the private sector with its  
20 capital, management skills, and expertise in the design,  
21 development, and operation of businesses.

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

30 (6) The Juvenile Justice Accountability Board shall  
31 conduct a study regarding the types of effective juvenile



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

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

17 Section 33. Paragraph (c) of subsection (4) of section  
18 985.201, Florida Statutes, is amended to read:

19 985.201 Jurisdiction.--

20 (4)

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

30 Section 34. Subsection (4) of section 985.21, Florida  
31 Statutes, 1998 Supplement, is amended to read:

1           985.21 Intake and case management.--

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

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

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

29           1. When indicated by the preliminary screening,  
30 provide for a comprehensive assessment of the child and family  
31 for substance abuse problems, using community-based licensed

1 programs with clinical expertise and experience in the  
2 assessment of substance abuse problems.

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

9  
10 When indicated by the comprehensive assessment, the department  
11 is authorized to contract within appropriated funds for  
12 services with a local nonprofit community mental health or  
13 substance abuse agency licensed or authorized under chapter  
14 394, or chapter 397, or other authorized nonprofit social  
15 service agency providing related services. The determination  
16 of mental health or substance abuse services shall be  
17 conducted in coordination with existing programs providing  
18 mental health or substance abuse services in conjunction with  
19 the intake office. Client information resulting from the  
20 screening and evaluation shall be documented pursuant to rules  
21 established by the department and shall serve to assist the  
22 juvenile probation officer in providing the most appropriate  
23 services and recommendations in the least intrusive manner.  
24 Such client information shall be used in the multidisciplinary  
25 assessment and classification of the child, but such  
26 information, and any information obtained directly or  
27 indirectly through the assessment process, is inadmissible in  
28 court prior to the disposition hearing, unless the child's  
29 written consent is obtained. At the disposition hearing,  
30 documented client information shall serve to assist the court  
31 in making the most appropriate custody, adjudicatory, and

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

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

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

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

1 basis, enter into interagency agreements denoting the cases  
2 that will require a recommendation and those for which a  
3 recommendation is unnecessary.

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

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

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

31

1           Section 35. 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 36. Subsection (6) of section 985.218, Florida  
23 Statutes, 1998 Supplement, is repealed.

24           Section 37. 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

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

7 (b) Mandatory waiver.--

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

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

29  
30 the state attorney shall request the court to transfer and  
31 certify the child for prosecution as an adult or shall provide



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

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

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

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

1 adult court pursuant to this paragraph shall be subject to the  
2 same penalties such cases were subject to before being  
3 transferred to adult court.

4 Section 38. Subsection (7) is added to section  
5 985.228, Florida Statutes, to read:

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

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

12 Section 39. Subsections (1) and (2) of section 790.23,  
13 Florida Statutes, 1998 Supplement, are amended to read:

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

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

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

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

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

29 ~~(d)~~~~(c)~~ Found to have committed a delinquent act in  
30 another state, territory, or country that would be a felony if  
31 committed by an adult and which was punishable by imprisonment

1 for a term exceeding 1 year and such person is under 24 years  
2 of age; or

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

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

12 Section 40. Section 985.313, Florida Statutes, is  
13 amended to read:

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

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

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

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

1           Section 41. Subsections (43) and (44) are added to  
2 section 228.041, Florida Statutes, 1998 Supplement, to read:

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

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

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

20           Section 42. Section 228.051, Florida Statutes, is  
21 amended to read:

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

1 institutions, and agencies providing this instruction shall  
2 constitute the uniform system of free public schools  
3 prescribed by Art. IX of the State Constitution.

4 Section 43. Section 228.081, Florida Statutes, is  
5 amended to read:

6 228.081 Other public educational services.--

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

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

31

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

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

7           (c) Academic expectations.

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

10          (e) Assessment procedures, which:

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

16           2. Require school districts to be responsible for  
17 ensuring the completion of the assessment process.

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

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

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

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

1           (g) Funding requirements, which shall include the  
2 requirement that at least 80 percent of the FEFP funds  
3 generated by students in Department of Juvenile Justice  
4 Programs be spent on instructional costs for those students.  
5 One hundred percent of the formula-based categorial funds  
6 generated by students in Department of Juvenile Justice  
7 Programs must be spent on appropriate categoricals such as  
8 instructional materials and public school technology for those  
9 students.

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

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

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

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

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

26           (m) Contract requirements.

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

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



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

12           (q) Other aspects of program operations.

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

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

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

29           (c) Develop standardized required content of education  
30 records to be included as part of a youth's commitment record.  
31 These requirements shall reflect the policy and standards

1 adopted pursuant to subsection (2) and shall include, but not  
2 be limited to, the following:

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

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

8 3. A copy of the student's permanent cumulative  
9 record; and

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

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

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

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

1 residential programs and shall, upon request, designate  
2 schools operating for the purpose of providing educational  
3 services to youth in Department of Juvenile Justice programs  
4 as GED testing centers, subject to GED testing center  
5 requirements.

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

14 Section 44. Subsection (3) of section 229.57, Florida  
15 Statutes, 1998 Supplement, is amended to read.

16 229.57 Student assessment program.--

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

28 (a) Submit to the state board a list that specifies  
29 student skills and competencies to which the goals for  
30 education specified in the state plan apply, including, but  
31 not limited to, reading, writing, and mathematics. The skills

1 and competencies must include problem-solving and higher-order  
2 skills as appropriate. The commissioner shall select such  
3 skills and competencies after receiving recommendations from  
4 educators, citizens, and members of the business community.  
5 The commissioner shall submit to the state board revisions to  
6 the list of student skills and competencies in order to  
7 maintain continuous progress toward improvements in student  
8 proficiency.

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

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

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

1 commissioner shall obtain input with respect to the design and  
2 implementation of the testing program from state educators and  
3 the public.

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

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

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

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

1 each part of the high school competency test in order to  
2 qualify for a regular high school diploma. The school  
3 districts shall provide appropriate remedial instruction to  
4 students who do not pass part of the competency test.

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

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

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

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

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

31

1 (e) Conduct ongoing research to develop improved  
2 methods of assessing student performance, including, without  
3 limitation, the use of technology to administer tests, the use  
4 of electronic transfer of data, the development of  
5 work-product assessments, and the development of process  
6 assessments.

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

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

15 Section 45. Paragraph (c) is added to subsection (1)  
16 of section 229.58, Florida Statutes, 1998 Supplement, to read:

17 229.58 District and school advisory councils.--

18 (1) ESTABLISHMENT.--

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

26 Section 46. Subsections (1), (3), and (4) of section  
27 229.592, Florida Statutes, 1998 Supplement, are amended to  
28 read:

29 229.592 Implementation of state system of school  
30 improvement and education accountability.--

31

1           (1) DEVELOPMENT.--It is the intent of the Legislature  
2 that every public school in the state, including schools  
3 operating for the purpose of providing educational services to  
4 youth in Department of Juvenile Justice programs, shall have a  
5 school improvement plan, as required by s. 230.23(16), ~~fully~~  
6 ~~implemented and operational by the beginning of the 1993-1994~~  
7 ~~school year~~. Vocational standards considered pursuant to s.  
8 239.229 shall be incorporated into the school improvement plan  
9 for each area technical center operated by a school board by  
10 the 1994-1995 school year, and area technical centers shall  
11 prepare school report cards incorporating such standards,  
12 pursuant to s. 230.23(16), for the 1995-1996 school year. In  
13 order to accomplish this, the Florida Commission on Education  
14 Reform and Accountability and the school districts and schools  
15 shall carry out the duties assigned to them by ss. 229.594 and  
16 230.23(16), respectively.

17           (3) COMMISSIONER.--The commissioner shall be  
18 responsible for implementing and maintaining a system of  
19 intensive school improvement and stringent education  
20 accountability.

21           (a) Based on the recommendations of the Florida  
22 Commission on Education Reform and Accountability, the  
23 commissioner shall develop and implement the following  
24 programs and procedures:

25           1. A system of data collection and analysis that will  
26 improve information about the educational success of  
27 individual students and schools, including schools operating  
28 for the purpose of providing educational services to youth in  
29 Department of Juvenile Justice programs. The information and  
30 analyses must be capable of identifying educational programs  
31 or activities in need of improvement, and reports prepared



1 pursuant to this subparagraph shall be distributed to the  
2 appropriate school boards prior to distribution to the general  
3 public. This provision shall not preclude access to public  
4 records as provided in chapter 119.

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

10           3. A method of delivering services to assist school  
11 districts and schools to improve, including schools operating  
12 for the purpose of providing educational services to youth in  
13 Department of Juvenile Justice programs.

14           4. A method of coordinating with the state educational  
15 goals and school improvement plans any other state program  
16 that creates incentives for school improvement.

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

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

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

1 and implement a corrective action plan. The commissioner and  
2 State Board of Education shall monitor the development and  
3 implementation of the corrective action plan.

4 (e) As co-chair of the Florida Commission on Education  
5 Reform and Accountability, the commissioner shall appear  
6 before the appropriate committees of the Legislature annually  
7 in October to report and recommend changes in state policy  
8 necessary to foster school improvement and education  
9 accountability. The report shall reflect the recommendations  
10 of the Florida Commission on Education Reform and  
11 Accountability. Included in the report shall be a list of the  
12 schools, including schools operating for the purpose of  
13 providing educational services to youth in Department of  
14 Juvenile Justice programs,for which school boards have  
15 developed assistance and intervention plans and an analysis of  
16 the various strategies used by the school boards. School  
17 reports shall be distributed pursuant to this paragraph and s.  
18 230.23(16)(e) according to guidelines adopted by the State  
19 Board of Education.

20 (4) DEPARTMENT.--

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

27 (b) Upon request, the department shall provide  
28 technical assistance and training to any school, including any  
29 school operating for the purpose of providing educational  
30 services to youth in Department of Juvenile Justice programs,  
31 school advisory council, district, or school board for

1 conducting needs assessments, developing and implementing  
2 school improvement plans, developing and implementing  
3 assistance and intervention plans, or implementing other  
4 components of school improvement and accountability. Priority  
5 for these services shall be given to school districts in rural  
6 and sparsely populated areas of the state.

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

26 Section 47. Paragraphs (a) and (e) of subsection (16)  
27 of section 230.23, Florida Statutes, 1998 Supplement, are  
28 amended to read:

29 230.23 Powers and duties of school board.--The school  
30 board, acting as a board, shall exercise all powers and  
31 perform all duties listed below:

1           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
2 ACCOUNTABILITY.--Maintain a system of school improvement and  
3 education accountability as provided by statute and State  
4 Board of Education rule. This system of school improvement and  
5 education accountability shall be consistent with, and  
6 implemented through, the district's continuing system of  
7 planning and budgeting required by this section and ss.  
8 229.555 and 237.041. This system of school improvement and  
9 education accountability shall include, but not be limited to,  
10 the following:

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

25           (e) Public disclosure.--Provide information regarding  
26 performance of students and educational programs as required  
27 pursuant to s. 229.555 and implement a system of school  
28 reports as required by statute and State Board of Education  
29 rule which shall include schools operating for the purpose of  
30 providing educational services to youth in Department of  
31

1 Juvenile Justice programs, and for those schools, report on  
2 the elements specified in s. 230.23161(21).

3 Section 48. Section 230.23161, Florida Statutes, 1998  
4 Supplement, is amended to read.

5 230.23161 Educational services in Department of  
6 Juvenile Justice programs.--

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

21 (a) Training, collaborating, and coordinating with the  
22 Department of Juvenile Justice, local school districts,  
23 educational contract providers, and juvenile justice  
24 providers, whether state operated or contracted.

25 (b) Collecting information on the academic performance  
26 of students in juvenile justice commitment and detention  
27 programs and reporting on the results.

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

31 (d) Prescribing the roles of program personnel.

1           ~~(2)(1)~~ The Legislature finds that juvenile assessment  
2 centers are an important source of information about youth who  
3 are entering the juvenile justice system. Juvenile assessment  
4 centers document the condition of youth entering the system,  
5 thereby providing baseline data which is essential to evaluate  
6 changes in the condition of youth as a result of treatment.  
7 The cooperation and involvement of the local school system,  
8 including the commitment of appropriate resources for  
9 determining the educational status and special learning  
10 problems and needs of youth, are essential if the full  
11 potential benefits of juvenile assessment centers are to be  
12 achieved.

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

22           ~~(4)(3)~~ The district school board of the county in  
23 which the residential or nonresidential care facility or  
24 juvenile assessment facility is located shall provide  
25 appropriate educational assessments and an appropriate program  
26 of instruction and special education services. The district  
27 school board shall make provisions for each student to  
28 participate in basic, vocational, and exceptional student  
29 programs as appropriate. Students served in Department of  
30 Juvenile Justice programs shall have access to the appropriate  
31 courses and instruction to prepare them for the GED test.

1 Students participating in GED preparation programs shall be  
2 funded at the basic program cost factor for Department of  
3 Juvenile Justice programs in the Florida Education Finance  
4 Program. Each program shall be conducted according to  
5 applicable law providing for the operation of public schools  
6 and rules of the state board.

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

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

23       ~~(7)(6)~~ Participation in the program by students of  
24 compulsory school attendance age as provided for in s. 232.01  
25 shall be mandatory. All students of noncompulsory  
26 school-attendance age who have not received a high school  
27 diploma or its equivalent shall participate in the educational  
28 program, unless the student files a formal declaration of his  
29 or her intent to terminate school enrollment as described in  
30 s. 232.01(1)(c) and is afforded the opportunity to attain a  
31

1 general education development diploma prior to release from a  
2 facility.

3 (8) An academic improvement plan shall be developed  
4 for students who score below the level specified in local  
5 school board policy in reading, writing, and mathematics or  
6 below the level specified by the Commissioner of Education on  
7 statewide assessments as required by s. 232.245. These plans  
8 shall address academic, literacy, and life skills and shall  
9 include provisions for intensive remedial instruction in the  
10 areas of weakness.

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

18 (10) The Department of Education shall ensure that all  
19 school districts make provisions for high school level  
20 committed youth to earn credits toward high school graduation  
21 while in residential and nonresidential juvenile justice  
22 facilities. Provisions must be made for the transfer of  
23 credits and partial credits earned.

24 (11)~~(7)~~ The school district shall recruit and train  
25 teachers who are interested, qualified, or experienced in  
26 educating students in juvenile justice programs. Students in  
27 juvenile justice programs shall be provided a wide range of  
28 educational programs and opportunities including textbooks,  
29 technology, instructional support, and other resources  
30 available to students in public schools. Teachers assigned to  
31 educational programs in juvenile justice settings in which the



1 school district operates the educational program shall be  
2 selected by the school district in consultation with the  
3 director of the juvenile justice facility. Educational  
4 programs in juvenile justice facilities shall have access to  
5 the substitute teacher pool utilized by the school district.

6 (12)~~(8)~~ School districts are authorized and strongly  
7 encouraged to contract with a private provider for the  
8 provision of educational programs to youths placed with the  
9 Department of Juvenile Justice and shall generate local,  
10 state, and federal funding, including funding through the  
11 Florida Education Finance Program for such students. The  
12 school district's planning and budgeting process shall include  
13 the needs of Department of Juvenile Justice programs in the  
14 district's plan for expenditures for state categorical and  
15 federal funds.

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

24 (a) Juvenile justice education programs shall be  
25 funded in the appropriate FEFP program based on the  
26 educational services needed by the student for Department of  
27 Juvenile Justice programs in accordance with s. 236.081.

28 (b) Juvenile justice education programs to receive the  
29 appropriate FEFP program funding for Department of Juvenile  
30 Justice programs shall include those operated through a  
31 contract with the Department of Juvenile Justice and which are

1 under purview of the Department of Juvenile Justice quality  
2 assurance standards for education.

3 (c) Consistent with the rules of the State Board of  
4 Education, local school districts are authorized and required  
5 to request an alternative FTE survey for Department of  
6 Juvenile Justice programs experiencing fluctuations in student  
7 enrollment.

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

18 (14)(10) Each school district shall negotiate a  
19 cooperative agreement with the Department of Juvenile Justice  
20 on the delivery of educational services to youths under the  
21 jurisdiction of the department. Such agreement must include,  
22 but is not limited to:

23 (a) Roles and responsibilities of each agency,  
24 including the roles and responsibilities of contract  
25 providers.

26 (b) Administrative issues including procedures for  
27 sharing information.

28 (c) Allocation of resources including maximization of  
29 local, state, and federal funding.

30 (d) Procedures for educational evaluation for  
31 educational exceptionalities and special needs.

- 1 (e) Curriculum and delivery of instruction.
- 2 (f) Classroom management procedures and attendance  
3 policies.
- 4 (g) Procedures for provision of qualified  
5 instructional personnel, whether supplied by the school  
6 district or provided under contract by the provider, and for  
7 performance of duties while in a juvenile justice setting.
- 8 (h) Provisions for improving skills in teaching and  
9 working with juvenile delinquents.
- 10 (i) Transition plans for students moving into and out  
11 of juvenile facilities.
- 12 (j) Procedures and timelines for the timely  
13 documentation of credits earned and transfer of student  
14 records.
- 15 (k) Methods and procedures for dispute resolution.
- 16 (l) Provisions for ensuring the safety of education  
17 personnel and support for the agreed-upon education program.
- 18 (m) Strategies for correcting any deficiencies found  
19 through the quality assurance process.
- 20 (15)~~(11)~~ The cooperative agreement pursuant to  
21 subsection(14)~~(10)~~ does not preclude the development of an  
22 operating agreement or contract between the school district  
23 and the provider for each juvenile justice program in the  
24 school district where educational programs are to be provided.  
25 Any of the matters which must be included in the agreement  
26 pursuant to subsection(14)~~(10)~~ may be defined in the  
27 operational agreements or operating contracts rather than in  
28 the cooperative agreement if agreed to by the Department of  
29 Juvenile Justice. Nothing in this section or in a cooperative  
30 agreement shall be construed to require the school board to  
31

1 provide more services than can be supported by the funds  
2 generated by students in the juvenile justice programs.

3 (16)(a)(12) The Department of Education in  
4 consultation with the Department of Juvenile Justice, school  
5 districts and providers shall establish objective and  
6 measurable quality assurance standards for the educational  
7 component of residential and nonresidential juvenile justice  
8 facilities. These standards shall rate the school district's  
9 performance both as a provider and contractor. The quality  
10 assurance rating for the education component shall be  
11 disaggregated from the overall quality assurance score and  
12 reported separately.

13 (b) The Department of Education shall develop and a  
14 comprehensive quality assurance review process and schedule  
15 for the evaluation of the educational component in juvenile  
16 justice programs. The Department of Juvenile Justice quality  
17 assurance site visit and the education quality assurance site  
18 visit shall be conducted during the same visit.

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

1 compliance within 6 months or unless there are documented  
2 extenuating circumstances.

3 (17)~~(13)~~ The district school board shall not be  
4 charged any rent, maintenance, utilities, or overhead on such  
5 facilities. Maintenance, repairs, and remodeling of existing  
6 facilities shall be provided by the Department of Juvenile  
7 Justice.

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

26 (19)~~(15)~~ The parent or guardian of exceptional  
27 students shall have the due process rights provided for in  
28 chapter 232.

29 (20)~~(16)~~ Department of Juvenile Justice detention and  
30 commitment programs may be designated as second chance schools

31

1 pursuant to s. 230.2316(3)(d). Admission to such programs  
2 shall be governed by chapter 985.

3 (21)~~(17)~~ The Department of Education and Department of  
4 Juvenile Justice, after consultation with and assistance from  
5 local providers and local school districts, shall report  
6 annually to the Legislature by February ~~December~~ 1 on the  
7 progress towards developing effective educational programs for  
8 juvenile delinquents including the amount of funding provided  
9 by local school districts to juvenile justice programs, the  
10 amount retained for administration including documenting the  
11 purposes for such expenses, the status of the development of  
12 cooperative agreements, ~~and~~ the results of the quality  
13 assurance reviews including recommendations for system  
14 improvement, and information on the identification of, and  
15 services provided to, exceptional students in juvenile justice  
16 commitment facilities to determine whether these students are  
17 properly reported for funding and are appropriately served.

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

24 (23)~~(19)~~ The Department of Education shall have the  
25 authority to adopt any rules necessary to implement the  
26 provisions of this section, including uniform curriculum,  
27 funding, and second chance schools. Such rules shall require  
28 the minimum amount of paperwork and reporting necessary to  
29 comply with this act.

30 Section 49. Section 235.1975, Florida Statutes, is  
31 created to read:

1           235.1975 Cooperative Development of Educational  
2 Facilities in Juvenile Justice Programs.--The Department of  
3 Juvenile Justice shall provide early notice to school  
4 districts regarding the siting of new juvenile justice  
5 facilities. School districts shall include the projected  
6 number of students in the districts' annual estimates. School  
7 districts should be consulted regarding the types of students  
8 expected to be assigned to commitment facilities for education  
9 planning and budgeting purposes. The Department of Juvenile  
10 Justice shall notify, in writing, the Department of Education  
11 when a request for proposals is issued for the construction or  
12 operation of a commitment or detention facility anywhere in  
13 the state. The Department of Juvenile Justice shall notify, in  
14 writing, the appropriate school district when a request for  
15 proposals is issued for the construction or operation of a  
16 commitment or detention facility when a county or site is  
17 specifically identified. The Department of Juvenile Justice is  
18 also required to notify the district school superintendent  
19 within 30 days of the award of a contract for the construction  
20 or operation of a commitment or detention facility within that  
21 school district.

22           Section 50. Paragraph (a) of subsection (3) of section  
23 237.34, Florida Statutes, is amended to read.

24           237.34 Cost accounting and reporting.--

25           (3) PROGRAM EXPENDITURE REQUIREMENTS.--

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

- 29           1. Kindergarten and grades 1, 2, and 3, 90 percent.
- 30           2. Grades 4, 5, 6, 7, and 8, 80 percent.
- 31           3. Grades 9, 10, 11, and 12, 80 percent.

1           4. Programs for exceptional students, on an aggregate  
2 program basis, 80 percent.

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

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

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

9           ~~8.7.~~ Any new program established and funded under s.  
10 236.081(1)(c), that is not included under subparagraphs 1.  
11 through 6., on an aggregate basis as appropriate, 80 percent.

12           Section 51. Subsection (6) of section 985.401, Florida  
13 Statutes, 1998 Supplement, is renumbered as subsection (7),  
14 and a new subsection (6) is added to said section to read:

15           985.401 Juvenile Justice Accountability Board.--

16           (6) The board shall study the extent and nature of  
17 education programs for juvenile offenders committed by the  
18 court to the Department of Juvenile Justice and for juvenile  
19 offenders under court supervision in the community. The board  
20 shall utilize a subcommittee of interested board members and  
21 may request other interested persons to participate and act as  
22 a juvenile justice education task force for the study. The  
23 task force shall address, at a minimum, the following issues:

24           (a) The impact of education services on students in  
25 commitment programs;

26           (b) The barriers impeding the timely transfer of  
27 education records;

28           (c) The development and implementation of vocational  
29 programming in commitment programs;

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



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

3           ~~(7)(6)~~ Each state agency shall provide assistance when  
4 requested by the board. The board shall have access to all  
5 records, files, and reports that are material to its duties  
6 and that are in the custody of a school board, a law  
7 enforcement agency, a state attorney, a public defender, the  
8 court, the Department of Children and Family Services, and the  
9 department.

10           Section 52. Paragraph (d) of subsection (3) of section  
11 985.413, Florida Statutes, 1998 Supplement, is amended to  
12 read:

13           985.413 District juvenile justice boards.--

14           (3) DISTRICT JUVENILE JUSTICE BOARDS.--

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

17           1. Advise the district juvenile justice manager and  
18 the district administrator on the need for and the  
19 availability of juvenile justice programs and services in the  
20 district, including the educational services in Department of  
21 Juvenile Justice programs.

22           2. Develop a district juvenile justice plan that is  
23 based upon the juvenile justice plans developed by each county  
24 within the district, and that addresses the needs of each  
25 county within the district.

26           3. Develop a district interagency cooperation and  
27 information-sharing agreement that supplements county  
28 agreements and expands the scope to include appropriate  
29 circuit and district officials and groups.

30           4. Coordinate the efforts of the district juvenile  
31 justice board with the activities of the Governor's Juvenile

1 Justice and Delinquency Prevention Advisory Committee and  
2 other public and private entities.

3           5. Advise and assist the district juvenile justice  
4 manager in the provision of optional, innovative delinquency  
5 services in the district to meet the unique needs of  
6 delinquent children and their families.

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

22           7. Educate the community about and assist in the  
23 community juvenile justice partnership grant program  
24 administered by the Department of Juvenile Justice.

25           8. Advise the district health and human services  
26 board, the district juvenile justice manager, and the  
27 Secretary of Juvenile Justice regarding the development of the  
28 legislative budget request for juvenile justice programs and  
29 services in the district and the commitment region, and, in  
30 coordination with the district health and human services  
31 board, make recommendations, develop programs, and provide

1 funding for prevention and early intervention programs and  
2 services designed to serve children in need of services,  
3 families in need of services, and children who are at risk of  
4 delinquency within the district or region.

5           9. Assist the district juvenile justice manager in  
6 collecting information and statistical data useful in  
7 assessing the need for prevention programs and services within  
8 the juvenile justice continuum program in the district.

9           10. Make recommendations with respect to, and monitor  
10 the effectiveness of, the judicial administrative plan for  
11 each circuit pursuant to Rule 2.050, Florida Rules of Judicial  
12 Administration.

13           11. Provide periodic reports to the health and human  
14 services board in the appropriate district of the Department  
15 of Children and Family Services. These reports must contain,  
16 at a minimum, data about the clients served by the juvenile  
17 justice programs and services in the district, as well as data  
18 concerning the unmet needs of juveniles within the district.

19           12. Provide a written annual report on the activities  
20 of the board to the district administrator, the Secretary of  
21 Juvenile Justice, and the Juvenile Justice Accountability  
22 ~~Advisory~~ Board. The report should include an assessment of the  
23 effectiveness of juvenile justice continuum programs and  
24 services within the district, recommendations for elimination,  
25 modification, or expansion of existing programs, and  
26 suggestions for new programs or services in the juvenile  
27 justice continuum that would meet identified needs of children  
28 and families in the district.

29           Section 53. The Department of Education shall work in  
30 consultation with the Department of Juvenile Justice and the  
31 local school districts to develop a plan for educational

1 programs in detention centers. The plan shall reflect the  
2 unique needs, variability in lengths of stay, and diversity of  
3 youth assigned to juvenile justice detention centers, and  
4 instructional strategies to improve student achievement. The  
5 plan shall anticipate the use of all state and local funding  
6 categories available to ensure the success of students who are  
7 being educated in juvenile justice facilities. The plan shall  
8 provide for appropriate performance outcome measures. The  
9 plan shall be submitted to the Governor, the Speaker of the  
10 House of Representatives, and the President of the Senate  
11 prior to January 1, 2000, and shall include appropriate cost  
12 estimates.

13           Section 54. This act shall take effect July 1, 1999.

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